



DEPARTMENT OF THE ARMY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
INTERNATIONAL AND OPERATIONAL LAW DIVISION  
1777 N. KENT STREET  
ROSSLYN, VIRGINIA 22209-2194

May 15, 2006

Rear Admiral Clarence A. Hill, Jr.  
Rear Admiral Merlin H. Staring  
U.S.S. Liberty Alliance  
P.O. Box 663  
Front Royal, Virginia 22630

Gentlemen,

Thank you for your letter of April 20<sup>th</sup>, regarding the Secretary of the Army's responsibility in investigating the tragic U.S.S. Liberty incident. I am responding on behalf of the Secretary.

The circumstances of the investigation conducted by the U.S. Navy into the attack on the LIBERTY, and the subsequent action taken by our government, are all too familiar to your organization. Admiral John S. McCain, Jr., Commander-in-Chief, U.S. Naval Forces, Europe, convened a Court of Inquiry with a wide mandate to investigate "all pertinent facts and circumstances leading to and connected with the armed attack" on USS LIBERTY. In his endorsement of the investigation report, Admiral McCain affirmed that "USS LIBERTY suffered an unprovoked attack by Israeli air and naval forces in international waters off the coast of the United Arab Republic." The Secretary of State communicated to the Government of Israel that "the attack must be condemned as an act of military irresponsibility reflecting reckless disregard for human life." Israel apologized and fully paid United States claims for the deaths and injuries as well as damage to USS LIBERTY caused by the attack.

The Secretary of the Army's responsibility with respect to alleged war crimes committed against U.S. personnel requires the Army to ensure there is a system for reporting and investigation of those allegations. Service Secretaries and Combatant Commanders, even under the latest regulations (Department of Defense Directive 2311.01E, published May 9, 2006), are charged with prompt reporting and investigation of alleged war crimes.

It is clear from the records maintained by the Department of the Navy that a prompt investigation was conducted by the Navy and the responsible Combatant Commander. The Court of Inquiry, which heard testimony from several officers and enlisted men from LIBERTY, including the commanding officer, produced an exhaustive record of proceedings over 650 pages in length. The military chain of command made appropriate findings and recommendations that resulted in the cable quoted above. In fact, the U.S. Government concluded that the Israeli government was culpable for the attack; the Government of Israel formally communicated its sincere expression of deep regret and subsequently paid U.S. claims in full for the deaths, injuries, and damages caused in the attack, thus closing the matter between the two governments. Therefore, further investigation by the U.S. military is unwarranted.

The Army recognizes and honors the sacrifice and uncommon bravery demonstrated by the officers and crew from our sister service on the U.S.S. LIBERTY on that fateful day. But no purpose would be served in re-opening an investigation into this tragic event.

If there is any further information I can provide on this matter, you can contact me at the above address. My email address is [Richard.Jackson@hqda.army.mil](mailto:Richard.Jackson@hqda.army.mil).

Sincerely,



Richard B. Jackson  
Special Assistant to the Judge Advocate General  
for Law of War Matters