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GUARD AND MARITIME TRANSPORTATION



Duncan Hunter
U.S. House of Representatives
50th District, California

WASHINGTON, DC OFFICE:
223 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-5672

DISTRICT OFFICES:
EL CAJON TELEPHONE: (619) 448-5201
ESCONDIDO TELEPHONE: (760) 743-3260
TEMECULA TELEPHONE: (951) 695-5108

March 25, 2014

The Honorable Chuck Hagel
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Hagel:

I want to commend you for your commitment to review military decorations and awards, incorporating some of the lessons learned over more than a decade of military action. While I recognize the comprehensive review announced last week was prompted in large part on the controversy that originated from the proposed Distinguished Warfare Medal, it is my hope that you will use the opportunity to examine the inconsistencies in the Medal of Honor award process.

The cases of four Marines—Bradley Kasal, Rafael Peralta, Jason Dunham and Kyle Carpenter—are useful to illustrate the inconsistencies in the process for awarding the Medal of Honor. To be absolutely clear, I firmly believe that all four of these Marines performed actions that are in the spirit and tradition of the Medal of Honor and they deserve to be recognized by the nation's highest award for combat valor, as is the case with Carpenter, who will be presented the award soon, and Dunham, who received the award posthumously. For each of these Marines, their actions are uniquely similar. Enemy grenades were involved and each Marine either covered the grenade blast or intentionally shielded others. All of them preserved the lives of their fellow Marines.

In the case of Dunham, he covered a grenade with his helmet, absorbing the blast. He received the Medal of Honor.

In the case of Peralta, he swept a grenade into his body and absorbed the brunt of the blast. He was posthumously awarded the Navy Cross.

In the case of Kasal, he jumped on the back of another Marine to shield him from a grenade. Wounded, he pulled the Marine to a safer location and guarded him for nearly an hour. Kasal was awarded the Navy Cross.

In the case of Carpenter, he covered a grenade blast and saved the life of another Marine. He is due to receive the Medal of Honor, according to reports.

The cases of Peralta and Carpenter require further examination. For Carpenter, reports indicate that there were no witnesses to the event after the grenade was thrown, so added reliance was placed on the Marine Corps' investigation and the medical evidence, including the fact that the blast seat of the grenade was found under Carpenter's torso. The Corpsman who triaged the injuries rightly states that the injuries and other evidence are consistent with a detonation as described, further stating, "Grenade blasts blow up; they don't blow down. If he hadn't done it, what we found would have looked completely different."

Now, compare Carpenter's case to Peralta. Marines saw the grenade thrown but what happened next, according to witnesses, differed depending on lines of sight. Therefore, it is necessary to examine all the material and physical evidence, including Peralta's body armor, which visibly shows damage where the grenade detonated. Most assuring, the fuse from the grenade was recovered from Peralta's body armor, center-mass. However, in the written response you provided to my office following your decision not to reopen Peralta's case, you stated that this and other supporting evidence indicates the grenade detonated some distance to his left side. This assumption would indicate that either the grenade fuse landed in Peralta's body armor, which is impossible because he was lying face down, or the grenade fuse somehow moved from the spot of detonation and lodged underneath Peralta, affixing to his body armor. Neither scenarios are plausible, nor are they supported by the facts.

Also, in your response, you state that the Defense Department standard is that the "MoH recommendations must include eyewitness statements." Should none exist or lines of sight differ and accounts differ, then it is necessary to fully examine all other information needed to make an appropriate judgment. And, in that regard, all cases must apply the same standards.

In the case of Kasal, his shielding-action alone demands consideration for the Medal of Honor, due to the fact that he intentionally covered another Marine from a grenade blast, knowing full-well the risk to his own life. His actions following the explosion are no less heroic. In this case in particular, especially when considering that still not one living person has received the Medal of Honor for valor in Iraq, is it not the action alone—rather than the outcome—that warrants consideration for the Medal of Honor?

There are many others, including Brian Chontosh and Alwyn Cashe, who are clearly misrepresented by the same process. They too are examples of the subjectivity in a process that should have absolutely none.

One of the great mysteries of the war in Iraq is that there has yet to be a living Medal of Honor recipient from that entire operation. That is something within your power to change through the comprehensive review you are undertaking. The same goes for inconsistencies in the Medal of Honor awards process, as illustrated but not limited to those identified above.

On the issue of awards and decorations more broadly, I have observed a broken awards process that fails to fully represent the heroic actions of our military heroes. In several cases specific to the Army, beyond the case of former Army Captain and Medal of Honor recipient Will Swenson, there is a pattern of lost or misplaced paperwork for top awards. On several occasions, despite the errors originating within the Army, the only way the service branch is willing to reexamine these cases is if “new” evidence is submitted. I hope to discuss one case in particular with you or your staff.

Through the wars in Iraq and Afghanistan, the Medal of Honor process has worked as it should on 13 occasions (soon to be 14), given that there are now that many recipients of the top award. For the rest who were either denied or downgraded, there is still an opportunity to do the right thing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Duncan Hunter". The signature is stylized and cursive, with a large initial "D" and "H".

Duncan Hunter
Member of Congress