



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON NAVY YARD
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WASHINGTON DC 20374-5086

IN REPLY REFER TO

5800
10/440
October 31, 2006

The Honorable Thomas Reynolds
Attn: Sarah Lojacono
500 Essjay Road, Suite 260
Williamsville, NY 14221

Dear Mr. Reynolds:

Thank you for your fax of October 26, 2006, to Mr. Robert Wilkie concerning an inquiry from your constituent, Mr. John Hrankowski, about the attack on USS LIBERTY in 1967.

Regarding the aircraft launched to come the assistance of LIBERTY, the Sixth Fleet Commander recalled them after being informed that the Israelis had attacked the ship by mistake. The attack did not continue for another 90 minutes after the recall. The recall was subsequent to the Israeli torpedo boats ceasing the attack upon discovering the mistake and inquiring whether LIBERTY needed assistance.

Destruction of the life rafts prior to their use (along with other topside equipment) was a consequence of the overall attack on the LIBERTY from Israeli aircraft and torpedo boats. The following excerpts of testimony from the Navy's Court of Inquiry provide the circumstances. USS LIBERTY's Commanding Officer, Captain McGonagle, testified that LIBERTY's machine guns opened fire first on the torpedo boats, and that, "As far as the torpedo boats are concerned, I am sure that they felt they were under fire from USS LIBERTY. At this time, they opened fire with their gun mounts and in a matter of seconds, one torpedo was noted crossing astern of the ship at about 25 yards." Lieutenant Painter testified, "At this time, the DC central passed the word to prepare to abandon ship. We then filed out to our life rafts which were no longer with us because they had been strafed and most of them were burned, so we knocked most of them over the side. At this time the torpedo boats, three of them, that had torpedoed us, were laying off, waiting for us to sink, I believe. Anyway, they didn't come near us at this time."

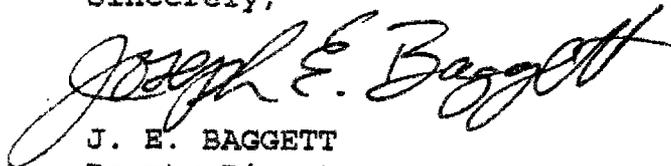
Regarding an investigation, Admiral John S. McCain, Jr., promptly convened a Court of Inquiry, an investigatory body

authorized by federal statute and used for major incidents. The Court of Inquiry investigated the facts and circumstances concerning the attack on USS LIBERTY soon after the event. In his endorsement of the investigation report, Admiral McCain found that LIBERTY suffered an unprovoked attack by Israeli air and naval forces in international waters. The Secretary of State communicated to the Government of Israel, "the attack must be condemned as an act of military irresponsibility reflecting reckless disregard for human life." 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. Further investigation is therefore not warranted.

We recognize and honor the sacrifice and uncommon bravery demonstrated by the officers and crew in LIBERTY on that fateful day.

As always, if I can be of any further assistance, please let me know.

Sincerely,



J. E. BAGGETT
Deputy Director
International and Operational Law Division