

STAND. COM. REP. NO.

1466

Honolulu, Hawaii

APR 21 2009

RE: H.C.R. No. 19
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred H.C.R. No. 19, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE SECRETARY OF DEFENSE AND THE PRESIDENT OF THE UNITED STATES TO AWARD SGT. RAFAEL PERALTA THE MEDAL OF HONOR,"

begs leave to report as follows:

The purpose of this measure is to strongly urge the Secretary of Defense and the President of the United States to award the Congressional Medal of Honor to Sergeant Rafael Peralta.

Your Committee did not receive testimony on this measure.

Your Committee finds that the story behind the ultimate sacrifice made by Sergeant Rafael Peralta has gained national attention and notoriety. Your Committee also finds that in considering the award of the Medal of Honor, the Secretary of Defense should consider all the facts and circumstances surrounding the sacrifice made by Sergeant Rafael Peralta, including giving substantial weight to the statements of the Marines who personally witnessed the incident, rather than the conclusions of a pathologist who did not witness the incident.

Your Committee further finds that the current Presidential Administration has not had an opportunity to examine the facts and circumstances of Sergeant Rafael Peralta's sacrifice or the



opportunity to comment on the issue of awarding the Medal of Honor to Sergeant Rafael Peralta.

Your Committee has amended this measure by:

- (1) Requesting the Secretary of Defense to consider all the facts and circumstances surrounding the sacrifice made by Sergeant Rafael Peralta, including giving substantial weight to the statements of the Marines who personally witnessed the incident, rather than basing the decision on the conclusions of a pathologist who did not witness the incident, especially when those conclusions have been disputed by at least four other experts, including Sergeant Peralta's battalion surgeon, two neurosurgeons, and a neurologist who examined the autopsy reports.
- (2) Adding the requirement for the current President of the United States to have an opportunity to examine all the facts and circumstances surrounding the sacrifice made by Sergeant Rafael Peralta for his fellow soldiers and for the current President to have an opportunity to comment on the issue of whether or not to award the medal of honor to Sergeant Rafael Peralta; and
- (3) Adding Sergeant Peralta's mother to the list of persons to whom this Concurrent Resolution be transmitted; and
- (4) Making technical, nonsubstantive amendments for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 19, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 19, H.D. 1, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Military Affairs,

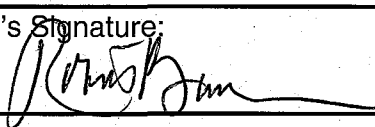
Will Espero

WILL ESPERO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HCR 19, HDI</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">PSM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">4-16-09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	X			
BUNDA, Robert (VC)	X			
ENGLISH, J. Kalani				X
GABBARD, Mike	X			X
GALUTERIA, Brickwood	X			
KIDANI, Michelle N.	X			
HEMMINGS, Fred				X
TOTAL	5	X		2
Recommendation: <div style="display: flex; justify-content: space-around; align-items: center;"> <input checked="" type="checkbox"/> Adopted <div style="font-size: 1.2em; font-family: cursive;">H</div> <input type="checkbox"/> Not Adopted <div style="font-size: 1.2em; font-family: cursive;">H</div> </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**