

116TH CONGRESS  
2D SESSION

# S. 3164

To rescind each Medal of Honor awarded for acts at Wounded Knee Creek on December 29, 1890, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2020

Ms. WARREN (for herself, Mr. MERKLEY, Ms. HARRIS, Mr. WYDEN, Mr. LEAHY, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To rescind each Medal of Honor awarded for acts at Wounded Knee Creek on December 29, 1890, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Remove the Stain  
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The Medal of Honor is the highest military  
9 award of the United States.

1           (2) Congress found that to earn the Medal of  
2 Honor “the deed of the person . . . must be so out-  
3 standing that it clearly distinguishes his gallantry  
4 beyond the call of duty from lesser forms of brav-  
5 ery”.

6           (3) The actions of Medal of Honor recipients  
7 inspire bravery in those currently serving in the  
8 Armed Forces and those who will come to serve in  
9 the future.

10          (4) Those listed on the Medal of Honor Roll  
11 have come to exemplify the best traits of members  
12 of the Armed Forces, a long and proud lineage of  
13 those who went beyond the call of service to the  
14 United States of America.

15          (5) To date the Medal of Honor has been  
16 awarded only 3,522 times, including only 145 times  
17 for the Korean War, 126 times in World War I, 23  
18 times during the Global War on Terror, and 20  
19 times for the massacre at Wounded Knee.

20          (6) The Medal of Honor is awarded in the  
21 name of Congress.

22          (7) As found in Senate Concurring Resolution  
23 153 of the 101st Congress, on December 29, 1890  
24 the 7th Cavalry of the United States engaged a trib-  
25 al community “resulting in the tragic death and in-

1 jury of approximately 350–375 Indian men, women,  
2 and children” led by Lakota Chief Spotted Elk of  
3 the Miniconjou band at “Cankpe’ Opi Wakpa” or  
4 “Wounded Knee Creek”.

5 (8) This engagement became known as the  
6 “Wounded Knee Massacre”, and took place between  
7 unarmed Native Americans and soldiers, heavily  
8 armed with standard issue army rifles as well as  
9 four “Hotchkiss guns” with five 37 mm barrels ca-  
10 pable of firing 43 rounds per minute.

11 (9) Nearly two-thirds of the Native Americans  
12 killed during the Massacre were unarmed women  
13 and children who were participating in a ceremony  
14 to restore their traditional homelands prior to the  
15 arrival of European settlers.

16 (10) Poor tactical emplacement of the soldiers  
17 meant that most of the casualties suffered by the  
18 United States troops were inflicted by friendly fire.

19 (11) On January 1st, 1891, Major General Nel-  
20 son A. Miles, Commander of the Division of Mis-  
21 souri, telegraphed Major General John M. Schofield,  
22 Commander-in-Chief of the Army notifying him that  
23 “[I]t is stated that the disposition of four hundred  
24 soldiers and four pieces of artillery was fatally defec-  
25 tive and large number of soldiers were killed and

1 wounded by the fire from their own ranks and a very  
2 large number of women and children were killed in  
3 addition to the Indian men”.

4 (12) The United States awarded 20 Medals of  
5 Honor to soldiers of the U.S. 7th Cavalry following  
6 their participation in the Wounded Knee Massacre.

7 (13) In 2001, the Cheyenne River Sioux Tribe,  
8 a member Tribe of the Great Sioux Nation, upon in-  
9 formation provided by Lakota elders and by vet-  
10 erans, passed Tribal Council Resolution No. 132–01,  
11 requesting that the Federal Government revoke the  
12 Medals of Honor from the soldiers of the United  
13 States Army, 7th Cavalry issued following the mas-  
14 sacre of unarmed men, women, children, and elderly  
15 of the Great Sioux Nation on December 29, 1890,  
16 on Tribal Lands near Wounded Knee Creek.

17 (14) The National Congress of American Indi-  
18 ans requested in a 2007 Resolution that the Con-  
19 gress “renounce the issuance of said medals, and/or  
20 to proclaim that the medals are null and void, given  
21 the atrocities committed upon unarmed men, women,  
22 children and elderly of the Great Sioux Nation”.

23 (15) General Miles contemporaneously stated  
24 that a “[w]holesale massacre occurred and I have

1 never heard of a more brutal, cold-blooded massacre  
2 than that at Wounded Knee”.

3 (16) Allowing any Medal of Honor, the United  
4 States highest and most prestigious military decora-  
5 tion, to recognize a member of the Armed Forces for  
6 distinguished service for participating in the mas-  
7 sacre of hundreds of unarmed Native Americans is  
8 a disservice to the integrity of the United States and  
9 its citizens, and impinges on the integrity of the  
10 award and those who have earned the Medal since.

11 **SEC. 3. RESCISSION OF MEDALS OF HONOR AWARDED FOR**  
12 **ACTS AT WOUNDED KNEE CREEK ON DECEM-**  
13 **BER 29, 1890.**

14 (a) IN GENERAL.—Each Medal of Honor awarded for  
15 acts at Wounded Knee Creek, Lakota Pine Ridge Indian  
16 Reservation, South Dakota, on December 29, 1890, is re-  
17 scinded.

18 (b) MEDAL OF HONOR ROLL.—The Secretary con-  
19 cerned shall remove the name of each individual awarded  
20 a Medal of Honor for acts described in subsection (a) from  
21 the Army, Navy, Air Force, and Coast Guard Medal of  
22 Honor Roll maintained under section 1134a of title 10,  
23 United States Code.

1           (c) RETURN OF MEDAL NOT REQUIRED.—No person  
2 may be required to return to the Federal Government a  
3 Medal of Honor rescinded under subsection (a).

4           (d) NO DENIAL OF BENEFITS.—This Act shall not  
5 be construed to deny any individual any benefit from the  
6 Federal Government.

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