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DECLARATION OF WARD BOSTON, JR., CAPTAIN, JAGC, USN (RET.)

I, WARD BOSTON, JR. DO DECLARE THAT THE FOLLOWING STATEMENT IS TRUE AND COMPLETE:

1. FOR MORE THAN 30 YEARS, I HAVE REMAINED SILENT ON THE TOPIC OF USS *LIBERTY*. I AM A MILITARY MAN AND WHEN ORDERS COME IN FROM THE SECRETARY OF DEFENSE AND PRESIDENT OF THE UNITED STATES, I FOLLOW THEM.

2. HOWEVER, RECENT ATTEMPTS TO REWRITE HISTORY COMPEL ME TO SHARE THE TRUTH.

3. IN JUNE OF 1967, WHILE SERVING AS A CAPTAIN IN THE Judge Advocate General Corps, Department of the Navy, I WAS ASSIGNED AS SENIOR LEGAL COUNSEL FOR THE NAVY'S COURT OF INQUIRY INTO THE BRUTAL ATTACK ON USS *LIBERTY*, WHICH HAD OCCURRED ON JUNE 8TH.

4. THE LATE ADMIRAL ISAAC C. KIDD, PRESIDENT OF THE COURT, AND I WERE GIVEN ONLY ONE WEEK TO GATHER EVIDENCE FOR THE NAVY'S OFFICIAL INVESTIGATION INTO THE ATTACK, DESPITE THE FACT THAT WE BOTH HAD ESTIMATED THAT A PROPER COURT OF INQUIRY INTO AN ATTACK OF THIS MAGNITUDE WOULD TAKE AT LEAST SIX MONTHS TO CONDUCT.

5. ADMIRAL JOHN S. MCCAIN, JR., THEN COMMANDER-IN-CHIEF, NAVAL FORCES EUROPE (CINCUSNAVEUR), AT HIS HEADQUARTERS IN LONDON, HAD CHARGED ADMIRAL KIDD (IN A LETTER DATED JUNE 10, 1967) TO

"INQUIRE INTO ALL THE PERTINENT FACTS AND CIRCUMSTANCES LEADING TO AND CONNECTED WITH THE ARMED ATTACK; DAMAGE RESULTING THEREFROM; AND DEATHS OF AND INJURIES TO NAVAL PERSONNEL."

6. DESPITE THE SHORT AMOUNT OF TIME WE WERE GIVEN, WE GATHERED A VAST AMOUNT OF EVIDENCE, INCLUDING HOURS OF HEARTBREAKING TESTIMONY FROM THE YOUNG SURVIVORS.

7. THE EVIDENCE WAS CLEAR. BOTH ADMIRAL KIDD AND I BELIEVED WITH CERTAINTY THAT THIS ATTACK, WHICH KILLED 34 AMERICAN SAILORS AND INJURED 172 OTHERS, WAS A DELIBERATE EFFORT TO SINK AN AMERICAN SHIP AND MURDER ITS ENTIRE CREW. EACH EVENING, AFTER HEARING TESTIMONY ALL DAY, WE OFTEN SPOKE OUR PRIVATE THOUGHTS CONCERNING WHAT WE HAD SEEN AND HEARD. I RECALL ADMIRAL KIDD REPEATEDLY REFERRING TO THE ISRAELI FORCES RESPONSIBLE FOR THE ATTACK AS "MURDEROUS BASTARDS." IT WAS OUR SHARED BELIEF, BASED ON THE DOCUMENTARY EVIDENCE AND TESTIMONY WE RE-

1 CEIVED FIRST HAND, THAT THE ISRAELI ATTACK WAS PLANNED AND DELIBERATE, AND COULD NOT POSSIBLY
2 HAVE BEEN AN ACCIDENT.

3 8. I AM CERTAIN THAT THE ISRAELI PILOTS THAT UNDERTOOK THE ATTACK, AS WELL AS THEIR SUPERIORS,
4 WHO HAD ORDERED THE ATTACK, WERE WELL AWARE THAT THE SHIP WAS AMERICAN.

5 9. I SAW THE FLAG, WHICH HAD VISIBLY IDENTIFIED THE SHIP AS AMERICAN, RIDDLED WITH BULLET
6 HOLES, AND HEARD TESTIMONY THAT MADE IT CLEAR THAT THE ISRAELIS INTENDED THERE BE NO SURVIVORS.

7 10. NOT ONLY DID THE ISRAELIS ATTACK THE SHIP WITH NAPALM, GUNFIRE, AND MISSILES, ISRAELI TOR-
8 PEDO BOATS MACHINE-GUNNED THREE LIFEBOATS THAT HAD BEEN LAUNCHED IN AN ATTEMPT BY THE CREW
9 TO SAVE THE MOST SERIOUSLY WOUNDED – A WAR CRIME.

10 11. ADMIRAL KIDD AND I BOTH FELT IT NECESSARY TO TRAVEL TO ISRAEL TO INTERVIEW THE ISRAELIS
11 WHO TOOK PART IN THE ATTACK. ADMIRAL KIDD TELEPHONED ADMIRAL MCCAIN TO DISCUSS MAKING AR-
12 RANGEMENTS. ADMIRAL KIDD LATER TOLD ME THAT ADMIRAL MCCAIN WAS ADAMANT THAT WE WERE NOT
13 TO TRAVEL TO ISRAEL OR CONTACT THE ISRAELIS CONCERNING THIS MATTER.

14 12. REGRETTABLY, WE DID NOT RECEIVE INTO EVIDENCE AND THE COURT DID NOT CONSIDER ANY OF
15 THE MORE THAN SIXTY WITNESS DECLARATIONS FROM MEN WHO HAD BEEN HOSPITALIZED AND WERE UNABLE
16 TO TESTIFY IN PERSON.

17 13. I AM OUTRAGED AT THE EFFORTS OF THE APOLOGISTS FOR ISRAEL IN THIS COUNTRY TO CLAIM THAT
18 THIS ATTACK WAS A CASE OF "MISTAKEN IDENTITY."

19 14. IN PARTICULAR, THE RECENT PUBLICATION OF JAY CRISTOL'S BOOK, *THE LIBERTY INCIDENT*, TWISTS
20 THE FACTS AND MISREPRESENTS THE VIEWS OF THOSE OF US WHO INVESTIGATED THE ATTACK.

21 15. IT IS CRISTOL'S INSIDIOUS ATTEMPT TO WHITWASH THE FACTS THAT HAS PUSHED ME TO SPEAK OUT.

22 16. I KNOW FROM PERSONAL CONVERSATIONS I HAD WITH ADMIRAL KIDD THAT PRESIDENT LYNDON
23 JOHNSON AND SECRETARY OF DEFENSE ROBERT MCNAMARA ORDERED HIM TO CONCLUDE THAT THE AT-
24 TACK WAS A CASE OF "MISTAKEN IDENTITY" DESPITE OVERWHELMING EVIDENCE TO THE CONTRARY.

25 17. ADMIRAL KIDD TOLD ME, AFTER RETURNING FROM WASHINGTON, D.C. THAT HE HAD BEEN OR-
26 DERED TO SIT DOWN WITH TWO CIVILIANS FROM EITHER THE WHITE HOUSE OR THE DEFENSE DEPARTMENT,
27 AND REWRITE PORTIONS OF THE COURT'S FINDINGS.

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1 18. ADMIRAL KIDD ALSO TOLD ME THAT HE HAD BEEN ORDERED TO "PUT THE LID" ON EVERYTHING HAV-
2 ING TO DO WITH THE ATTACK ON USS LIBERTY. WE WERE NEVER TO SPEAK OF IT AND WE WERE TO CAUTION
3 EVERYONE ELSE INVOLVED THAT THEY COULD NEVER SPEAK OF IT AGAIN.

4 19. I HAVE NO REASON TO DOUBT THE ACCURACY OF THAT STATEMENT AS I KNOW THAT THE COURT OF
5 INQUIRY TRANSCRIPT THAT HAS BEEN RELEASED TO THE PUBLIC IS NOT THE SAME ONE THAT I CERTIFIED AND
6 SENT OFF TO WASHINGTON.

7 20. I KNOW THIS BECAUSE IT WAS NECESSARY, DUE TO THE EXIGENCIES OF TIME, TO HAND CORRECT
8 AND INITIAL A SUBSTANTIAL NUMBER OF PAGES. I HAVE EXAMINED THE RELEASED VERSION OF THE TRAN-
9 SCRIPT AND I DID NOT SEE ANY PAGES THAT BORE MY HAND CORRECTIONS AND INITIALS. ALSO, THE ORIGI-
10 NAL DID NOT HAVE ANY DELIBERATELY BLANK PAGES, AS THE RELEASED VERSION DOES. FINALLY, THE TESTI-
11 MONY OF LT. PAINTER CONCERNING THE DELIBERATE MACHINE GUNNING OF THE LIFE RAFTS BY THE ISRAELI
12 TORPEDO BOAT CREWS, WHICH I DISTINCTLY RECALL BEING GIVEN AT THE COURT OF INQUIRY AND IN-
13 CLUDED IN THE ORIGINAL TRANSCRIPT, IS NOW MISSING AND HAS BEEN EXCISED.

14 21. FOLLOWING THE CONCLUSION OF THE COURT OF INQUIRY, ADMIRAL KIDD AND I REMAINED IN
15 CONTACT. THOUGH WE NEVER SPOKE OF THE ATTACK IN PUBLIC, WE DID DISCUSS IT BETWEEN OURSELVES,
16 ON OCCASION. EVERY TIME WE DISCUSSED THE ATTACK, ADMIRAL KIDD WAS ADAMANT THAT IT WAS A DE-
17 LIBERATE, PLANNED ATTACK ON AN AMERICAN SHIP.

18 22. IN 1990, I RECEIVED A TELEPHONE CALL FROM JAY CRISTOL, WHO WANTED TO INTERVIEW ME
19 CONCERNING THE FUNCTIONING OF THE COURT OF INQUIRY. I TOLD HIM THAT I WOULD NOT SPEAK TO HIM
20 ON THAT SUBJECT AND PREPARED TO HANG UP THE TELEPHONE. CRISTOL THEN BEGAN ASKING ME ABOUT
21 MY PERSONAL BACKGROUND AND OTHER, NON-COURT OF INQUIRY RELATED MATTERS. I ENDEAVORED TO
22 ANSWER THESE QUESTIONS AND POLITELY EXTRICATE MYSELF FROM THE CONVERSATION. CRISTOL CONTIN-
23 UED TO RETURN TO THE SUBJECT OF THE COURT OF INQUIRY, WHICH I REFUSED TO DISCUSS WITH HIM. FI-
24 NALLY, I SUGGESTED THAT HE CONTACT ADMIRAL KIDD AND ASK HIM ABOUT THE COURT OF INQUIRY.

25 23. SHORTLY AFTER MY CONVERSATION WITH CRISTOL, I RECEIVED A TELEPHONE CALL FROM ADMIRAL
26 KIDD, INQUIRING ABOUT CRISTOL AND WHAT HE WAS UP TO. THE ADMIRAL SPOKE OF CRISTOL IN DISPAR-
27 AGING TERMS AND EVEN OPINED THAT "CRISTOL MUST BE AN ISRAELI AGENT." I DON'T KNOW IF HE MEANT
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1 THAT LITERALLY OR IT WAS HIS WAY OF EXPRESSING HIS DISGUST FOR CRISTOL'S HIGHLY PARTISAN, PRO-
2 ISRAELI APPROACH TO QUESTIONS INVOLVING *USS LIBERTY*.

3 24. AT NO TIME DID I EVER HEAR ADMIRAL KIDD SPEAK OF CRISTOL OTHER THAN IN HIGHLY DISPARAG-
4 ING TERMS. I FIND CRISTOL'S CLAIMS OF A "CLOSE FRIENDSHIP" WITH ADMIRAL KIDD TO BE UTTERLY IN-
5 CREDIBLE. I ALSO FIND IT IMPOSSIBLE TO BELIEVE THE STATEMENTS HE ATTRIBUTES TO ADMIRAL KIDD, CON-
6 CERNING THE ATTACK ON *USS LIBERTY*.

7 25. SEVERAL YEARS LATER, I RECEIVED A LETTER FROM CRISTOL THAT CONTAINED WHAT HE PURPORTED
8 TO BE HIS NOTES OF OUR PRIOR CONVERSATION. THESE "NOTES" WERE GROSSLY INCORRECT AND BORE NO
9 RESEMBLANCE IN REALITY TO THAT DISCUSSION. I FIND IT HARD TO BELIEVE THAT THESE "NOTES" WERE THE
10 PRODUCT OF A MISTAKE, RATHER THAN AN ATTEMPT TO DECEIVE. I INFORMED CRISTOL THAT I DISAGREED
11 WITH HIS RECOLLECTION OF OUR CONVERSATION AND THAT HE WAS WRONG. CRISTOL MADE SEVERAL AT-
12 TEMPTS TO ARRANGE FOR THE TWO OF US TO MEET IN PERSON AND TALK BUT I ALWAYS FOUND WAYS TO
13 AVOID DOING THIS. I DID NOT WISH TO MEET WITH CRISTOL AS WE HAD NOTHING IN COMMON AND I DID
14 NOT TRUST HIM.

15 26. CONTRARY TO THE MISINFORMATION PRESENTED BY CRISTOL AND OTHERS, IT IS IMPORTANT FOR THE
16 AMERICAN PEOPLE TO KNOW THAT IT IS CLEAR THAT ISRAEL IS RESPONSIBLE FOR DELIBERATELY ATTACKING
17 AN AMERICAN SHIP AND MURDERING AMERICAN SAILORS, WHOSE BEREAVED SHIPMATES HAVE LIVED WITH
18 THIS EGREGIOUS CONCLUSION FOR MANY YEARS.

19 DATED: JANUARY 8, 2004

20 AT CORONADO, CALIFORNIA.

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22 WARD BOSTON, JR., CAPTAIN, JAGC, USN (RET.)

23 SENIOR COUNSEL TO THE USS LIBERTY COURT OF INQUIRY

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