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enclosure & basic correspondence) Ser: 00010

THIRD ENDORSEMENT on subject record

3 NOV 1967

From: Judge Advocate General
To: Chief of Naval Operations
Via: (1) Chief of Naval Personnel
(2) Commander, Naval Ship Systems Command
(3) Commander, Naval Communications Command
Subj: Record of Proceedings, Court of Inquiry to inquire into the
circumstances surrounding the armed attack on USS LIBERTY
(AGTR-5) on 8 June 1967

Encl: (1) Summary of Events

1. Forwarded for information, for such action and comment as may be deemed appropriate, and for return.
2. The letter of the Commander in Chief, U. S. Atlantic Fleet of 6 September 1967 is considered the Second Endorsement.
3. Enclosure (1) has been prepared and attached to the record to aid in the review. The communications aspect of enclosure (1) has been prepared with the assistance of representatives of the Commander, Naval Communications Command. Not included with enclosure (1) but available for review, if desired, in the Office of the Judge Advocate General, are copies of the Certificates of Death (NAVMED N) for each deceased and those copies of the treatment records of injured personnel furnished by the Chief, Bureau of Medicine and Surgery.
4. The Court of Inquiry was charged with the task of investigating the armed attack of Israeli air and sea forces upon USS LIBERTY in the Eastern Mediterranean on 8 June 1967 which resulted in 34 deaths and 171 injuries to personnel embarked in USS LIBERTY. Of the number injured, 63 did not involve a loss of time from duty and as of 21 September 1967 all but 10 of the total injured have been returned to a full duty status. The cost to effect repairs of damage to the ship and equipment is estimated at \$5,612,160.00.
5. The record discloses beyond any doubt that USS LIBERTY was, at the time of the attack, engaged in peaceful operations in international waters and that the attack of Israeli aircraft and motor

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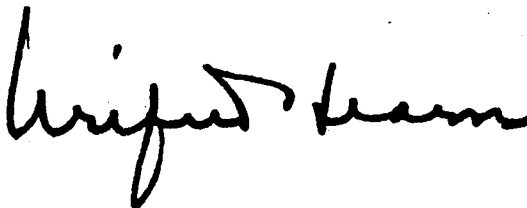
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torpedo boats was entirely unprovoked and unexpected. It has been determined that the Israeli Government has admitted that this was a tragic accident and has agreed to make amends. The State Department is currently preparing to claim compensation from the Israeli Government for damages resulting from the attack both on behalf of the U. S. Government and private individuals concerned.

6. The Judge Advocate General is of the opinion that the 34 deaths resulting from this incident were not due to the intent, fault or negligence of anyone in the U. S. Naval Service and that all injuries of personnel embarked in USS LIBERTY which resulted from the armed attack were sustained in-line-of-duty and not due to misconduct.

7. To expedite review of the record, a copy of the testimony of the medical officer which is unclassified has been extracted and forwarded by separate correspondence to the Chief, Bureau of Medicine and Surgery for information and such action and comment as may be deemed appropriate direct to the Chief of Naval Operations, with a copy to the Judge Advocate General, to constitute the BuMed action on the record.

8. The proceedings in this Court of Inquiry have been conducted in substantial compliance with the requirements of the Manual of the Judge Advocate General and are therefore legal.



WILFRED HEARN

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