

CHRONOLOGY OF DOD POLICY ON IMAGES OF THE HONORS PROVIDED TO AMERICAN CASUALTIES

Media reporting of the return of fallen soldiers to the United States and ceremonies honoring American military personnel killed overseas have long figured heavily in the nation's collective mourning. During the Vietnam War, these images appeared regularly on television and in print news sources. In the 1980's, as well, media reporting concerning honor rituals and ceremonies for soldiers was commonplace:

- 1980: President Carter was photographed at Arlington praying over flag-draped coffins bearing the remains of the eight U.S. airmen killed in the aborted rescue of the Tehran Embassy hostages.¹
- 1983: President Reagan was present at Andrews AFB for a ceremony for American diplomatic and military personnel killed in the April bombing of the U.S. Embassy in Beirut. He was photographed in front of a row of flag-draped coffins bearing the remains of military and diplomatic personnel.² Within a few days of the ceremony photographs were provided to the media by the White House.
- 1985: President Reagan attended a ceremony at Andrews AFB for military personnel killed in El Salvador, pinning purple hearts on their flag-draped caskets. The event was covered by the media.³
- 1989: The media covered ceremonies at Norfolk, Virginia for 47 U.S. sailors killed in an accidental explosion aboard the battleship U.S.S. Iowa.⁵

The practice of permitting media coverage of fallen soldiers' return to the United States was curtailed in 1991, during the Gulf War:

- February 2, 1991: "Media coverage of the arrival of [] remains at the port of entry or at the interim stops will not be permitted..." *Public Affairs Guidance – Operation Desert Storm*, Casualty and Mortuary Affairs, Office of the Secretary of Defense (Arlington, VA), Feb. 2, 1991.

There have been many occasions since that time, however, when exceptions were made to permit media coverage.

- April 1996: The media photographed the arrival and transfer ceremony at Dover AFB for the remains of Commerce Secretary Ron Brown and 32 other Americans killed when their plane crashed in Croatia. President Clinton was present to receive the flag-draped caskets.⁶
- August 1998: The media photographed the arrival ceremony at Andrews AFB for Americans killed in simultaneous bombings of our embassies in Tanzania and Kenya; the Pentagon released a number of photographs as well, including one showing the transfer of the coffins at Ramstein AFB.⁷
- October 2000: The Defense Department distributed photographs of caskets arriving at Dover AFB bearing the remains of military personnel killed in the bombing of the U.S.S. Cole.⁸

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- March 2001: The Defense Department released photographs of caskets being transferred at Ramstein AFB; the caskets bore the remains of six military personnel killed in a training accident in Kuwait.⁹
- September 2001: The Department of the Air Force published a photograph of the arrival and transfer at Dover AFB of the remains of a victim in the 9/11 attack on the Pentagon.¹⁰
- October 7, 2001: Military action commenced in Afghanistan.
- November 2001: Department of Defense restated the ban on media coverage at Dover AFB and at Ramstein AFB.¹¹
- November 2001: The media was given access to Andrews AFB for the arrival and transfer of Johnny Micheal Spann's remains; Mr. Spann was the first American to die in the invasion of Afghanistan.¹²
- March 2002: The media photographed the arrival at Ramstein AFB of seven flag-draped caskets carrying the remains of U.S. soldiers killed in Afghanistan.¹³
- April 2002: The media was permitted to photograph the transfer of flag-draped coffins at Ramstein AFB that carried the remains of four U.S. soldiers killed in Afghanistan.¹⁴
- February 2003: NASA released photographs showing the transfer of the space shuttle Columbia astronauts' remains at Dover AFB.¹⁵
- March 2003: Defense Department issued an expanded policy banning media coverage of fallen soldiers' caskets.¹⁶
- March 2003: The media was permitted to photograph the loading of six flag-draped coffins in Kabul, Afghanistan destined for Dover AFB. The soldiers were killed in hostilities in Afghanistan.¹⁷
- March 20, 2003: Military action commenced in Iraq.
- March 26, 2003: Deputy Under Secretary of Defense for Military Community and Family Policy Molino Briefing on Casualty Notification discussed the policy barring media coverage as part of a broader discussion of casualty notification procedures. This appears to be the first public discussion of the policy by the military since the initiation of the 2001 Afghanistan and 2003 Iraq conflicts.
- November 2003: Photographs of a Korean War soldier's remains as they were unloaded at Hickam AFB (Hawaii) are released to the media by the Defense Department. The coffin was draped with a flag -- identical to those caskets currently returning from Iraq.¹⁸

- November 2003: Russ Kick filed a Freedom of Information Act request for images of the honor guard ritual at Dover Air Force Base taken from February 2003 to the Present. The request was denied and Mr. Kick files an administrative appeal.
- As of March 29, 2004: Dover Air Force Base Mortuary maintained a home page which included a photograph of flag draped caskets being returned to Dover in a transport aircraft. This web site has since been taken offline. See http://www.thememoryhole.org/war/coffin_photos/ (final image on the page).
- April 14, 2004: 361 images of soldiers' and astronauts' flag draped caskets being handled at Dover Air Force Base were released to Russ Kick of thememoryhole.org in response to an administrative appeal of a Freedom of Information Act request.
- April 22, 2004: Deputy Under Secretary of Defense for Military Community and Family Policy Molino Briefing on Remains Transfer Policy in response to questions about exceptions to the media ban says "I don't know that there's a general standard or a threshold through which you have to pass to say by golly that's the one we'd have to waive it for." He further explains "There have been exceptions to the policy, you're absolutely correct; and they're directed by my superiors when that occurs. I don't know what would go in to say that we've crossed that threshold."

¹ James Madore, *The Ban on Military Pictures of Fallen Soldiers*, NEWSDAY, Apr. 18, 2004, at A04.

² <http://www.reagan.utexas.edu/photos/large/c14159-28a.jpg> (Ronald Reagan Presidential Library)

³ Dana Milbank, *Curtains Ordered for Media Coverage of Returning Coffins*, THE WASHINGTON POST, Oct. 21, 2003 at A23.

⁵ Gregg Zoroya, *Return of U.S. War Dead Kept Solemn, Secret*, USA TODAY, Dec. 31, 2003, at 4A.

⁶ *Crash victims' families mourn at somber Dover ceremony*, CNN (Online Edition), Apr. 6, 1996, available at <http://www.cnn.com/US/9604/06/crash.dover/>.

⁷ Arlington National Cemetery, *Photographic Coverage of the Terror Bombings of Two US Embassies in Africa August 1998*, available at <http://www.arlingtoncemetery.net/africa02.htm>.

⁸ Dana Milbank, *Curtains Ordered for Media Coverage of Returning Coffins*, THE WASHINGTON POST, Oct. 21, 2003, at A23. See also *Profiles of the USS Cole Victims*, CNN (Online Edition), Oct. 16, 2000, available at <http://www.cnn.com/2000/US/10/13/shipattack.thumbnails.02.ap/>.

⁹ David Josar, *Bodies of servicemembers killed in Kuwait accident returned to Landstuhl*, STARS AND STRIPES, Mar. 16, 2001. See the accompanying photograph, accredited to Tech. Sgt. Maria L. Taylor, U.S. Air Force/ DOD.

¹⁰ Maj. John Anderson, *Mortuary Render Respect, Dignity*, UNITED STATES AIR FORCE MORTUARY AFFAIRS NEWS (undated), available at <http://www.afsv.af.mil/NW/Mortuary1.htm>.

¹¹ Lt. Col. Richard A. Lacquement, Jr., U.S. Army, *The Casualty Aversion Myth*, NAVAL WAR COLLEGE REVIEW, Winter 2004 at 41, citing Defense Press Office, Assistant Secretary of Defense (Public Affairs), Public Affairs Guidance-Casualty and Mortuary Affairs-Operation Enduring Freedom, 1 Nov. 2001 ("There will be no arrival ceremonies for, or media coverage of, deceased military personnel returning to or departing from Dover AFB or Ramstein AFB, to include interim stops.").

¹² Pictures of the arrival and transfer of Mr. Spann's arrival at Dover AFB are available for public viewing at <http://www.arlingtoncemetery.net/jmspann.htm>.

¹³ *Bodies of 7 Americans Killed in Afghanistan arrive in U.S.*, CNN (Online Edition), Mar. 6, 2002, available at <http://www.cnn.com/2002/US/03/06/ret.servicemen.bodies>. At least one of the resulting photographs can be viewed at http://www.firstcoastnews.com/news/2002-03-05/local_soldiers.asp

¹⁴ *The Knock at the Door*, CBS News (Online Edition), Apr. 17, 2002, available at <http://www.cbsnews.com/stories/2002/04/17/attack/main506363.shtml>.

¹⁵ *Deputy Administrator Meets Space Shuttle Columbia Astronauts' Remains at Dover AFB*, NASA, Feb. 5, 2003, reprint with photographs available at <http://www.spaceref.com/news/viewpr.html?pid=10662>.

¹⁶ See K. L. Vantran, *Dover's New Mortuary Center Aims to Ease Family's Grief*, AMERICAN FORCES INFORMATION SERVICE NEWS ARTICLE, Oct. 29 2003, available at <http://www.defenselink.mil/news/Oct2003> ("The Defense Department policy has been in effect since the Persian Gulf War in 1991. Defense officials reissued the policy in November 2001 at the start of Operation Enduring Freedom, and again in March 2003 to cover all military operations.")

¹⁷ *Dead US Crew Flown Home*, BBC News (Online Edition), Mar. 25, 2003, available at http://news.bbc.co.uk/2/hi/south_asia/2879343.stm.

¹⁸ Gregg Zoroya, *Return of U.S. War Dead Kept Solemn, Secret*, USA TODAY, Dec. 31, 2003 at 4A.