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SPECIAL DOCUMENT

ISRAEL: WHAT WENT WRONG ON OCTOBER 6 ?

THE PARTIAL REPORT OF THE ISRAELI COMMISSION OF INQUIRY INTO THE OCTOBER WAR

[This was officially issued in Israel on April 2, 1974 as a report on the most pressing issues raised during the general investigation by the Agranat Commission of the preparedness of Israel for the October War. It comprises a preface on the terms of reference and procedures of the Committee (below); an account of the evaluations made by the Israeli Intelligence Services up to October 6 (p. 192); conclusions and recommendations on the functioning of the institutions responsible for meeting a military crisis (p. 196); and conclusions about office holders which resulted in the resignations of the Chief of Staff and senior intelligence officials (p. 200).]

CHAPTER 1: PREFACE

1. On November 18, 1973, the Cabinet adopted the following resolution:

“Resolved:

“A) That the following matters, namely:

“1. The information, in the days preceding the Yom Kippur War, concerning the enemy’s moves and his intentions to open war, as well as the assessments and the decisions of the duly authorized military and civilian bodies with regard to the aforementioned information;

“2. The Israel Defence Forces’ deployment for battle in general, its preparedness in the days preceding the Yom Kippur War and its actions up to the containment of the enemy; “Are of vital public importance at this time requiring clarification.

“B) That an Inquiry Commission shall be set up to investigate the aforementioned matters and report to the Cabinet.

“C) To determine, after consultation with the President of the Supreme Court, that the Commission shall be composed of five members.

“D) To determine that the matters which are the subject of the investigation and the Commission’s deliberations require secrecy, as laid down in section 23

of the Inquiry Commissions Law, 1968, excluding paragraphs (1) and (6) therein, and to request the approval of the Knesset Defence and Foreign Affairs Committee for this determination.

“E) To apprise the President of the Supreme Court of this resolution.”

Following on this resolution, the President of the Supreme Court, by virtue of the powers vested in him under para. 4 (a) of the Inquiry Commissions Law 1968, appointed the Chairman and members of the Commission as follows: Dr. Shimon Agranat, President of the Supreme Court, Chairman; Mr. Moshe Landau, Supreme Court Justice, member; Dr. Yitzhak Nebenzahl, State Comptroller, member; Lieut.-Gen. (Res.) N.B. Yigael Yadin, Professor at the Hebrew University, member; Lieut.-Gen. (Res.) Haim Laskov, IDF Ombudsman, member.

2. After deciding on its procedure, the Commission on November 25, 1973 started to hear evidence and up till now it has held 140 meetings and heard 58 witnesses. In addition, much evidence was submitted to the Commission in writing. At this juncture, the Commission has concluded

the hearing of testimony and the receipt of other evidence on some of the subjects included in its terms of reference which are, in the following order: The information, in the days preceding the Yom Kippur War, on the enemy's measures and on his intentions to start war; the assessment of that information; the preparedness of the IDF in the days preceding the war, up to the launching of the enemy attack; the decisions of the military and civilian authorities, taken on the basis of this information and its evaluation. This partial report relates to these subjects only. In it the Commission does not discuss subjects relating to the general preparedness of the IDF (including matters of order and discipline, training and fighting doctrine, equipment and munitions, emergency stores and their operation, methods of mobilization and transporting troops to the front, analysis of the location, function and objectives of the strongholds and outposts and their functioning in practice) nor the conduct of military operations until the point of the containment of the enemy advance, even though the Commission has already heard a great deal of testimony on these additional subjects as well. In particular, we would like to stress already at this point that we are not yet discussing the painful problem of the stationing of the force at the Suez Canal strongholds: This force, though it fought with devotion and made its contribution to the containment of the enemy, was in fact insufficiently co-ordinated and trained. We shall be dealing with this theme when we come to analyse the entire complex of problems relating to the functions and purposes of the strongholds and outposts and their actual operation, since these problems are closely interwoven.

It emerges therefore that, chronologically, the Commission in this report deals with the two intermediate chapters (the information and its evaluation; the state of alert) and leaves for a later report the other two subjects (the deployment that preceded the state of alert, and the battles up to the containment of the enemy, which began with the ending of the period of alert). However, it should already be stated now that when we come to discuss these additional subjects, we shall be quite unable to consider them from all aspects

because of their enormous scope. We shall, therefore, concentrate on selected aspects of the questions as a whole, which seem to us of particular importance.

3. In the presentation of the partial report, in accordance with the authority given to the Commission under clause 19 (a) of the law, we have not ignored two considerations in favour of presenting a single report to include all our findings and recommendations regarding all the subjects detailed in the terms of reference of the Commission. Those considerations are: a) these subjects, particularly the preparedness and deployment of the IDF, are interconnected to a greater or lesser degree; b) in regard to the evaluation of the behaviour of the holders of various offices, it would have been preferable not to split up the consideration according to the various subjects. On the other hand, however, the Commission realized that, because of the large quantity of testimony submitted to it, its deliberations had already gone on for a long time and a considerable period would elapse before it could complete its work. The public is entitled to learn as soon as possible of the findings and recommendations on those subjects on which the Commission has concluded its deliberations and it is desirable that the Government may be able to act in accordance on them without delay.

Furthermore, this partial report does not even contain all that the Commission has to say on the subjects of the information and its assessment and the state of alert of the IDF, because the Commission realizes that it would be preferable to publish as soon as possible its main conclusions and recommendations on the institutional level and with regard to the holders of certain posts and offices. It has found it possible to do so because, after lengthy and full consultation between its members, it has already reached an opinion on such conclusions and recommendations, but the formulation of its detailed reasoning is likely to continue for some time. The Commission accordingly found it advisable to publish these conclusions and recommendations first immediately, while the full reasoning will be given in a further partial report.

This report contains a general, very brief, description of facts, insofar as such a description is needed for an understanding of the conclusions. In view of its contents, this report may be published, whereas the further report, which contains a detailed description of the facts and a complete exposition of the Commission's conclusions reached by the Commission, will contain many secret facts, which in all probability will rule out publication in full.

4. *The Character and Procedure of the Commission*

An analysis of the provisions of the Commissions of Inquiry Law, 1968 (hereafter the Law) shows that the Commission has a quasi-judicial character. Furthermore, the fact that, in accordance with article 4 (a) of the Law, the composition of the Commission is determined by the President of the Supreme Court indicates there is no link between the Commission and the Government, and that it is not a "Government Commission of Inquiry." In other words, by introducing this special arrangement, the Legislature intended to accord such a Commission of Inquiry absolute independence and to ensure that it should be independent in arriving at its findings and recommendations, and should have the confidence of the public.

5. In its resolution, the Cabinet decided that "the matters which are the subject of the investigation and the commission's deliberations require secrecy, as laid down in section 23 of the inquiry commissions law, 1968, excluding paragraphs (1) and (6) therein," and this finding was approved by the Knesset Foreign Affairs and Defence Committee in its resolution of November 19, 1973. Accordingly, the Commission took care to hold its deliberations *in camera* and to preserve meticulous secrecy regarding the evidence presented to it, bearing in mind that secrecy itself is indivisible. Generally it is better for a commission of inquiry into "matters of vital public importance at the time and requiring clarification" (in the terms of Para. 1 of the law) to hold its deliberations openly, and indeed the principle of public hearings is laid down in detail in para. 18 (a). Nevertheless, in the same paragraph the Legislature also accorded the commission of inquiry itself the right "to hold

deliberations wholly or partly *in camera* if it finds this necessary in order to preserve the security of the State." In our case, the decision on complete secrecy, taken by the Government in advance in accordance with para. 23 of the Law, was an absolute necessity, since the investigation showed that the material presented as testimony includes a large amount of facts and information of a most sensitive security nature, which must not be published and thus become known to the enemy, with the grave harm for the State which would be involved.

6. *The Commission's Use of Para. 15 of the Law*

We hesitated over the correct interpretation of para. 15 of the Law and feel it necessary to preface a few words of explanation of the interpretation of this paragraph that we adopted.

This paragraph states:

"a) If a Commission of Inquiry finds that a certain individual is liable to be harmed by the inquiry or its results, the Chairman of the Commission shall inform him in what respect he is liable to be harmed and shall place at his disposal, in such manner as he sees fit, the testimony concerning the said damage and which is in the possession of the Commission or of anyone who has been assigned the task of gathering material under paragraph 13.

"b) A person who has been informed under sub-para. (a) is entitled to appear before the Commission, either in person or through an attorney, in order to present his case and cross-question witnesses even if they have already testified before the Commission and the Commission is authorized to permit him to submit proofs provided they are in connection with the said damage."

In our view, the purpose of this clause is to prevent an individual from being harmed as a result of testimony presented to the Commission without his knowledge in such a way that he is denied the opportunity to react to it. In view of this aim, we did not apply clause 15 when the evidence of an individual led to the drawing of conclusions to his detriment (in the nature of a confession) or where such a conclusion emerged from a document to which he was a party or from minutes or

the record of deliberations in which he took part. But we drew no conclusions from any documents to the detriment of any witness without his being given the opportunity to make his own statement on the contents of the document. *On the other hand*, when it emerged from the testimony of another witness or from documents submitted by another witness that evidence had been presented which was detrimental to a certain individual without his knowledge, we applied paragraph 15 with regard to such testimony, and informed the person concerned of his right to cross-examine witnesses who had already testified or to submit further evidence — with the help of an attorney, if he so desire.

We are convinced that the interpretation we have given to paragraph 15 is in keeping with the requirements of justice and has ensured a fair hearing for any person who has appeared before us and is mentioned to his detriment in this report. We are also convinced that any broader interpretation of this clause would have stultified the inquiry entirely, by irreparably complicating its procedures.

7. The members of the Commission themselves questioned the witnesses who were invited by it and appeared before it, and they all testified by solemn affirmation. In addition to the testimony and other evidence heard by the Commission directly, it also, under the powers vested in it by para. 13 of the Law, assigned to six senior army reserve officers the task of collecting complementary factual material on certain aspects of the readiness and deployment of the IDF during the war, and its operations until the containment of the enemy. This material was gathered by taking evidence, not under affirmation, from army personnel who agreed to testify before the collectors of material, and by obtaining

documents and other exhibits. The Commission deemed it necessary to seek the aid of the collectors of material because of the large scope of the factual details touching on the said subjects and because of the many applications in writing that reached the Commission from army personnel, pointing out various flaws and defects that they had encountered in connection with the arrangements for their mobilization, the state of equipment, the quality of the weapons at their disposal, etc. Those appointed to gather material as aforesaid were:

Maj.-Gen. (Res.) Joseph Avidar
Maj.-Gen. (Res.) Moshe Goren
Brig.-Gen. (Res.) Shimon Gilboa
Col. (Res.) Yisrael Carmi
Col. (Res.) Yehoshua Nevo
Col. (Res.) Moshe Tamir

The above have now in fact completed their task. Even though the major part of the very large amount of material they gathered pertains to the subjects which the Commission has not yet begun to discuss, we would like to take this opportunity to thank the reserve officers who gathered the material for their willingness to carry out the tasks assigned to them, and express our appreciation for the devoted and skilful manner in which they carried out their task.

8. Consideration of the causes of the errors and mistakes, which it was essential to hold in order to clarify the truth and draw the necessary conclusions regarding the future, should not detract from the recognition of the decisive achievement of the IDF, which overcame a surprise enemy offensive on two fronts and through its soldiers' great devotion and readiness for sacrifice, repelled the attack and overcame the enemy.

CHAPTER 2: THE PRINCIPAL CONCLUSIONS OF THE COMMISSION ON THE SUBJECTS OF INFORMATION, ITS EVALUATION AND THE READINESS OF THE IDF

9. In our criticism of the evaluations of the Intelligence Branch at GHQ and other bodies, we exercised extreme caution not to be drawn into "wisdom after the event,"

and tried to view matters in the light of the situation as it was at the time the evaluations were made and the decisions taken.

10. The opening of the war by Egypt and Syria on Yom Kippur, October 6, 1973, at approximately 14.00 hours, took the Israel Defence Forces by surprise in that until the early morning hours of that day the IDF's Supreme Command and the political leadership did not evaluate that total war was about to commence — and on the morning of that day, when it was already clear to them that the war would break out, the Supreme Command mistakenly assumed that it would break out only at 18.00 hours. Responsibility for these mistaken evaluations should be placed primarily on the Director of Military Intelligence [DMI] and on his Principal Assistant in charge of the Intelligence Branch's Research Department, which is the only body in the country engaged in intelligence research. They failed by providing the IDF with totally insufficient warning: It was only at about 4.30 a.m. on Yom Kippur that the DMI, on the strength of fresh intelligence he had received, notified that the enemy would open war at 18.00 hours on both fronts. This brief warning did not allow for mobilization of the reserves in an orderly fashion, and involved the hasty mobilization of the land forces, contrary to the regular timetables and mobilization procedures. The additional error of four hours, between 18.00 and 14.00, further reduced the interval between the call-up of the reserves and the opening of fire by the enemy. This second error caused further disruptions in the readiness of the regular forces at the fronts and their correct deployment, particularly on the Canal front.

11. There were three reasons for the failure of the authorities responsible for evaluation: Firstly, their obdurate adherence to what was known as "the conception," according to which a) Egypt would not launch war against Israel before she had first ensured sufficient air power to attack Israel in depth, and in particular Israel's principal airfields, so as to paralyse the Israeli air force, and b) that Syria would only launch an all-out attack on Israel simultaneously with Egypt. We learned, on grounds to be detailed in our further partial report, that the first and decisive part of this conception, which may well have been correct at one time, was

not adequately reconsidered in view of the pressure of the changing political circumstances, and, in particular, on the basis of further information that reached the Director of Military Intelligence concerning the build-up of enemy strength with additional armaments systems. This "conception" had, therefore, in practice become obsolete. Secondly, the Director of Military Intelligence assured the IDF that he would be able to give advance warning of any enemy intention to launch all-out war in good time to allow for the orderly call-up of the reserves. This undertaking was assumed as the firm foundation for the defence plans of the IDF. We find there were no grounds for giving the IDF such an absolute undertaking.

Thirdly, in the days preceding the Yom Kippur War, the Intelligence Branch (Research) had received numerous warning reports, supplied to it by the information-gathering department of the Intelligence Branch and by other information-gathering authorities in the country. The Research Division of the Intelligence and the Director of Military Intelligence did not correctly evaluate the warnings contained in these reports, owing to their doctrinaire adherence to the "conception" and the fact that they were prepared to explain the enemy deployment along the front lines, which was without precedent in the size of the forces and in their orientation towards the fronts, on the assumption that all this testified only to a defensive deployment in Syria and the holding of a multi-arm "exercise" in Egypt, similar to exercises held there in the past.

For this reason the Director of Military Intelligence also displayed exaggerated caution in the circumstances by failing to take additional measures that were at his disposal and which might have revealed important complementary information. The enemy thus succeeded in misleading the IDF and taking them by surprise under the guise of an exercise supposedly taking place in Egypt. Only on the morning of Friday, October 5, did the confidence of the Intelligence Branch in the correctness of its evaluation begin to be shaken, and then only when particularly clear reports were received which it would have been hard to reconcile

with the assumption that the enemy build-up was no more than a defence system and an "exercise." And yet the correct conclusion was still not drawn, and the summary of the evaluation of the Intelligence Branch continued to be: "Low probability" and even "Lower than low" probability of the enemy launching a war. Only early in the morning of Saturday, Yom Kippur, after further ambiguous reports were received, did the Director of Military Intelligence come to the conclusion that war would break out the same day.

12. In the evaluation of the information on the enemy's moves and his intention to launch a war made by holders of other positions, the decisive influence is evident of the Director of Military Intelligence and the Research Division of the Intelligence Branch, resulting from the fact that they were the only centre for the evaluation of military intelligence in the country, and that they were in control of the total body of intelligence information that had accumulated in their possession from the information-gathering authorities of the Intelligence Branch itself, from the secret intelligence services and from other information-gathering authorities, while the Intelligence Branch disseminated this information, as compiled data, to other authorities, with its own evaluation as "intelligence," and it decided who should get the raw material and what material should be disseminated.

13. The mistakes of the Intelligence Branch were not the only mistakes disrupting the IDF's moves at the beginning of the war. In addition, there were errors in the working of the state of readiness during the days preceding the war. There was an unjustified delay in the mobilization of the reserves. It is our opinion that, on the basis of the data in his possession, the Chief of Staff should already have recommended partial mobilization of the land forces at the beginning of the week preceding the war, to maintain the right proportions between the enemy forces, which were at full alert and prepared for action against us, and our own forces. At the very latest, he should have recommended — in view of reports received — extensive mobilization on the morning of Friday, October 5, even assuming that the

enemy's intentions were still not clear at that time.

Secondly, we have found that, in total reliance on the Intelligence Branch's assurance that it could always give the IDF sufficient warning for orderly mobilization of the reserves, no defence plan properly worked out in detail was prepared for the eventuality that the regular forces would have to check, on their own, an all-out attack by the enemy on the Egyptian and Syrian fronts simultaneously — with the IDF being caught by surprise as they were.

Thirdly, even after receipt of the warning on Saturday morning, the regular armoured forces on the Canal front were not optimally deployed in time, under the circumstances created, in accordance with the plan that existed for the defensive deployment of the regular forces. Furthermore, no clear directive was given that morning to the GOC Southern Command and from him also to the lower echelons, as to how they were to prepare for the attack, and lack of clarity prevailed in issuing operational orders and ensuring their implementation.

14. (a) At the meeting of the IDF General Staff on September 24, 1973, the GOC Northern Command, Maj-Gen. Yitzhak Hofi, expressed concern at the limitations involved in receiving sufficient warning in view of the dangerous situation on the Golan Heights following increased Syrian deployment by means of an effective anti-aircraft missile alignment. The Minister of Defence was impressed by the GOC Northern Command's concern, particularly in view of the threat to the Golan Heights settlements posed by the Syrian deployment. On September 26, the eve of Rosh Hashana, he visited the area in order to gain a first-hand impression of the situation, and also issued a warning to the Syrians. A certain reinforcement of armoured and artillery deployment on the Golan Heights was decided upon.

(b) On the Minister of Defence's initiative, the Prime Minister decided to convene, following her return from her trip to Strasbourg and Vienna on September 30 to October 2, a military-political consultation on October 3, with the participation of Ministers Allon, Galili

and Dayan — as well as the Chief of Staff and Brig.-Gen. Arye Shalev, the DMI's assistant (research), who was filling in for the DMI who was indisposed that day. At this meeting views were exchanged on the situation along the frontiers, particularly on the Golan Heights. Brig.-Gen. Shalev gave an intelligence report which concluded with the assessment that "the possibility of an Egyptian-Syrian war does not seem likely to me, since there has been no change in their assessment of the state of forces in Sinai so that they could go to war." None of those present disagreed with this assessment. At the end of this consultation the Prime Minister decided to submit the subject of the situation along the borders for discussion in the Cabinet following Yom Kippur, at the regular Cabinet meeting scheduled for Sunday, October 7.

On the morning of Friday, October 5, following receipt of further disturbing reports and after a meeting between the Defence Minister and the Chief of Staff, a further consultation was held at the Prime Minister's, with the participation of the Defence Minister, the Chief of Staff and the DMI. The Chief of Staff informed the meeting that on Yom Kippur there would be an extremely high state of alert throughout the IDF, especially in the Air Force and the Armour, and that the tank forces on both fronts would be reinforced. At the end of this consultation the Prime Minister decided to convene for that day a meeting of the Ministers who were then in Tel Aviv. Held towards noon, the meeting was attended by Ministers Bar-Lev, Dayan, Hillel, Chasani, Peres and Galili, as well as the Chief of Staff and the DMI. The latter's evaluation was still that we were not facing total war, and the Chief of Staff supported this evaluation, while expressing the opinion that there was no proof that the enemy did not intend to attack. He reiterated that he had declared a maximum alert within the regular forces, but that "the mobilization of reserves and additional measures are being held back until there are further indications."

At the end of this meeting the Prime Minister announced that the security situation would be placed on the agenda of the Cabinet session scheduled for Sunday, October 7, and, should it be necessary to mobilize reserves before then, the Ministers present authorized the Prime Minister and the Minister of Defence to decide upon mobilization of reserves. The Prime Minister also instructed the Government Secretary to ascertain the whereabouts of the Ministers on the following day, in order to make it possible to summon them on Yom Kippur in case of need.

15. Early on Saturday morning, the further information was received which raised the opening of total war by the enemy to a degree of near-certainty. The C-o-S consulted with his senior aides, and gave further preparatory orders in anticipation of mobilization of the reserves. In a discussion between the Defence Minister and the C-o-S, the latter recommended mobilization of the entire reserves to prepare for large-scale counter-attacks, after containment of the enemy. The Defence Minister, on the other hand, favoured mobilization of the maximal force which, in the opinion of the C-o-S, sufficed for defensive purposes. A delay of about two hours occurred in a mobilization of the size agreed to by the Defence Minister that morning in the discussion between him and the C-o-S, because the C-o-S awaited the Premier's decision on the full mobilization of the reserves.

At 09.05 the Premier immediately approved mobilization of the defensive force, and at 09.25 she decided in favour of total mobilization as recommended by the C-o-S. At the same discussion at the Prime Minister's, it was decided for political reasons not to deliver a preventive blow, as proposed by the C-o-S. The Prime Minister then conferred with the US Ambassador, in order to explain the situation to the US Government. After this meeting a Cabinet session, beginning at 12 noon, was held. The Cabinet Ministers voiced no opposition to the decision not to launch a preventive attack on the enemy.

CHAPTER 3: CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION ON THE INSTITUTIONAL LEVEL

16. According to the Basic Law: the Government, para. 29: "The Government is authorized to carry out on behalf of the State, in accordance with any law, any act whose implementation is not lawfully entrusted to any other authority." This implies that the Government is also entrusted with the management of State security affairs insofar as no other authority is empowered to act in this sphere by any other law: such as the authority of the Minister of Defence regarding laws whose implementation is specifically entrusted to him.

In accordance with para. 27 of the same law, the Government is entitled to act by means of Cabinet committees, permanent, temporary, or for specified issues, and, in accordance with para. 31 (a) "authority entrusted to the Government by law may be transferred by the Government to one of the Ministers."

This means that the general authority of the Government in accordance with the aforementioned section 29, to carry out on behalf of the State, subject to any law, any act which is not entrusted to any other authority, is also within the category of the Government's authority which may be transferred to one of the Ministers in accordance with para. 31 (a).

17. We have learned from the evidence before us that there is a lack of clear definition as to the division of authority, duties and responsibilities concerning security matters amongst the three authorities dealing with these matters: the Government and the Prime Minister; the Minister of Defence; and the Chief of Staff, who heads the IDF; and in the determination of the relationship between the political leadership and the IDF High Command. Particularly vital is such a clear definition of authority in cases wherein the initiative lies in the hands of the enemy. Furthermore, we have found no explicit authority in the law for the practice whereby the Chief of Staff is appointed by the Government on the recommendation of the Minister of Defence. The unclarity in all these respects is evidently of historic origin — dating

back to the time when the late David Ben-Gurion served both as Prime Minister and Minister of Defence, and his strong personality affected the lack of definition on this important subject. One thing, however, is clear from the constitutional aspect: It has never been decided that the Minister of Defence is a "Super Chief of Staff" who is required to guide the Chief of Staff in the latter's area of responsibility on operational matters, or a kind of supreme commander of the IDF by virtue of his being Minister of Defence. The inadequate definition of powers prevailing in the present situation in the field of security, the vital importance of which is unsurpassed, hampers the effectiveness of the work, detracts from the focusing of legal responsibility, and causes uncertainty and frustration amongst the public.

We have not considered it our duty to enter in depth into the question of co-ordination of authority between the three aforementioned systems and will be content, therefore, with pointing out the need for the Government and the Knesset to consider this problem with a view to finding a solution. We assume that rigid definitions, providing in advance for any situation that may arise, cannot be achieved, but even definitions of a somewhat broad legal nature are preferable to no definition whatsoever.

18. It is particularly necessary to clarify who is authorized to order operations to be carried out in situations likely to arise in the face of a sudden threat, or in cases where speed is essential, such as the activation of regular forces, mobilization of supplementary reserves or any other form of mobilization, when there is no time to convene the Cabinet — as was the case early in the morning of Yom Kippur.

Government Procedures on Security Matters

19. We have learned that in the course of time there has been a malfunctioning in the performance of the duties that the Government has to carry out in top-level discussions and decisions on security affairs. This malfunctioning is connected with the

disappearance of the Cabinet Committee on Security Affairs in its original format, limited in the number of its members. Ever since the formation of a broad coalition in 1967, this Committee has been expanded in order to ensure the representation of all parties in the coalition and even the factions within the parties. In the final outcome, 17 out of the Cabinet's 24 members participated in the Cabinet Committee. Under these circumstances, the special Committee had in fact ceased to exist, the entire Cabinet becoming the "Cabinet Committee on Security Affairs" — and this only in order to ensure, in this manner, top secrecy in its deliberations.

20. The adoption of correct decisions on matters of supreme importance depends on the receipt of current information and the receipt of full additional information on the specific issue under discussion. According to testimony submitted to us, there is a serious problem of leakage of information from Cabinet sessions. This has, on occasion, prevented the submission of full information to the Cabinet. In the opinion of the Commission, this phenomenon must be overcome by the formation of a Cabinet Committee for Security Affairs, with a really small number of members — and this consideration must, in our opinion, be a decisive one in the formation of such a committee — and by meticulous observance of the law and the Cabinet regulations designed to ensure secrecy in discussions on security matters. Thus there would no longer be any excuse for transferring the focus of discussions on a security or political-security matter from the Cabinet or its Committee to bodies established on an *ad hoc* basis and not authorized by the Cabinet. The Prime Minister is of course entitled to consult, at any time and as she sees fit, other Ministers and holders of relevant posts on matters for which they are responsible, so long as the authority of the Cabinet to discuss matters and take decisions is not affected.

21. We also believe that in time of war, it is appropriate that the Cabinet should authorize the Prime Minister to form a small ministerial team of no more than five members, headed by the Prime Minister, and responsible for taking decisions

on urgent matters connected with the management of the war. This is also necessary in order to enable the remaining Ministers to continue to devote their full attention, even in times of war, to the affairs of their own ministries, so that these will not be neglected, particularly in times of emergency. The Deputy Prime Minister, or another Minister, could conduct regular Cabinet sessions in which other matters requiring a Cabinet decision at such a time may be dealt with. Naturally, basic issues, long-range issues, and issues of special importance will continue to be reserved for discussion and decision by the full Cabinet.

22. *Intelligence Community — Intelligence Evaluation.*

a) As noted above, the factual situation on the eve of the Yom Kippur War — and over a period of many years before then — was that only one body in the intelligence community, namely, the General Staff's Intelligence Branch, engaged in intelligence evaluation, research and evaluation of reports. This intelligence evaluation was, thus, the only one submitted to the Chief of Staff, the Defence Minister, the Prime Minister and the Cabinet. This system of evaluation in the intelligence community had grave reflections on the evaluation of the intelligence information by the governmental authorities on the eve of the war.

It should be noted that a similar situation existed in part during the tenure of the late David Ben-Gurion in the early 'sixties. Dissatisfied with the lack of clarity in matters relating to subordination and the evaluation functions of the bodies in the intelligence community, Ben-Gurion appointed in the first half of 1963 a committee of two (Yigael Yadin and Ze'ev Sharef) to define the subordination and tasks of these bodies. This committee was appointed by Ben-Gurion on the eve of his retirement to Sdeh Boker, out of concern, *inter alia*, that this situation — which, by virtue of his serving simultaneously as both Prime Minister and Minister of Defence, generally functioned satisfactorily — might deteriorate.

b) On July 31, 1963, the Committee submitted its report to the Prime Minister, the late Levi Eshkol. The Committee's

report was based on four basic assumptions (para. 5 of the report), which in turn were based on the primary assumption that the functions of Prime Minister and Minister of Defence do not necessarily have to be concentrated in the hands of one person. The first and last basic assumptions, which concern our subject matter, are quoted hereunder in full:

“(a) The Prime Minister must be in possession of a complete picture of all the activities of the State’s secret services, namely: their current work plans, planning for future activities, difficulties and limitations, and so forth....

“(b) It is essential for the Prime Minister to be in possession of evaluations on political, security and other subjects—balanced and based on different viewpoints and not stemming specifically from one channel.”

(c) In order to accomplish the aforementioned aims, the committee submitted a number of principal recommendations, relating to both “research and evaluations” (paras. 14-15 of the report) and the tools with which the Prime Minister should be equipped for controlling these issues (paras. 18-20):

“14. The committee accordingly recommends the examination of the possibility of strengthening the Foreign Ministry’s Research Department so that it should be capable of presenting independent political evaluations, both on Middle Eastern issues and on other political subjects, as required.

“15. By strengthening the Research Department, a certain balance would be created for the security and political evaluations, which are presently made almost solely by the Intelligence Branch’s Research Department.”

The committee also observed that “the continued existence of an intelligence agency (‘Israel’s Secret Intelligence Service’), in possession of secret information-gathering instruments, facilitates to some extent, the formation of an evaluation, although limited in value.”

“18. On the strength of the basic assumptions and our recommendations for organizing the services, the committee regards as a matter of vital importance the appointment of a special adviser to the

Prime Minister on intelligence matters. This special adviser must be a person of high calibre, who would devote all his time to the task and would be subordinate only to the Prime Minister.

“19. The function of the adviser would be to assist the Prime Minister in keeping in touch with the activities carried out and planned by the various secret services.

“20. His powers would be:

“(a) He would participate regularly in the Heads of Services’ committee.

“(b) He would participate regularly in all meetings of the Prime Minister with any of the Heads of Services, or in any discussion of the Prime Minister on secret activities, or in a political and security discussion related to secret activity.

“(c) He would be entitled to demand information from every Service, either directly through the Head of Service, or by direct contact with departments and units of the Service (via the Head of Service, of course).

“(d) On the initiative or with the approval of the Prime Minister, he would be entitled to investigate the methods of operation of an entire Service or a unit thereof, and to review evaluations submitted to the Prime Minister—both by talks with the submitters of evaluations, and by the receipt of raw material where necessary.”

It is to be regretted that these two principal recommendations were not implemented in practice or systematically. The then Prime Minister hesitated to appoint a special adviser on intelligence matters both because of the difficulty of finding the right appointee and the “natural” lack of enthusiasm of the Heads of Services; and because it appeared that the holder of such an office would not be fully employed.

The gist of the committee’s recommendations was presented by the Prime Minister to the Knesset Defence & Foreign Affairs Committee on Wednesday, September 11, 1963 (Protocol No. 37) and Monday, October 7, 1963 (Protocol No. 39). It should be noted that the discussion in the Committee did not go into the subject thoroughly, and was held without the

report having been submitted to the members in the original. Some members of the Defence and Foreign Affairs Committee (not divided along party lines) shared the Prime Minister's hesitation to appoint a special adviser on intelligence (bearing in mind the then sensitive issue of the Chief of the Secret Service), while other members (again irrespective of party divisions) thought the recommendations should be considered.

The Foreign Ministry's Research Department was not sufficiently strengthened in line with the functions proposed for it in the aforementioned report. The reasons (budgetary in the main) which the present Commission heard from the Foreign Minister to account for the non-strengthening — in fact, depletion — of the Research Department did not convince the Commission.

(d) We have reached the conclusion that the state of affairs which existed up to the Yom Kippur War — which prevented independent political, strategic, operational and tactical intelligence evaluations because of their concentration in one organization and under one authority on the one hand, and, on the other hand, the absence of a special adviser to the Prime Minister on intelligence to allow for independent evaluation — played a major role in the inability to arrive at a true intelligence picture from all aspects.

Accordingly, the Commission recommends the immediate adoption of the following measures:

1. To appoint a special adviser to the Prime Minister on intelligence (not a regular army man, although, of course, he could be an officer in the reserves), his functions and powers to be as designated in the report of the committee submitted to the Prime Minister in 1963. Acting in concert with this adviser there must be a small but high-level team which would enable the Prime Minister (and through her the entire Cabinet) to effect an independent political-strategic intelligence evaluation on the basis of all the material in the possession of the various information-gathering services. At the same time, it should be made absolutely clear that this adviser must not be allowed to be a buffer between the intelligence community's Heads of

Services and the Prime Minister. The Commission is aware of the fact that by virtue of his functions as defined above, the adviser on intelligence is likely to come into contact with officers of the Intelligence Branch contrary to all rules of military practice; on the other hand, it is convinced that this is essential for the efficient fulfilment of his functions.

2. To strengthen the Foreign Ministry's Research Department by its organization as an independent body within the framework of the Foreign Ministry, one of its principal aims being the carrying out of an independent political-strategic intelligence evaluation, mainly on the basis of the special material at its disposal; to reinforce the department with suitable staff, qualitatively and quantitatively.

3. To lay down clear rules for dissemination and feed-back — both to the various research bodies and to the Minister of Defence and the Prime Minister — of the raw intelligence material collected by the information-gathering bodies inside and outside the Intelligence Branch, regardless of whether it is their primary or secondary task.

4. To effect substantial and fundamental changes in the structure of the Intelligence Branch and the Intelligence Corps themselves — ensuring that the centre of gravity of research and evaluation should be in the spheres of military, strategic, operational and tactical intelligence (including reorganization of Field Intelligence and its appropriate representation at General Staff level), giving suitable expression and even encouragement to the expression of various and conflicting views among the Research Department's staff in Intelligence Branch evaluations disseminated to the various bodies, appointing suitable staff, including civilians, to the Research Department in accordance with optimal routes of advancement and suitable rotation within and outside the Department, and ensuring regular control of intelligence evaluations.

5. An evaluation unit for the material collected by the Secret Intelligence Service should be set up within the Service.

All the aforementioned recommendations, without exception, are designed to ensure pluralism in the various types of intelligence

evaluation, as well as to provide the Prime Minister with the requisite tools to ensure the efficient functioning of the entire intel-

ligence community for the provision of warning, and analysis of their intelligence evaluations.

CHAPTER 4: CONCLUSIONS ABOUT OFFICE-HOLDERS

23. *The Director of Military Intelligence, Major-General Eliyahu Ze'ira*, testified before us very frankly and showed himself to be an officer of outstanding intellectual ability, enjoying great authority over his subordinates and highly regarded by his superiors in the IDF and the higher political echelons. He had served in his position for only a year before the outbreak of the war, and was confronted with patterns of thought which were determined in the Intelligence Branch's research before his appointment. But he adopted the "conception," which, through its rigidity, deadened the necessary openness and the willingness always to contend anew with the information which flowed into the Intelligence Branch, and he even played his part in strengthening it. He displayed a prominent tendency to take unqualified decisions as an officer stemming from great self-confidence and readiness to act as final arbiter in Intelligence matters in Israel. For example, at the meeting of the Knesset's Defence and Foreign Affairs Committee on May 18, 1973, he said:

"The Chief of Staff must decide, and his decisions must be clear. The best assistance that the Director of Military Intelligence can render the Chief of Staff — if it is objectively possible — is to give him as clear and sharp an evaluation as is possible. It is true that the clearer and sharper the evaluation then, if it is mistaken, it is a clear and sharp mistake — but that is a risk the Director of Military Intelligence takes."

Thus, in his testimony before us, he answered a question posed by a member of the Commission why he did not consult the Chief of Staff regarding a most important operational decision which he took on his own responsibility in a matter in which his superiors were misled into thinking that the matter under consideration had been taken into account in the course of the Director of Military Intelligence's evaluations:

"During most of my years in the IDF I was not a staff officer but a field commander, and insofar as possible my character does not lead me to pass on responsibility upwards. For in the kind of process you... describe... it is like saying: Here is a complex situation, you decide. So I didn't feel like doing that. In general I very very seldom do things like that. Things which fall within my sphere of responsibility I don't usually bring up to my superiors and tell them: Although it's my responsibility, I am passing on the responsibility to you; you decide."

Our opinion is that in the light of his serious failure Major-General Ze'ira can no longer continue to serve in his position as Director of Military Intelligence.

24. In the hands of *Brigadier-General Arye Shalev*, as assistant to the Director of Military Intelligence in charge of research, was concentrated the subject of research and evaluation in the Intelligence Branch — that subject in which the Intelligence Branch failed so grievously. He had served in this capacity, previously under the title of Head of the Research Department, for a long time, since September-October 1967. He played an important part in moulding methods of research, analysis, evaluation and preparation of the information for distribution from this department in recent years. According to his testimony before us his approach to the "conception" was flexible: he was prepared to assess its fundamental validity from time to time. But from the documents produced by his department and from statements made by him during various discussions, it is clear that his evaluations never deviated from the framework of the "conception." He bears heavy responsibility for the most grievous mistake of the department he headed and we therefore believe that he cannot continue to serve in the Intelligence Branch.

25. *Lt.-Colonel Yona Bendman*, the head of the Egyptian Section in the Research

Department of the Intelligence Branch, co-ordinated the activities of the Section, which was the focus of the misleading errors in evaluation and in the failure to warn of the Egyptian enemy's intentions — those intentions which stood at the centre of the "conception." With him the belief in the "conception" reached its zenith. Prominent proof to this effect we find in the intelligence precis produced in co-operation with his section on October 5, at 13.15. This precis contains a long list of signs testifying to the Egyptians' offensive preparations. But at the end of the chapter on Egypt appears paragraph 40, which was drafted by Lt.-Colonel Bendman:

"Though the actual taking up of emergency positions on the Canal appears to contain indications testifying to an offensive initiative, according to our best evaluation no change has occurred in the Egyptian assessment of the balance of power between their forces and the IDF. Therefore, the probability that the Egyptians intend to resume hostilities is low."

This sentence was an important factor in strengthening the mistaken view of the decision-makers on both the military and political levels on that fateful day. And so he explains in his testimony before us:

"...The first version of this precis I wrote without para. 40, and I felt before writing it that I must add it... I felt that if I didn't write para. 40, I was not doing my duty. In other words, it was not enough, I was not asked only to point out the facts: I must give an evaluation of the information. My evaluation was that from a purely military viewpoint there were all the signs that you could wish for indicating offensive intentions; from the viewpoint of intentions, my evaluation remained, that they did not regard themselves as capable of launching an attack. They attacked 24 hours later, but that is another matter."

It is our opinion that Lt.-Colonel Bendman should not be employed in a position involving intelligence evaluation.

26. *Lt.-Colonel David Gedaliah* was Intelligence Officer of Southern Command from 1971 until March 1974, having been moved on the latter date to another position in the Intelligence Corps. On October 1, 1973 an officer under his command, Lieutenant Benjamin Siman-Tov, presented him with

a report entitled: "Movement in the Egyptian Army — the Possibility of the Resumption of Hostilities, October 1, 1973," when the Command was already on a footing of special alert. The report presents, sums up and analyses the information regarding the Egyptian deployment and the enemy's preparedness. On October 3, Lt. Siman-Tov presented a further report entitled: "Situation Report in the Egyptian Army, summarizing September 13 — October 2, 1973," which was fundamentally an expanded and more detailed version of the report presented on October 1.

In these documents, the junior officer pointed out a number of important facts, which are not compatible with the interpretation of the Egyptian deployment and preparedness as a mere exercise, and therefore asserted that these facts substantiated the evaluation that the exercise was nothing but camouflage for actual operations planned by the Egyptians.

According to Lt.-Colonel Gedaliah, the summary of the situation in the documents was also meant for distribution in his Command's Intelligence Department, for the units and posts in the Command, and for Intelligence Branch at General H.Q.

A scrutiny of the documents shows that instead of raising doubts as to the evaluation of the Egyptian deployment and preparedness as an exercise, as there was reason to do in light of the content of the documents, and submitting these to the GOC Command and the Intelligence Branch, Lt.-Colonel Gedaliah erased the penetrating questions, which could have raised doubts as to the evaluation of the Egyptian deployment and preparedness as an exercise. Lt.-Colonel Gedaliah explained to the Commission that the evaluation of the junior officer stood in contradiction to the Intelligence Branch's evaluation that an exercise was taking place in Egypt — an evaluation which was accepted by him and by the GOC Southern Command. To the question of why he did not accept the evaluation of the junior officer he replied: "It stems from the final evaluation that the Egyptians wouldn't begin a war and from our being convinced that it was only an exercise." Thus he directed his thinking into a vicious circle.

He did not, therefore, do his obligations as an Intelligence officer to relate to every piece of information and to every evaluation without prejudice, and did not bring this evaluation and that of the Intelligence Branch into written confrontation in a distributed document. The documents were not distributed, without Lt.-Colonel Gedaliah being able to offer an explanation for this. Lt.-Colonel Gedaliah's behaviour here seems particularly grave because the results of the aerial photography of the 4th of the month (the examination of which went on all night), which attested to the reinforcement of the Egyptian deployment in a threatening and warning manner, should have been given special meaning in the light of Lt. Siman-Tov's evaluation.

It is our opinion that Lt.-Colonel Gedaliah did not fulfil his duties as an Intelligence officer on the key front, in the days when it was particularly crucial that the Egyptian enemy's intentions be assessed. Therefore, he should not be employed any longer in Intelligence functions.

27. If there are any other officers in the Intelligence Branch, among those who did not appear before us as witnesses, who contributed to the incorrect evaluation, those in authority should decide which further personal changes should be made in the ranks of the Intelligence Branch.

28. *The Chief of Staff's Responsibility:* We have reached the conclusion that the Chief of Staff, Lt.-General David Elazar, bears personal responsibility for what happened on the eve of the war with regard to both evaluation of the situation and the question of the IDF's preparedness. We state this with particular regret as it involves a soldier who has served the State with devotion and distinction for many years and has splendid achievements to his credit during and before the Six Day War. We were also burdened by the fact that in this partial report we do not yet deal with the issue of the fighting from the beginning of the war until the containment of the enemy... and it is common knowledge that, despite the grave crisis in the initial stages of the fighting, the Chief of Staff guided the IDF through the holding battles up to the enemy's gates. However, even should

it eventually emerge that in these further stages the Chief of Staff personally performed magnificently, this would not suffice to erase the imprint of the initial mistakes.

We have given particular consideration to the following things — and we stress that we would not, according to each of them, have reached the conclusion arrived at, but it is their cumulative weight that has forced us to it.

In the matter of information, the Chief of Staff had an evaluation of his own, more stringent than that of the Intelligence Branch, in the previous period of tension during May 1973. The "victory" of the Intelligence Branch, however, when this state of alert passed without incident as evaluated by the Intelligence, seemingly reduced the Chief of Staff's alertness in the days preceding the Yom Kippur War in such a manner as prevented him from making a real effort to reach a commander's evaluation of his own. The means for this were in his possession — *inter alia* in the form of important information which was sent to his office (a summary of military-technical intelligence), but which, apparently, was not correctly evaluated by him. During the period of tension in the week preceding the war, he did not even visit the fronts, in order to get a personal feeling of what was happening there, to receive a first-hand impression from the threatening signs discovered by the observations which had been made to elicit information from the commanders in the field and to consult them. To the Chief of Staff's credit it should be recalled that he demanded the mobilization of the whole body of reserves on Saturday morning. But in the existing conditions he should already have recommended a partial mobilization of the reserves on October 1, when the Egyptian "exercise" began, and at the latest on October 5. We did not accept his explanation that on that day he did more than enough by declaring the highest state of alert in the regular army, including the Air Force (the cancellation of leaves, duty rosters of officers at command posts etc.), and putting the reserve mobilization system in a state of alert.

We also found that the IDF possessed no prepared, detailed plan in the event

of an all-out, surprise enemy attack, based on a realistic evaluation of the enemy's forces, deployment and intentions as against the IDF's forces and plans. The Chief of Staff was over-confident that we would always receive warning in sufficient time for the mobilization of the reserves, be it even shorter than that planned. To these assumptions was added an exaggerated confidence in the IDF's ability to repulse under all circumstances a general offensive by the enemy on both fronts by the regular forces alone, and in the IDF's ability, when fully mobilized, to deploy for defence and to move over rapidly to large-scale counter-attack as a condition for the effective defence of the country. In this spirit, the Chief of Staff, during the hours before the outbreak of the fighting, dealt with the planning of counter-attacks, instead of concentrating first of all on breaking the surprise impetus of the expected attack and stopping the enemy, by adjusting the plans to the situation that had been created and instructing the GOC's accordingly. In the dangerous situation created that morning, the Chief of Staff should have examined the deployment of the forces in the field in detail with the GOC's Command and seen to the best possible deployment as early as possible after receiving the warning, and thus allowed the GOC's enough time for the execution of his directives. In addition he did not take into account the possibility that the enemy attack would commence and unfold gradually on a "count-down" method during the daylight hours. Instead of this, the Chief of Staff summoned the GOC's for a consultation in the morning, and again in the afternoon, and was content to receive operatively unclear information from the GOC Southern Command. Thus our forces were denied that measure of alertness and deployment which they could have achieved in the difficult circumstances that had been created. The result was that when the war broke out, the armoured force in the south was caught inadequately deployed, neither in accordance with the existing defence plan nor in accordance with any clear improvised plan, and so the enemy gained initial advantage. Similarly, it must be noted that the GOC's had not yet returned to their command-posts from their second meeting with the

Chief of Staff. We are also of the opinion that under the pressing circumstances prevailing on Saturday morning, the Chief of Staff should, by means of G (Operations) Branch, have made sure that his intentions would be translated into clear operative commands. We have found that these procedures were not sufficiently supervised, and so a lack of clarity, which could have been avoided, was created.

In the light of what has been stated above we regard it as our duty to recommend the termination of Lt.-General David Elazar's appointment as Chief of Staff.

29. The Responsibility of GOC Southern Command:

Major-General Shmuel Gonen, who served in the period under consideration as GOC Southern Command, distinguished himself as an excellent fighter, and as an armoured commander (7th Brigade) in the Six Day War. Since that time his rise was rapid, first as a divisional commander and afterwards as Chief of Training Command, until on June 15, 1973 he was appointed to the extremely important post of GOC Southern Command. As an inexperienced Major-General, he was still in the process of getting organized and adjusted in his new position until the outbreak of the war. But even taking this into consideration, we have reached the opinion that on the day of the war's commencement, and on the preceding days, he did not properly fulfil his duties, and that he bears a major part of the responsibility for the dangerous situation in which our forces were caught in the South on Yom Kippur, when the Egyptian enemy attacked. As with the Chief of Staff, our remark that the total picture may change when we deal with the containment battles, also applies to him. But what we have found as to his acts and mistakes in relation to (his) evaluation of the situation and the preparedness of his Command in the days preceding the war, and particularly on the day the war broke out, are sufficient to necessitate the severe conclusion we have reached regarding him.

Much information about observations conducted of the other side of the Canal by the soldiers in the strongpoints and from aerial photographs reached his command-post, containing data about the enemy's

preparedness and deployment, information which should have generated great anxiety in the Commander with regard to the enemy's intentions. He last reconnoitred the Canal front (the Southern sector) on October 2. On October 4, when an extremely important photographing mission was executed, he was outside the area of his Command on a private visit. During the whole of the week until Saturday he accepted as correct the Intelligence Branch's evaluation: an Egyptian exercise, low probability of enemy-initiated war. Despite the threat contained in the Egyptian deployment, he did not demand that the Chief of Staff should reinforce the mobilized regular force under his command, and man it in a manner suitable to the emergency situation, although even these forces were inadequate without reinforcement by adding reserves. But his major failure was on the day of the war's outbreak: he left the armoured forces under his command, which according to the Command's defence plan should have been deployed two-thirds forward, next to the Canal, and one third in the rear, in converse deployment. The GOC told us that he ordered the correct deployment for two hours before the assumed hour of attack, in other words (for) 16.00. Be that as it may, however, the operational documents of that day contain no such order, and it is a fact that up to 13.55, when the enemy opened fire along the whole front, the force from the rear, which should have deployed along the front, had still not begun to move forward. Moreover, according to the Command's orders the forward force was not deployed next to the Canal in time, and when the firing started, part of it was situated at a distance from its final deployment line. When our armour began advancing, it was met by an enemy infantry ambush, which had already taken up positions between our tanks and the Canal line, and had seized the ramps on the eastern side of the Canal which controlled the waterway and its other side. Anti-tank and artillery fire poured down on our armour, and so its operations were disrupted and it was severely mauled.

Major-General Gonen explained to us the unfortunate order not to deploy the armour properly in due time as stemming from the fear of making the enemy ner-

vous, which could have caused a deterioration in the situation even unto an unpremeditated opening of fire. From his testimony it is unclear from what source he drew this limitation. He further asserted that he feared the launching of a concentrated artillery barrage on our tanks, if these were deployed too early at their starting positions. These fears did not on any count justify, to our minds, the delay in the optimal deployment, because Major-General Gonen failed to convince us that it was not possible to find a tactical solution for the problem, such as the deployment of his tank force in alternative or waiting positions in the proximity of the starting positions. The lack of proper deployment of the armoured force, according to the agreed plan, must therefore be seen as a *grave error* on the part of Major-General Gonen, because he did not do his best to prepare his best forces to break the surprise momentum of the enemy's forces, in the situation our forces confronted with the opening of fire on the Canal front.

At this stage we are not proffering a final recommendation as to Major-General Gonen's capacity to fulfil functions in the IDF, but we recommend that he does not fulfil an active function until the Commission completes its investigation regarding the containment stages of the war.

30. *Personal Responsibility at the Government Level*

In determining the responsibility of the Ministers for acts of commission or omission in which they played a personal part it is our duty to stress that we deemed ourselves free to draw conclusions on the basis of our findings only so far as direct responsibility is concerned. We did not consider it to be our task to express an opinion as to the implications of their parliamentary responsibility. It is true that in Israel, as in England from where we have taken this principle, it is accepted that a member of the Cabinet is responsible to the Knesset for all the administrative acts of the staff of his ministry, even if he did not know of them in advance and even if he was not a party to them. But while it is clear that this principle obliges him to report to the members of the Knesset

concerning these actions (including mistakes and failures), to answer questions and to defend these actions or state what he has done in order to correct them, yet even the experience gained in England shows that no hard-and-fast rules have been laid down as to the cases in which he must resign from his ministerial office: this depends on the circumstances of each individual case. The main reason for this is that the question of the possible resignation of a member of the Government in cases of this kind is a purely political one and hence we believe that we should not deal with this matter. See: S.E. Finer (1956) 34 *Public Administration* 377; S.A. de Smith, *Constitutional and Administrative Law* (second edition), 170-171; R.K. Alderman and J.A. Cross, *The Tactics of Resignation* 4; Ivor Jennings, *The British Constitution* (fifth edition), 153-154; A. Rubinstein, *The Constitutional Law of the State of Israel* (Hebrew), 207-208.

Furthermore, we should point out that we did not deem it necessary to consider yet another question that might be asked: namely, whether the special qualifications or personal experience of any minister — in this case Minister of Defence Moshe Dayan, who had such qualifications and experience by virtue of having himself served as Chief of the General Staff — can or should lead that minister, within the domain of his responsibility, to arrive at a conclusion different or opposed to what is unanimously presented to him by his professional experts. It seems to us that a question of this type also falls outside the scope of the Inquiry Commission, since correct governmental procedure requires the application of uniform criteria in determining the personal responsibility of any public office holder rather than a set of criteria tailored to the character traits of one individual or another who holds the post.

31. (1) With regard to the question of the Defence Minister's direct personal responsibility, we must point out that in this partial report we are considering only the subjects of the information and the state of readiness and the Defence Minister's part therein.

(2) The main problem that arises is whether the Defence Minister was negligent in the fulfilment of his duty in matters

falling within the domain of his responsibility. In this matter we took into account the following points:

(a) In evaluating intelligence information he does not dispose of any "evaluating apparatus" of his own but draws upon the evaluation provided by GHQ. As for the Golan Heights, when the GOC issued a warning at the GHQ meeting in the presence of the Defence Minister, the latter showed great concern and took the following steps: he visited the Golan Heights in order to acquaint himself with the situation in the settlements, he called for reinforcements to be sent to the area and both demanded and received an evaluation of the situation by the Chief of the General Staff on October 3 in preparation for the discussion at the Prime Minister's. As for the Egyptian front, he relied upon the evaluation of the GHQ, which was not contradicted by any member of the General Staff (the Deputy Chief of Staff, Major-General Tal, had already on September 30 expressed his serious reservations to the Chief of Staff and to the Director of Military Intelligence concerning Military Intelligence's soothing assessment, especially as regards the Syrian front; however, he did not request the Chief of Staff's permission to bring these reservations to the Minister of Defence's attention, and he did not do so: as he claimed, in view of the proper standards of behaviour towards a superior officer).

The Defence Minister was also influenced by the successful assessment of the Intelligence Branch in April-May 1973 in regard to its ability to provide advance warning of war after he himself had taken exception to its assessment. Although the Intelligence Branch assessment in April-May was vindicated by the facts, the Defence Minister was right in issuing the following guidelines to the General Staff on May 21, 1973:

"... I speak now as a representative of the Cabinet and also on the basis of information. We, the Cabinet, say to the General Staff: Gentlemen, please prepare for war, those who are threatening to launch a war being Egypt and Syria." He prefaced this instruction by stating that "a renewal of war should be taken into account in the second half of this summer."

(b) His confidence in the Intelligence Branch's assessment of "defensive deployment in Syria, multi-arm exercise in Egypt" increased after the Director of Military Intelligence replied in answer to his question on the morning of October 5 that he was using every possible source of intelligence and warning (this reply perhaps stemmed from a misunderstanding on the part of the Director of Military Intelligence but it was objectively misleading).

(c) As for the state of preparedness on the part of the IDF on the Egyptian front, the Defence Minister felt confident, having been told that a regular army armoured force was in place according to plans. So far as he knew from the General Staff discussions, this regular army force, including the Air Force, was sufficient to stop even a massive enemy crossing pending the mobilization of the reserves. Operational details on the deployment of this force were not within his province but that of the Chief of Staff.

(d) No request or proposal was submitted to him for the mobilization of the reserves before October 6, as described above, or for the replacement of the reserves in the Canal strongholds.

(e) On the morning of Saturday, October 6, the Defence Minister agreed to the mobilization of everything required for defensive action in accordance with the Chief of Staff's assessment. The Chief of Staff requested this additional reserve force with a view to counter-attacks, but the Defence Minister wished to delay the mobilization of this additional force so that no friendly country might possibly accuse Israel of causing a conflagration by escalation, since this might have harmed Israel in the matter of essential supplies. This was a clear-cut political argument which one may or may not agree with — but it certainly cannot be dismissed as not being legitimate. At any rate, when the Prime Minister decided on the full mobilization of the reserves the Defence Minister did not continue to insist upon his opinion.

(f) The problem which particularly engaged us was whether the Defence Minister should have been required to arrive at an assessment different from that

of the DMI and the Chief of Staff on Friday October 5, and thereafter taken such steps as full or partial mobilization of the reserves. On that morning the Defence Minister already suspected that the Egyptian exercise might be a camouflage for an attack. Accordingly, should the Minister not have taken a more serious view of a possible co-ordination between the Syrian front (which was causing great concern) and the Egyptian front? The following day, Yom Kippur, was in any case critical as a day of total standstill. He had already foreseen the danger of war in the second part of 1973 in the spring of that year.

On the other hand, the Director of Military Intelligence and the Chief of Staff considered the likelihood of an enemy attack to be still low on the same day. Even after the ominous reports received in the morning, an additional indication was due to come through after a few hours from another source, as the Director of Military Intelligence informed the Defence Minister (in fact, through no fault of the DMI, it only arrived in the early morning of the next day). Meanwhile the Minister was entitled to rely on the strength of the regular army, including the Air Force, to hold the enemy, as well as on the statement made to him by the Chief of Staff that the state of alert in the regular forces (cancellation of leaves on both fronts and in the Air Force, together with additional precautionary measures) declared by the Chief of Staff was fully adequate to meet the situation on that day.

We should point out here that we questioned both the Defence Minister and the Prime Minister as to whether their decisions regarding the mobilization of the reserves were influenced by the fact that the elections for the Knesset were due to be held at the end of that month. They both vigorously denied this on their word of honour and we believe that it did not occur to them to place party considerations above their national duty in this vital matter.

(3) We have carefully considered these matters and reached the conclusion that, by the criterion of reasonable conduct required of the bearer of the post of Minister of Defence, the Minister was not obliged to order additional or different precautionary measures [to] those recommended

to him by the General Staff of the IDF, according to the joint assessment and the advice of the Director of Military Intelligence and the Chief of Staff.

32. With respect to the Prime Minister, what we have stated above (para. 30) as regards personal responsibility at Cabinet level likewise holds good. Accordingly, we had to consider two principal questions:

(a) What intelligence and what assessments were submitted to the Prime Minister and what were her actions in this context?

(b) Should she have convened the entire Government in order to discuss and arrive at a decision regarding this situation in the days preceding the war?

It would have been right and proper for the Prime Minister to provide information regarding the situation on the borders at the extraordinary Cabinet session that took place on Thursday, October 4, when she reported on the results of her trip abroad; moreover, she should not have spared the Ministers not present in Tel Aviv on Friday, October 5 (the eve of Yom Kippur) the trouble involved. At the same time, this Commission is convinced that the Prime Minister's actions during the critical days before the outbreak of the war testify to an approach fitting the gravity of the responsibility with which she was charged. Immediately after her return, as stated above, she convened the Deputy Prime Minister, the Defence Minister, Minister-without-Portfolio Galili, the Chief of Staff and Brig.-Gen. Shalev for consultations mainly concerning the situation on the Golan Heights. At the end of this consultation, she decided, on the basis of the assessment of the situation presented to her, to place the subject of the border situation on the agenda for the forthcoming weekly session of the Cabinet scheduled for Sunday, October 7. On Friday, October 5 she decided, on the basis of ominous reports reaching her that day, to convene all the Ministers who were in Tel Aviv at the time. At this meeting, the Ministers present authorized the Prime Minister and the Defence Minister to decide on the mobilization of reserves, should the need

for this arise during Yom Kippur. The Government Secretary was also asked to be able to locate all the Ministers in order that the Government could be convened whenever the urgent need for this arose.

It is greatly to the Prime Minister's credit that, under the circumstances, during the emergency of Saturday morning, she made proper use of the authority vested in her to make decisions. She decided wisely, with common sense and speedily in favour of the full mobilization of the reserves, despite weighty political considerations, thereby performing a most important service for the defence of the State.

Conclusion

33. In concluding this partial report, the Commission considers itself bound to reiterate that, despite the fact that it has not yet concluded the hearing of testimony on every matter relating to the conduct of the war up to conclusion of the containment stage, it is already in possession of much evidence clearly attesting that in the Yom Kippur War, the IDF was confronted by one of the most difficult challenges which could possibly confront any army — and emerged victorious. Despite the difficult initial position from which the IDF started out in the war, and despite the errors committed at this stage — partly detailed above, and partly to be detailed in the reasoning on this report — not only did it succeed in mobilizing the reserves at unprecedented speed, with all their complex formations, but at the same time it also blocked the massive invasion of enemy armies which had planned and trained for this onslaught over many years and, in the opening stages, had enjoyed the benefit of surprise. The IDF's success was secured at the cost of heavy and irreplaceable casualties, and thanks to the supreme heroism of all ranks, the endless powers of improvisation of its commanders, and the stability and strength of its basic organizational structure. These facts reinforce the Commission in its opinion that not only does the IDF possess the capacity to absorb criticism and draw the painful conclusions implied, but that it will thereby increase and enhance its strength.