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Congress of the United States  
House of Representatives  
Washington, DC 20515

17 January 2012

The Honorable Leon E. Panetta  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Mr. Secretary:

On 18 September 2011 Army Specialist Chazray Clark, on patrol in Kandahar province, suffered major injuries as a result of an improvised explosive device.

Despite his grievous injuries, Specialist Clark was alive and talking when his buddies transported him back to the landing zone (LZ) to await the Army Dustoff MEDEVAC, just a few minutes away at FOB Pasab or further away at Kandahar Airfield (KAF).

Under current Army policy, Dustoffs are unarmed and must await escort if the casualty is in an area designated "high risk". As there is a well-known shortage of helicopters in Afghanistan, delays can and do occur. Since the area he was operating in was considered "high risk", Specialist Clark waited nearly thirty minutes at the LZ before the MEDEVAC arrived to take him to KAF.

According to a U.S. Central Command analysis, provided by the Joint Staff to the Armed Services Committee, which my staff has reviewed, "the delay was due to the need to confirm that none of the escorts in the air were able to leave their present mission and then to notify an AH-64 crew to move out to their aircraft, run it up, and fly to meet the MEDEVAC." While the Army was following its current protocol, an unarmed MEDEVAC was reportedly just minutes from Specialist Clark.

I understand the Army has adopted its current MEDEVAC policy, in part, as a demonstration of its commitment to the Geneva Convention. By comparison, the Air Force, Special Operations Command and our British allies fly search and rescue missions and MEDEVAC missions without the red cross and with armed aircraft. The fact that other services perform similar missions armed and unmarked implies a difference of opinion on the specific requirements of the Geneva Convention.

Unfortunately, Mr. Secretary, the Taliban are not party to the Geneva Convention. While I expect our armed forces to conduct operations in accordance with the laws of war, I find it peculiar that the Army alone would shackle itself unnecessarily in conducting the critical mission of saving the lives of our warfighters. Why has the Army, alone among the services and our British allies, determined to limit itself in this way?

The Central Command analysis lays out a reasonable and detailed account of the events surrounding the MEDEVAC mission to recover Specialist Clark. It concludes that the "MEDEVAC circumstances surrounding" the incident "*did not* [emphasis mine] contribute to the untimely death" of Specialist Chazray Clark. This is a surprisingly bold assertion and I would like to understand better the facts that lead to that conclusion.

While the exact amount of response time can be debated, the fact remains that the Army policy currently in place contributed to a significant delay in transporting Specialist Clark to the hospital at Kandahar Airfield. Would there have been a similar delay if the Dustoff at FOB Pasab had been armed? If the MEDEVAC had been armed and waiting at the LZ, would getting Specialist Clark to KAF thirty minutes earlier saved his life?

I cannot state with certainty whether or not Specialist Clark's life would have been saved by getting him to Kandahar sooner. However, we do know that the minutes after a battlefield wound are crucial and getting the wounded to proper medical care rapidly is vital. The reported delay in getting Specialist Clark to Kandahar is absolutely unacceptable.

Unfortunately, my staff has learned that this is not an isolated incident, but that there have been other delayed MEDEVAC flights due to a lack of availability of an escort aircraft. Any delays as a result of this policy are unacceptable and must be corrected.

Army Dustoff MEDEVAC crews have been doing an outstanding job of retrieving and caring for our wounded. If wounded in combat, the American soldier or Marine's probability of survival is today greater than at any time in our history. Nothing I have written here should be interpreted as questioning the commitment and bravery of our young men and women involved in this dangerous and vital mission.

What I do question, however, is any policy commitment that would impede even a single wounded soldier or Marine from receiving medical care in the least amount of time possible. I would encourage the Army to reconsider this policy.

I look forward to reading your thoughts regarding this issue, before you visit with the Armed Services Committee next month.

Sincerely,



W. Todd Akin  
Member of Congress

CC: Honorable John McHugh, Secretary of the Army