

# *U. S. S. Liberty Alliance, Inc.*

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Dear Colleagues, and Their Families and Friends,

As a fellow member of the Navy - Marine Corps Retired Judge Advocates Association, I am directing this rather-imposing document package to each other member, plus a few of their friends – a total list of about 400 for the moment. As a preliminary, I address you on an interim letterhead of the U. S. S. Liberty Alliance, an organization which I presently serve as Treasurer. (That relationship will terminate shortly due to a relocation in store for me in the near future.) I was brought into the USS LIBERTY matter, in its present posture, chiefly by and through Admiral Thomas Moorer, our long-esteemed Chief of Naval Operations and later Chairman of the Joint Chiefs of Staff who most unfortunately passed away in early 2004. Admiral Moorer was succeeded in the letterhead organization by RADM Clarence A. (Mark) Hill, Jr., USN (Ret), with whom I now closely work.

So – what is this all about? It's about this: Back in June 1967 the USS LIBERTY, a U. S. Navy intelligence ship, was operating in the Mediterranean during the Israeli "Six Day War." A neutral ship in international waters, essentially unarmed, she was suddenly placed under concerted attack, over a period of several hours, by Israeli air and naval forces. Of a complement of 294 officers and men, she suffered 34 Americans killed and 173 wounded in action. The ship was badly damaged and never again sailed on an operational mission.

Admiral Moorer, who became CNO shortly after that attack, was personally convinced, based on information even then available, that the attack was a deliberate and knowing attack by Israel on our ship, despite the claim by Israel that it was a case of mistaken identity. He held that view through the rest of his active-duty career and through his retirement, to the time of his death. At his initiative, the U. S. S. Liberty Alliance was ultimately formed in support of the much-delayed public efforts of the survivors of the attack to determine, and to have accurately recorded in our nation's history, the true facts and nature of the event.

I, personally, had at the time only brief and glancing contact with the Navy's resulting investigation – a Court of Inquiry convened by Admiral John Sidney McCain, Jr., then Commander in Chief, U. S. Naval Forces Europe. My sole formal contact was to receive the record of that Inquiry when it was submitted to the Convening Authority for his action. As Admiral McCain's senior staff legal officer, I was asked to review that record of about 650 pages. I immediately undertook that

review. I had the record for a total of about 18 hours, during 15 of which I concentrated solely upon it. At the end of that time Admiral McCain, learning that I was having problems finding evidence in the record to support some of the Court's findings (though only about a third of the way through it), withdrew the record from me. I had no input into his action upon it, and I had no further official contact with the matter during the rest of my active-duty career which concluded in 1975.

Not until many years later did I learn some of the facts related to the Navy's 1967 investigation and the experiences of the survivors both during and after the attack. I will mention here only these basic facts concerning that inquiry – though there are many others of significance: When the Court convened on 10 June 1967 in London, it was ordered to conduct and to complete its investigation within one week. It did so, meeting for portions of only five calendar days and having in the process requested of the Convening Authority additional time, which request was denied. In its report the Court cited, as an “unusual difficulty” it had experienced in conducting its proceedings, “the necessity of investigating such a major naval disaster of international significance in an extremely abbreviated time frame.” During its three days with the ship in drydock in Malta, the Court heard from only 14 of the 260 surviving members of LIBERTY's complement – many of her 172 wounded crewmen, including many who had been at the heart of the action, having been evacuated to other U. S. Navy vessels and shoreside facilities for medical attention. Never thereafter were those critically important eyewitnesses officially questioned concerning their observations of or experiences during the attack.

With that background of the matter – highly condensed for these present purposes – Admiral Hill and I wrote to the Secretary of the Navy on 27 July 2005, setting forth those and many other telltale facts. We respectfully asked the Secretary to examine and appraise the records of his Department to which we thus referred, and to consent to and support the efforts of the LIBERTY survivors to generate a full, fair, and objective U. S. Government investigation into the facts and records of the attack upon their ship. On 22 September 2005 a subordinate in the Office of the Judge Advocate General of the Navy, speaking on behalf of the Secretary, answered, stating that there was “no purpose to further investigation,” thus refusing to examine the facts of record which clearly revealed that investigation to have been grossly and blatantly inadequate to its stated purposes.

On 8 June 2005 the survivors' Liberty Veterans Association had filed with the Secretary of the Army, as Executive Agent for the Department of Defense in War Crimes matters, an extensive, documented report of War Crimes alleged to have been committed against LIBERTY and her crew during the 1967 attack. The Secretary of the Army, under his charter, is responsible for ensuring that all such War Crimes allegations are “thoroughly investigated,” so we in turn wrote to him on 20 April 2006, asking that he consider and appraise the Navy's 1967 Court of Inquiry, in all of its utter inadequacy, and that he institute a proper investigation now to supplant that inquiry and remedy its deficiencies. On 15 May 2006 a Special Assistant to the Judge Advocate General of the Army responded – again on behalf of his Departmental Secretary – taking no note of our demonstration of the superficiality and inadequacy of the Navy's hasty 1967 Inquiry and concluding that “further investigation by the U. S. military is unwarranted.”

It's being then apparent that no cognizant Defense authority in the Executive Branch of the Government would consent or attempt to reopen the matter that had been so hastily swept under the rug back in 1967, and remained officially there, Admiral Hill and I have on 22 July 2006 written formally to Senator John Warner, Chairman of the Senate Committee on Armed Services, enclosing a complete file of the relevant documents I have described above. (I had earlier, myself, written informally to the Senator about the prior stages of the process, in light of his past service as our Navy Secretary and his known interest and fairness in related matters.) The package below this cover memo is the full file that we thus presented to Senator Warner and to each member of his Committee. We ask there that the Legislative Branch of our Government now step in to conduct or to order a full and proper official U. S. Government investigation of the 1967 assault on the LIBERTY while many participants and eyewitnesses remain still available to testify.

Our communication to the Congress was the subject of a personal meeting in late July between Liberty Alliance representatives, including Admiral Hill, and a designated member of Senator Warner's staff. At this writing we have an appointment for a further meeting with a cognizant member of his Committee staff. In our letter to the Senator we assured him of our keen awareness of the delicacy of the matter from a diplomatic standpoint – an earnest concern in which we yield to no one. In light of that very concern, when we next meet we will suggest – as we have long espoused – that Congress, rather than institute its own hearings, might direct instead that the Department of the Navy now conduct, for the record, the full, fair, and objective investigation that it should have conducted back in 1967.

I tell you all of this because, as “alumni” of the organization, I think you have a right to know, and should know, how the legal affairs of the Navy have been and are being conducted, both during our mutual service years and since. I submit that not a single Navy or Marine Corps Judge Advocate addressed by this letter would or could conscientiously spring to the defense of the validity or the reliability of that farcical 1967 Court of Inquiry and its sequelae. I cannot bring myself to think that any of our present or past Judge Advocate successors have allowed themselves to be coopted into ignoring the points we have thus repeatedly made, and I can only believe that they have either been denied the opportunity to apply their professional qualifications or directly ordered to ignore their clear professional duties.

I shall not report further, to this address list, on future developments in the matter. We have had recent changes in the management, organization, and administration of the Liberty Alliance, however -- explaining my use here of the temporary, interim letterhead rather than the one seen below in the document file. We shall in the very near future have a new letterhead reflecting those changes. I will then address a further, and far shorter, communication to each of you, explaining briefly who we are, where we may be reached, and what we are about.

Sincerely, and most cordially, to all,

  
Merlin Staring