
HOUSE CONCURRENT RESOLUTION

STRONGLY URGING THE SECRETARY OF DEFENSE AND THE PRESIDENT OF THE UNITED STATES TO AWARD SERGEANT RAFAEL PERALTA THE MEDAL OF HONOR.

1 WHEREAS, Rafael Peralta was born in Mexico City, Mexico, on
2 April 7, 1979, to Rafael and Rosa Peralta, and was the oldest
3 child of four siblings; and
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5 WHEREAS, Rafael Peralta enlisted in the Marine Corps in
6 2000, the day after he got his green card and completed boot
7 camp at the Marine Corps Recruit Depot in San Diego; and
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9 WHEREAS, during his training at Camp Pendleton's School of
10 Infantry, Rafael Peralta earned the military specialty 0311,
11 also known as Marine Rifleman, and was then issued orders to the
12 3rd Marines Regiment stationed at Marine Corps Base Hawaii in
13 Kaneohe; and
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15 WHEREAS, his battalion redeployed to Iraq's Anbar Province
16 in 2004 as part of Operation Phantom Fury to battle insurgents
17 in their stronghold of Fallujah; and
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19 WHEREAS, on November 15, 2004, while assisting one of his
20 rifle platoon's squads to clear a house of terrorists and
21 insurgents, Sergeant Peralta was mortally wounded when he
22 smothered an enemy grenade with his body to protect the soldiers
23 in his platoon, and is credited for saving the lives of six of
24 his fellow Marines; and
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26 WHEREAS, for Sergeant Peralta's heroic actions, he was
27 awarded the Purple Heart and Navy Cross; and

1 WHEREAS, during his military career, he was also awarded
2 the Good Conduct Medal, National Defense Service Medal, the Iraq
3 Campaign Medal, Combat Action Ribbon, and the Sea Service
4 Deployment Ribbon; and

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6 WHEREAS, upon hearing of Sergeant Peralta's bravery, in
7 late 2004, United States Representative Bob Fliner wrote a
8 letter to then Marine Corp Commandant General Michael Hagee
9 recommending Sergeant Rafael Peralta for the Medal of Honor, the
10 nation's highest military award for valor in action against an
11 enemy force that can be bestowed upon an individual serving the
12 United States armed forces; and

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14 WHEREAS, Defense Secretary Robert Gates convened a
15 five-member board, which on September 18, 2008, concluded that
16 Sergeant Rafael Peralta's actions did not warrant the Medal of
17 Honor, citing that the evidence did not meet the exacting "no
18 doubt" standard necessary to support the awarding of the
19 nation's highest military award; and

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21 WHEREAS, in November 2008, Defense Secretary Robert Gates
22 rejected a request by several members of Congress to upgrade the
23 valor award for Marine Sergeant Rafael Peralta and announced his
24 decision not to conduct further reviews into Sergeant Peralta's
25 actions; now, therefore,

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27 BE IT RESOLVED that the House of Representatives of the
28 Twenty-fifth Legislature of the State of Hawaii, Regular Session
29 2009, the Senate concurring, that the Legislature strongly urges
30 the Secretary of Defense to reconsider his decision to not award
31 the medal of honor to Sergeant Rafael Peralta; and

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33 BE IT FURTHER RESOLVED that, in reconsidering the foregoing
34 decision, the Secretary of Defense is respectfully requested to
35 consider all the facts and circumstances surrounding the
36 sacrifice made by Sergeant Peralta, and give substantial weight
37 to the statements of the Marines who personally witnessed the
38 incident, which statements establish without a doubt that the
39 Medal of Honor should be awarded to Sergeant Peralta, rather
40 than basing the decision on the conclusions of a pathologist who
41 did not witness the incident, which conclusions have been
42 disputed by at least four other medical experts, including
43 Sergeant Peralta's battalion surgeon, two neurosurgeons, and a
44 neurologist who examined the autopsy reports; and

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2 BE IT FURTHER RESOLVED that the current President of the
3 United States have an opportunity to examine all the facts and
4 circumstances surrounding the sacrifice made by Sergeant Rafael
5 Peralta for his fellow soldiers and for the current President to
6 have an opportunity to comment on the issue of whether or not to
7 award the Medal of Honor to Sergeant Rafael Peralta; and

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9 BE IT FURTHER RESOLVED that certified copies of this
10 Concurrent Resolution be transmitted to the President of the
11 United States, the Secretary of Defense, each member of Hawaii's
12 congressional delegation, the President of the Senate and
13 Majority Leader of the United States Congress, Speaker of the
14 House of the United States Congress, and the mother of Sergeant
15 Rafael Peralta.