

114TH CONGRESS
2D SESSION

H. R. 5363

To authorize the President to award the Medal of Honor posthumously to Corporal David Dunnels White of the United States Army for his capture of Confederate Major General George Washington Custis Lee at the Battle of Sailor's Creek, Virginia, during the Civil War.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2016

Mr. LANCE (for himself and Mr. NEAL) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To authorize the President to award the Medal of Honor posthumously to Corporal David Dunnels White of the United States Army for his capture of Confederate Major General George Washington Custis Lee at the Battle of Sailor's Creek, Virginia, during the Civil War.

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

1 **SECTION 1. AUTHORIZATION FOR AWARD OF MEDAL OF**
2 **HONOR TO CORPORAL DAVID DUNNELS**
3 **WHITE FOR ACTS OF VALOR DURING THE**
4 **CIVIL WAR.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Confederate Major General George Wash-
8 ington Custis Lee, son of Confederate General Rob-
9 ert E. Lee, was forcibly captured during the hard-
10 fought, brutal, hand-to-hand combat of the Battle of
11 Sailor’s Creek, Virginia, on April 6, 1865.

12 (2) The capture of Major General Custis Lee
13 contributed to the disruption of the Confederate
14 command structure, helped to impede the ability of
15 the Confederate leaders to coordinate effective resist-
16 ance, and brought the fighting to an earlier conclu-
17 sion, unquestionably saving many lives on both sides.

18 (3) In 1894, Harris S. Hawthorn, a veteran of
19 the 121st New York Infantry Regiment, applied for
20 and was awarded a Medal of Honor for his stated
21 role in the capture of Major General Custis Lee.

22 (4) In 1897, the 37th Massachusetts Regiment
23 Veterans Association filed a formal protest with the
24 Secretary of War against the award of a Medal of
25 Honor to Harris S. Hawthorn for the capture of
26 Major General Custis Lee, asserting that Corporal

1 David Dunnels White of the 37th Massachusetts In-
2 fantry Regiment actually captured Major General
3 Custis Lee.

4 (5) The 37th Massachusetts Regiment Veterans
5 Association provided a plethora of eyewitness testi-
6 mony, sworn affidavits, and physical evidence during
7 their formal protest to support their assertion re-
8 garding Corporal David Dunnels White's capture of
9 Major General Custis Lee.

10 (6) In 1916, the Medal of Honor Review Board
11 determined that the act of capturing Major General
12 Custis Lee at the Battle of Sailor's Creek, Virginia,
13 on April 6, 1865, was an act worthy of, and quali-
14 fied for, a Medal of Honor under laws and regula-
15 tions.

16 (7) However, the matter of who actually cap-
17 tured Major General Custis Lee remained unresolved
18 by the Medal of Honor Review Board.

19 (8) The Center of Military History of the
20 United States Army, after an exhaustive review of
21 this matter in 2011, stated the following in their
22 concluding memoranda dated August 9th and 11th,
23 2011:

24 (A) "Corporal White is widely acknowl-
25 edged as the captor of Confederate MG George

1 Washington Custis Lee during the Battle of
2 Sailor's Creek, Virginia, on 6 April, 1865.”.

3 (B) “Both White and Hawthorn are cred-
4 ited with capturing General Lee in the reports
5 published in The War of the Rebellion, but this
6 is misleading. The cumulative evidence pre-
7 sented in the recommendation packet indicates
8 that White rather than Hawthorn captured
9 Lee.”.

10 (9) The Center of Military History, having
11 weighted all the evidence in this matter, made a de-
12 termination that Corporal David Dunnels White of
13 the 37th Massachusetts Infantry Regiment, rather
14 than Harris S. Hawthorn, was the actual captor of
15 Major General Custis Lee at the Battle of Sailor's
16 Creek, Virginia, April 6, 1865.

17 (b) WAIVER OF TIME LIMITATIONS.—Notwith-
18 standing the time limitations specified in section 3744 of
19 title 10, United States Code, or any other time limitation
20 with respect to the awarding of certain medals to persons
21 who served in the Armed Forces, the President may award
22 the Medal of Honor posthumously under section 3741 of
23 such title to Corporal David Dunnels White of the 37th
24 Massachusetts Infantry Regiment, United States Army,

1 for the acts of valor during the Civil War described in sub-
2 section (c).

3 (c) ACTS OF VALOR DESCRIBED.—The acts of valor
4 referred to in subsection (b) are the actions of Corporal
5 David Dunnels White of the 37th Massachusetts Infantry
6 Regiment who, at the risk of his own life and above and
7 beyond the call of duty, exhibiting gallantry and intre-
8 pidity, pursued and forcibly captured, singlehandedly,
9 Confederate Major General George Washington Custis
10 Lee at the Battle of Sailor’s Creek, Virginia, on April 6,
11 1865, which contributed to the disruption of the Confed-
12 erate command structure, helped to impede the ability of
13 the Confederate leaders to coordinate effective resistance,
14 and brought the fighting to an earlier conclusion, unques-
15 tionably saving many lives on both sides.

○