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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

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July 13, 2007

The Honorable Robert M. Gates  
Secretary of Defense  
Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Dear Mr. Secretary:

On April 27, 2007, the Committee requested documents from the Department of Defense relating to the death of U.S. Army Corporal Patrick Tillman. In response, the Department has produced approximately 8,467 pages of documents to the Committee. While we appreciate these efforts, we have concerns about omissions in the Department's production. Despite several inquiries from Committee staff, the Department has not provided an adequate explanation for its failure to provide a complete production to the Committee.

The Committee's April 27, 2007, letter requested from various Defense Department offices all documents received or generated between April 1, 2002, and July 1, 2004, relating to Corporal Tillman. The Committee requested these documents by May 18, 2007. Yet today, more than ten weeks after the Committee's request, the Department has failed to produce any documents whatsoever from the following offices:

- General John Abizaid's office at U.S. Central Command;
- General Doug Brown's office at U.S. Special Operations Command;
- Brigadier General Howard Yellen's office at U.S. Army Special Operations Command; and
- Acting Secretary Les Brownlee's office at the Department of the Army.

There also appear to be omissions in the documents the Department has provided to the Committee. For example, the document production from the office of former Defense Secretary Donald Rumsfeld appears to be missing documents. Secretary Rumsfeld has stated that he

“received word of this development [the fratricide] sometime after May 20, 2004.”<sup>1</sup> Yet the Department has produced only three documents to or from the Secretary himself. These are a letter welcoming Corporal Tillman into the Army, a condolence letter to the Tillman family after his death, and a handwritten note from an acquaintance suggesting that Secretary Rumsfeld name a military base after Corporal Tillman.<sup>2</sup> There are no documents showing how the Secretary was informed that Corporal Tillman was killed by his own unit, and there are no documents indicating when this information was provided to him, whether on May 20, 2004, or any other date.

Documents also appear to be missing from the office of Lawrence Di Rita, who served in a dual capacity as head of public affairs and special assistant to Secretary Rumsfeld. Mr. Di Rita was charged with overseeing press inquiries for the Department, yet the Pentagon’s document production includes no media inquiries to Mr. Di Rita regarding Corporal Tillman and no correspondence with media outlets during this time. In fact, the Defense Department has produced only one e-mail sent by Mr. Di Rita, which was written on April 23, 2004, the day after Corporal Tillman was killed. In response to an inquiry for details regarding Corporal Tillman’s death from Jeanie Mamo, a deputy assistant to the president and director of media affairs at the White House, Mr. Di Rita responded, “see what we can do. details are sketchy just now.”<sup>3</sup> There are no further e-mails indicating what follow-up Mr. Di Rita did.

We would like to avoid a confrontation over these documents, if possible. For that reason, we will narrow the time period covered by the Committee’s request to the period from April 22, 2004, the day Corporal Tillman was killed, to July 1, 2004. But as the Committee has scheduled a hearing on this issue for August 1, 2007, continued delay in production would frustrate the Committee’s investigation. We must therefore insist that that the Department provide by July 25, 2007, all responsive documents from the offices mentioned above.

In addition, we ask that the Defense Department provide a briefing to Committee staff before the close of business on July 18, 2007, to explain in detail the Department’s method for searching for responsive documents.

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<sup>1</sup> Letter from Donald Rumsfeld, Secretary of Defense, to Thomas Gimble, Acting Inspector General, Department of Defense (Dec. 15, 2006).

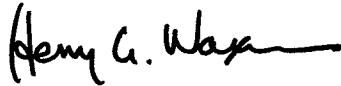
<sup>2</sup> Letter from Donald Rumsfeld, Secretary of Defense, to Patrick Tillman (undated) (DOD 7535); Letter from Donald Rumsfeld, Secretary of Defense, to Mrs. Marie Tillman (May 3, 2004) (DOD 7536); Letter from Dr. David Chigos, Navy League of the United States, to Donald Rumsfeld, Secretary of Defense (Apr. 23, 2004) (DOD 7537-38).

<sup>3</sup> E-mail from Lawrence Di Rita, Assistant Secretary of Defense for Public Affairs, to Jeanie Mamo, White House Communications Office (Apr. 23, 2004) (DOD 100).

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The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. If you have any questions regarding this request, please contact one of us or ask your staff to contact the Committee staff.

Sincerely,



Henry A. Waxman  
Chairman



Tom Davis  
Ranking Minority Member