

109TH CONGRESS
2D SESSION

H. CON. RES. 452

Expressing the sense of Congress that the Department of Defense should provide full disclosure regarding the details of the deaths of members of the Armed Forces to their families at the earliest possible date.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2006

Ms. WATERS submitted the following concurrent resolution; which was referred to the Committee on Armed Services

CONCURRENT RESOLUTION

Expressing the sense of Congress that the Department of Defense should provide full disclosure regarding the details of the deaths of members of the Armed Forces to their families at the earliest possible date.

Whereas Patrick Tillman was an American football player who left a successful sports career to enlist in the Army in May 2002 following the terrorist attacks of September 11, 2001;

Whereas Corporal Tillman served in the second battalion of the 75th Ranger Regiment;

Whereas an Army spokesperson stated that Corporal Tillman was killed on April 22, 2004, while his unit was attacked in an apparent ambush on a road outside of the village of Sperah, Afghanistan;

Whereas on May 28, 2004, his family, and the American public, learned that he died as a result of a friendly fire incident;

Whereas Army officials had misled the Tillman family about the details of his death without justification;

Whereas his family and other critics allege that the Army unduly delayed disclosing the truth about Corporal Tillman's death until weeks after his memorial service in order to protect the image of the Armed Forces;

Whereas the Tillman family requested Brigadier General Gary M. Jones to produce a report on the circumstances surrounding Corporal Tillman's death;

Whereas the report received media attention and revealed that, in the days immediately following Corporal Tillman's death, investigators and senior officers, including General John Abizaid, the commander of the United States Central Command, were aware that Corporal Tillman was killed by friendly fire;

Whereas the Army awarded Corporal Tillman the Silver Star, a Purple Heart, and a posthumous promotion to corporal;

Whereas the citation report accompanying these awards indicated that Corporal Tillman was killed by enemy forces and contained a false account of a battle that members of Army leadership knew had never taken place;

Whereas military officials have admitted inaccurately describing the deaths of other members of the Armed Forces, including Specialist Patrick R. McCaffrey, Sr., of Tracy, California, and Second Lieutenant Andre D. Tyson of Riverside, California;

Whereas the deaths of Specialist McCaffrey and Second Lieutenant Tyson were originally attributed to an ambush during a patrol near Balad, Iraq, on June 22, 2004;

Whereas Specialist McCaffrey and Second Lieutenant Tyson were actually killed by Iraqi forces who were being trained by the United States military and who had fired at United States soldiers twice before;

Whereas before his death, Specialist McCaffrey reported the inappropriate actions by the Iraqi security forces to his superiors;

Whereas the Army waited nine months after completing an investigation into their deaths before notifying relatives the soldiers were killed by Iraqi troops; and

Whereas military officials have misled or failed to disclose details regarding the deaths of other members of the Armed Forces in a timely manner: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) the Secretary of Defense should ensure that
4 the military provides full disclosure regarding the
5 details of the deaths of members of the Armed
6 Forces to their families at the earliest possible date;
7 and

8 (2) any member of the Armed Forces or a civil-
9 ian employee of the Department of Defense who in-
10 tentiously misleads, misrepresents, fails to act, acts
11 in an unreasonably dilatory manner, or is complicit
12 in a conspiracy to withhold from the families of the

1 fallen heroes of the Armed Forces a thorough, time-
2 ly, and accurate explanation as to the circumstances
3 and time of that member's death should be pros-
4 ecuted for every offense under Federal law that ap-
5 plies, including offenses under chapter 47 of title 10,
6 United States Code (the Uniform Code of Military
7 Justice), as applicable, and if convicted should be
8 punished to the maximum extent that the law allows.

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