

SHIP IN WAR AREA DIDN'T GET ORDER

U.S. Says Message to Move Farther From Coast Was Unreceived Before Raid

By **NEIL SHEEHAN**
Special to The New York Times

WASHINGTON, June 28 —

The Defense Department disclosed today that the Joint Chiefs of Staff had ordered the communications intelligence ship Liberty to move farther away from the Sinai coast before Israeli forces attacked her on June 8. The message was misrouted, however, and did not reach the Liberty until after she had been hit.

The disclosure was made in a censored Pentagon summary of a report by a Navy court of inquiry on the Liberty incident, in which 34 Navy officers and men were killed and 75 wounded when Israeli jet fighters and torpedo boats attacked the ship.

Early on the day of the attack, the summary said, "the Joint Chiefs of Staff had issued orders for Liberty to move farther from the coast, even though such a move would partially degrade her mission." It added:

"The messages were misrouted, delayed and not received until after the attack."

Ship 15.5 Miles Offshore

The summary, released today, 11 days after the court completed its investigation, did not say when the Joint Chiefs had issued the order for the move or to what distance from the coast they had ordered the Liberty to withdraw.

The Liberty was 15.5 nautical miles north of Sinai when she was attacked, and the summary said the ship's commanding officer, Comdr. William L. McGonagle of Norfolk, Va., had been instructed not to approach closer than 12.5 nautical miles from the coast.

It was believed, however, that the order from the Joint Chiefs was sent a considerable time before the attack occurred at 2 P.M., Eastern Mediterranean time [8 A.M. New York time], and that the new instructions would have caused the Liberty to move substantially farther from the coast than her position at the time of the attack.

It was understood that the Defense Communications Agency was investigating to deter-

Continued on Page 14, Column 2

SHIP OFF ISRAEL DIDN'T GET ORDER

Continued From Page 1, Col. 7

mine why the message was misquoted and delayed.

One report said the reason was that the Joint Chiefs did not believe that the ship was in any imminent danger and the order was issued only as a precaution because the ship was operating in a war zone.

Vice Adm. William I. Martin, the commander of the Sixth Fleet, was understood to have arrived independently at the same conclusion and to have issued similar orders to the Liberty. They also did not arrive before the attack.

Since the messages were not urgent, reports said, they had not been given a high priority. This would account for some of the delay.

The court of inquiry, headed by Rear Adm. I. C. Kidd, concluded that the attack had been "unprovoked" and that the Israeli armed forces had had "ample opportunity to identify the Liberty correctly."

According to the testimony of Commander McGonagle, planes now assumed to have been Israeli flew over the ship

three times before the attack. The first reconnaissance took place five hours and 13 minutes before the initial strafing run. The second was three hours and seven minutes before the attack, and the third two hours and 37 minutes before it.

Court Cites Ship's 'Rights'

The court, which met in London and in Malta, where the Liberty is undergoing repairs, between June 11 and 17, also maintained that the ship had a "right to be where she was."

The court contended that a neutral nation has a right to dispatch a ship into an area adjacent to hostilities, and that, so long as the ship "maintains the impartial attitude of neutrality, each belligerent has a duty to refrain from attacking her."

The summary of the court of inquiry findings gave no explanation of the Liberty's mission.

It was widely believed that the ship was to monitor communications of the Egyptian and Israeli forces then engaged in combat on the Sinai Peninsula. At the time of the attack, the ship was in an excellent position to do so. The Liberty is one of several ships used by the Navy for communications intelligence.

Senator J. W. Fulbright, Chairman of the Senate Foreign Relations Committee, said Sec-

retary of State Dean Rusk was questioned about the Liberty incident during an appearance before a closed session of the committee today.

"This is a very embarrassing subject for the Government," Senator Fulbright said.

When questioned about the ship's mission, however, Defense Department officials denied that she had been gathering intelligence. They reiterated a statement issued at the time of the attack that the Liberty had been stationed north of Sinai "to assist in relaying information concerning the evacuation of American dependents and other American citizens from countries of the Middle East."

The court of inquiry took no evidence from Israeli witnesses and gave no explanation of why the Israelis launched the attack.

An Israeli court of inquiry has held an investigation, but its findings have not been released. The Israeli Government has announced, however, that a judicial inquiry is under way and may lead to court-martial proceedings against some of the responsible officers.

Israeli sources in Washington have said that Israel asked the United States after the outbreak of hostilities on June 5 if there were any American ships in the area and did not receive any reply. The Liberty did not arrive at the location of the attack until the morning of June

8, but the decision to send her there had been made days earlier.

American officials maintain that no inquiries about American ships were made by Israel until after the attack.

One explanation of the incident reported to have been given by Israel representatives here was that the Defense Ministry in Tel Aviv identified the ship as the Liberty from the aerial reconnaissance missions on the morning of the incident, but did not manage to get this information to lower level commanders in time to prevent an attack.