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FOREIGN ASSISTANCE ACT OF 1967

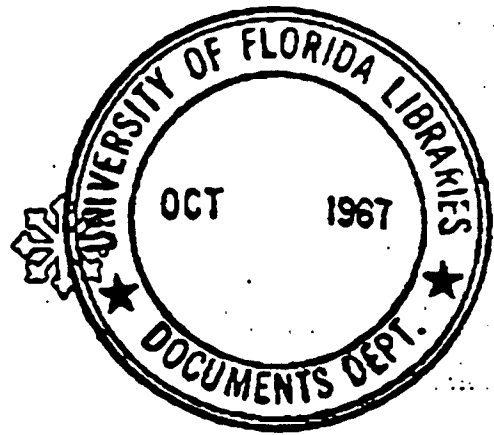
HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE NINETIETH CONGRESS FIRST SESSION

ON
S. 1872

A BILL TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961
AS AMENDED, AND FOR OTHER PURPOSES

JUNE 12, JULY 14 AND 20, 1967

Printed for the use of the Committee on Foreign Relations



First, there will be no military assistance, grant or sales, to Jordan that is not personally approved by the Secretary of State and Secretary of Defense. That has been the practice in the years that I have been associated with it, and it will be the practice in the future.

Secondly, what was the past policy?

[Deleted.]

Now, why did we do this?

Because we didn't want to feed the fires of an arms race in the Middle East. Our policy is quite the contrary.

[Deleted.]

As you pointed out a moment ago, we do have interests in the Middle East. Our private corporations have oil interests there and financial interests. The Western European nations depend on Middle Eastern oil to a considerable degree.

[Deleted.]

ISRAELI ATTACK ON THE USS LIBERTY

Senator AIKEN. Mr. Secretary, may I ask just one question?

Senator GORE. Yes.

Senator AIKEN. Are we insistent that neither Jordan nor Israel use any of our arms against us? We are not sending any more torpedoes or things like that to them, are we, without an understanding, I mean?

Secretary McNAMARA. Senator Aiken, I would want to check the contract, but I am sure that is the case.

Senator AIKEN. We have never gotten a very good story on a certain episode.

Secretary McNAMARA. Let me digress just a second to say, Mr. Chairman, that the attack on the *Liberty*, I think, represented a serious error of judgment and procedure.

Senator AIKEN. I do, too.

Secretary McNAMARA. By the Israelis. But I have examined the record of the investigation, and I find no intent by the Israeli Government, and no intent by any representatives of the Israeli Government to attack a U.S. vessel.

Senator AIKEN. Was it an individual rather than a governmental error?

Secretary McNAMARA. Yes, sir.

Senator AIKEN. That is what I think we should know.

Secretary McNAMARA. Yes, sir. To the best of my knowledge.

Senator AIKEN. I felt that way, knowing Abba Eban, and I felt it must be an individual error but one which somebody ought to make clear.

Senator GORE. Mr. Chairman, the Secretary has misspoken himself a bit.

Secretary McNAMARA. I hope not, but I may have.

Senator GORE. [Deleted.]

The CHAIRMAN. Senator Hickenlooper is next and then Senator Symington.

Senator HICKENLOOPER. I had intended to ask you about the *Liberty* incident. Of course I didn't go through the minute investigation, but there is a phrase in law called *res ipsa loquitur*. From what I have read I can't tolerate for 1 minute that this was an accident.

Senator CASE. It wasn't, nobody claims it was, do they?

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Senator HICKENLOOPER. I think it was a deliberate assault on this ship. I think they had ample opportunity to identify it as an American ship. I may be utterly wrong, but I do recall that some time ago we had some difficulties in the Bay of Tonkin where at night without full identification or really full proof it was assumed that certain torpedo boats made rather menacing approaches to one of our destroyers and we rushed over here with the Tonkin Bay resolution right away. A war was unleashed.

What have we done about the *Liberty*? Have we become so placid, so far as Israel is concerned or so far as that area is concerned, that we will take the killing of 37 American boys and the wounding of a lot more and the attack of an American ship in the open sea in good weather? We have seemed to say: "Oh, well, boys will be boys." What are you going to do about it? It is most offensive to me.

Secretary McNAMARA. Senator Hickenlooper, there are several points I would like to make.

Senator HICKENLOOPER. If Nasser had come out there and even fired a torpedo at it, I am quite sure what we would have done.

Secretary McNAMARA. Senator Hickenlooper, there are several points I would like to make in reply to your question because—

Senator HICKENLOOPER. I am making some assumptions upon which I don't have full information. I am sorry.

Secretary McNAMARA.—I think your reaction is a very human one, and to some degree it has been ours at times; but the first point to establish, I believe, in determining a response is intent. In the case in the Gulf of Tonkin there was reason to believe that the attack was intentional.

In the case of the attack on the *Liberty*, it was the conclusion of the investigatory body headed by an admiral of the Navy in whom we have great confidence that the attack was not intentional.

I read the record of the investigation, and I support that conclusion, and I think this, therefore, begins to—

Senator HICKENLOOPER. When you say it was not intentional, you don't mean those guns fired themselves?

Secretary McNAMARA. It was not a conscious decision on the part of either the Government of Israel—

Senator HICKENLOOPER. Perhaps not.

Secretary McNAMARA. (Continuing.) To attack a U.S. vessel.

Senator HICKENLOOPER. I think that could be conceded.

Secretary McNAMARA. In that respect, it differs materially from the attack in the Tonkin Gulf.

If it was not the result of a conscious decision to attack a U.S. vessel, then I think we would be expected to respond in a different fashion than we responded in Tonkin Gulf. Our Government has made the strongest possible protest to the Israeli Government on this matter.

I would be happy to make available to the committee the report of the investigation if it chooses to examine it.

Senator HICKENLOOPER. Do we have any more reliable information that the Government of North Vietnam intended for those torpedo boats to attack an American ship?

Secretary McNAMARA. I think if we examine the intelligence data at the time—

Senator HICKENLOOPER. (Continuing.) Than we do on this *Liberty* incident?

Secretary McNAMARA. Yes, there is no question but what we have more evidence here of lack of intent to consciously attack a U.S. vessel than we had there.

May I finish by taking just one second to say I would like to go back and examine the record of the Tonkin Gulf incident which occurred 3 years ago, and on which my memory is a little hazy, to determine the evidence of conscious intent of attack. I think it is very clear. [Deleted.]

There was no evidence of that in the case of the *Liberty*.

AVAILABLE EVIDENCE ON "LIBERTY" ATTACK

Senator HICKENLOOPER. There is no evidence, then, no evidence that we have at all, that there was any communication between Tel Aviv and the attacking vessels or the airplanes that apparently flew over this ship several times at rather low altitude.

Secretary McNAMARA. No, there is no evidence that the individuals attacking the *Liberty* knew they were attacking a U.S. ship, and there is some evidence, circumstantial, that they did not know it.

Senator HICKENLOOPER. I probably shouldn't pursue this. But it just doesn't sound very good to me. I can't accept these explanations that so glibly come out of Tel Aviv and perhaps some rather confusedly come out of our own investigation, I don't know.

Secretary McNAMARA. I would suggest that you might like to look at the investigation report and, if you do, we shall be happy to make the classified document available.

The CHAIRMAN. We asked for it about 2 weeks ago and have not received it yet from Secretary Rusk.

Secretary McNAMARA. I will be happy to see that you get it tomorrow if you wish, or today.

The CHAIRMAN. By the time we get it we will be on some other subject.

Secretary McNAMARA. From the time you ask it of me, you will have it in 4 hours.

Jack, go over and ask for it to be sent right over.

Senator HICKENLOOPER. It may not be what is in the report. It could be conceivably what is not in the report.

Secretary McNAMARA. Well, there is nothing left out of the investigation report that I have any knowledge of.

Senator HICKENLOOPER. It is inconceivable to me that the ship could not have been identified. According to everything I saw, the American flag was flying on this ship. It had a particular configuration. Even a landlubber could look at it and see that it has no characteristic configuration comparable to the so-called Egyptian ship they now try to say they mistook it for. If these people were as well trained as they allege they are, and did what they did, I don't know. It just doesn't add up to me. It is not at all satisfactory.

Secretary McNAMARA. Senator Hickenlooper, I don't want to carry the torch for the Israeli. It was an inexcusable error of judgment.

Senator HICKENLOOPER. That is what it looks like we are doing in this country.

Secretary McNAMARA. And an inexcusable error of professional tactics. I would simply point out to you, that, at the same time, I was saying that we had struck a Russian ship in Haiphong Harbor; and

I proved to be in error. These errors do occur. We had no more intention of attacking a Russian ship than Israel apparently did of attacking an American ship.

Senator HICKENLOOPER. I think that incident is totally different. We didn't have torpedo boats in Haiphong Harbor running around looking at that ship and then firing at it after they fully looked it over and saw it. I am not going to pursue this any further.

Senator AIKEN. I think, not only the committee but the public wants better information than they have had so far.

Senator HICKENLOOPER. The public is thoroughly dissatisfied with the situation. I don't know. It is the seemingly cavalier attitude expressed by Israel in some ways apparently accepted by us on a very tragic situation. I think there is utterly no excuse for it.

Secretary McNAMARA. I think there is no excuse, Senator Hickenlooper. I completely agree with you, but it is thoroughly clear, based on the investigation report, that it was not a conscious attack on a U.S. vessel.

Senator MUNDT. You mean by the pilots?

Secretary McNAMARA. By the pilots. They did not identify the vessel as a U.S. vessel prior to the time of attack. You may consider this inconceivable.

Senator MUNDT. On the part of the attackers, yes. It seemed to be broad daylight.

Secretary McNAMARA. They definitely did not. As far as we can tell. All of the evidence points to the contrary.

Senator MUNDT. You take their word for it?

Secretary McNAMARA. My conclusion is based on the investigation report which did not discuss the identification with the Israeli pilots or Naval personnel involved, but did examine all of the circumstances of the attack and did discuss it with the commander and even the men on the Liberty.

Senator HICKENLOOPER. Just to complete the record on this, I didn't mean to pursue this. I am just quoting now from a Navy release from the Office of the Assistant Secretary of Defense. This is a release on June 28 about this incident. I will read one paragraph:

The Court—

Referring, I take it, to the Court of Inquiry—

The Court heard witnesses testify, however, to significant surveillance of the Liberty on three separate occasions from the air at various times prior to the attack—five hours and 13 minutes before the attack, three hours and 7 minutes before the attack and two hours and 37 minutes before the attack.

If they didn't identify that ship, then they are not as smart as I think they are.

Secretary McNAMARA. I am not sure whether they did. I don't believe they did. But in any event, they weren't the attackers.

The attackers, so far as we could tell, had not recognized the ship, and, in any event, had not recognized it as a U.S. ship.

Beyond that, as best we can tell, there were inadequate communications between the aircraft and/or ships reconnoitering and the attacking vessels. I think it is an inexcusably weak military performance. That, I fully agree with. But I simply want to emphasize that the investigative report does not show any evidence of a conscious intent to attack a U.S. vessel.