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Medal of Honor: History and Issues

Updated August 18, 2015

Congressional Research Service
https://crsreports.congress.gov
95-519

CRS REPORT
Prepared for Members and
Committees of Congress

Summary

The Medal of Honor is the nation's highest military award for bravery. It is awarded by the President in the name of Congress. For this reason, it is often referred to as the Congressional Medal of Honor. Since it was first presented in 1863, the medal has been awarded 3,512 times to 3,493 recipients. Nineteen individuals have been double recipients of the award.

Recipients of the Medal of Honor are afforded a number of benefits as a result of this award.

Since the award's inception, the laws and regulations that apply to it have changed. In certain cases, the award has been rescinded. Six rescinded awards have been reinstated.

On a number of occasions, legislation has been offered to waive certain restrictions and to encourage the President to award the Medal of Honor to particular individuals. Generally speaking, this type of legislation is rarely enacted. In a very limited number of cases, the medal has been awarded outside the legal restrictions concerning time limits. These cases are often based on technical errors, lost documents or eyewitness accounts, or other factors that justify reconsideration. These cases, however, represent the exception and not the rule.

The two most recent recipients from World War I, Army Private Henry Johnson and Army Sergeant William Shemin, were awarded Medals of Honor posthumously by President Obama on June 2, 2015.

For information on recent recipients, see CRS Report RL30011, *Medal of Honor Recipients: 1979-2014*, and CRS Report R43939, *Medal of Honor Recipients in the 113th Congress: A Fact Sheet*.

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Members and staff of Congress often ask the Congressional Research Service to provide information concerning the awarding of the Medal of Honor (MoH). This report briefly describes the history of the MoH and the criteria and rules used in awarding the medal. The benefits that are made available to MoH recipients are listed. This report also describes the process involved in reconsidering an individual for receipt of the medal (including what assistance a Member may provide in this process). The applicable statutes concerning those improperly holding, trading, or selling the award as well as those who wrongly claim to be medal recipients are summarized. Some citations of those who have been awarded the MoH are provided as examples along with certain statistics describing the recipients. For recent official citations, see CRS Report RL30011, *Medal of Honor Recipients: 1979-2014*, by Heidi M. Peters and CRS Report R43939, *Medal of Honor Recipients in the 113th Congress: A Fact Sheet*, by Heidi M. Peters.

Background

Since its beginning, the practices for awarding the Medal of Honor have changed over time. Although not the first military award,[1] the medal became one of the most popular and prestigious awards. As of this printing, 3,512 Medals of Honor have been awarded to 3,493 recipients. There have been 19 double recipients (14 for separate actions and 5 cases in which the Army and Navy Medals of Honor were awarded for the same action). Since World War I, there has been an implied reluctance to award the medal more than once to the same person. According to a U.S. Senate committee print on the Medal of Honor,

> The Medal of Honor is the highest award for bravery[2] that can be given to any individual in the United States of America. Conceived in the early 1860s and first presented in 1863, the medal has a colorful and inspiring history which has culminated in the standards applied today for awarding this respected honor.
>
> In their provisions for judging whether a man is entitled to the Medal of Honor, each of the armed services has set up regulations which permit no margin of doubt or error. The deed of the person must be proved by incontestable evidence of at least two eyewitnesses; it must be so outstanding that it clearly distinguishes his gallantry beyond the call of duty from lesser forms of bravery; it must involve the risk of his life; and it must be of the type of deed which, if he had not done it, would not subject him to any justified criticism.
>
> A recommendation for the Army or Air Force Medal must be made within 2 years from the date of the deed upon which it depends. Award of the medal must be made within 3 years after the date of the deed. The recommendation for a Navy Medal of Honor must be made within 3 years and awarded within 5 years.
>
> Apart from the great honor which it conveys, there are certain small privileges which accompany the Medal of Honor....
>
> The Medal of Honor is presented to its recipients by a high official "in the name of the Congress of the United States." For this reason it is sometimes called the Congressional Medal of Honor.

[1] George Washington created the Purple Heart in 1782. Three men received the award in 1783. The Purple Heart was not awarded again until World War I or later, and was based on different criteria.

[2] Acts of bravery and courage are not unusual among those in uniform. The fact that many members of the U.S. Armed Forces have engaged in direct battle with an enemy or carried out their duties under enemy attack is taken as a sign of this bravery and courage. However, the level of heroism usually cited among those who receive the Medal of Honor is uncommonly high. The distinction of this type of valor, heroism, courage, and bravery, in an environment where bravery and courage are the norm—and must be the norm in order to carry out effective military operations—may prove difficult to recognize by the outsider. Senate Committee on Veterans' Affairs, *Medal of Honor Recipients 1863-1978*, committee print, 96th Cong., 1st sess., February 14, 1979, S. Committee Print no. 3.

> As a general rule, the Medal of Honor can be earned—by a deed of personal bravery or self-sacrifice above and beyond the call of duty—only while a person is a member of the American Armed Forces in actual combat with an enemy of the Nation. This was the case, for example, during World Wars I and II and the Korean conflict. However, the Navy Medal of Honor could be and has been on several occasions, awarded to noncombatants.
>
> On a few, rare occasions, the Congress of the United States has awarded special Medals of Honor for individual exploits taking place in peacetime. Such a Medal of Honor was awarded Capt. Charles A. Lindbergh for his "heroic courage and skill as a navigator, at the risk of his life, for his nonstop flight in his airplane from New York to Paris, France, 20-21 May 1927." In peace or war, this medal is the highest decoration which can be given in any of the Armed Forces—Army, Navy, Marine Corps, Air Force, or Coast Guard.[3]

During the Civil War, President Lincoln, in need of troops, awarded the medal to the members of a single regiment (the 27th Maine Volunteer Infantry), as an inducement to keep them on active duty. Due to a clerical error, the entire unit (864 men) received the medal, despite the fact that only 309 men actually volunteered for extended duty (the rest went home). Others were awarded the medal under questionable circumstances. William F. (Buffalo Bill) Cody and others were awarded the medal although they were civilians serving with the military. Mary Edwards Walker, a contract surgeon (civilian) and the only woman to receive the medal, was allegedly awarded it during the Civil War to placate her after the termination of her contract with the Army.[4]

In 1916, a board was created to determine eligibility for the award and to review the cases of those who had already received the award:

> And in any case ... in which said board shall find and report that said medal was issued for any cause other than that hereinbefore specified the name of the recipient of the medal so issued shall be stricken permanently from the official Medal of Honor list. It shall be a misdemeanor for him to wear or publicly display such medal, and, if he shall be in the Army, he shall be required to return said medal to the War Department for cancellation.[5]

All of the 2,625 medals awarded up to that time were considered by the board, and nearly one-third (911) were canceled. Most of these canceled awards constituted those issued to the 27th Maine Volunteer Infantry. William Cody's and Mary Edwards Walker's awards were among those canceled.

In 1918, during U.S. participation in World War I, Congress decided to clear away any inconsistencies of the legislation which had grown around the Army medal and make a set of rules for its award....

> [T]he provisions of existing law relating to the award of the Medals of Honor ... are amended so that the President is authorized to present, in the name of Congress, a Medal of Honor only to each person who, while an officer or enlisted man of the Army, shall hereafter, in action involving actual conflict with an enemy, distinguish himself conspicuously by gallantry and intrepidity at risk of his life above and beyond the call of duty.[6]

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[3] U.S. Congress, Senate Committee on Labor and Public Welfare, Subcommittee on Veterans' Affairs, *Medal of Honor 1863-1968*, 90th Cong., 2d sess. (Washington: GPO, 1968), p. 1. For a list of recent recipients and their citations, see CRS Report RL30011, *Medal of Honor Recipients: 1979-2014*, by Heidi Peters.

[4] Rudi Williams, "Only Woman Medal of Honor Holder Ahead of Her Time," American Forces Press Service, April 30, 1999, at http://www.defense.gov/News/NewsArticle.aspx?ID=42772.

[5] *Medal of Honor*, Committee Print, 1968, p. 9.

[6] *Medal of Honor*, Committee Print, 1968, p. 11.

Policies, regulations and guidance were provided to commanders throughout the following years concerning the medal for the Army as well as the other services. In many ways, these later awards were better documented. Such documentation served as a standard for the consideration of other deeds in awarding the Medal of Honor or other appropriate awards (e.g., the Silver Star, Bronze Star). Examples of citations of Medal of Honor awards are included in the **Appendix**.

Under current law:

> The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who while a member of the Army [naval service—i.e., Navy, Marine Corps and Coast Guard—or Air Force], distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—
>
> (1) While engaged in an action against an enemy of the United States;
>
> (2) While engaged in military operations involving conflict with an opposing foreign force; or,
>
> (3) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.[7]

Current Policy and Benefits

The following information is from the DOD *Manual of Military Decorations & Awards: General Information, Medal of Honor, and Defense/Joint Decorations and Awards*, Volume 1, including changes as of May 15, 2015. This section provides detail on the procedures involving recommendations for the MoH, presentation of the MoH, and courtesies and privileges afforded MoH recipients. In addition, see **Figure 1**, which illustrates the general process from the instant a servicemember performs an act warranting recommendation of an MoH and is nominated through the chain of command (on the left side of the chart), and also the process involving congressional request for consideration (on the right side of the chart).

Procedures Involving Recommendations for the MoH[8]

> The Secretary concerned shall establish procedures for processing recommendations for the award of the MoH in his or her Military Department.
>
> (a) The Secretary of the Military Department concerned shall establish procedures for processing MOH recommendations in his or her Military Department. Minimally, MoH recommendations shall contain the endorsement of the Combatant Commander concerned and the Service Chief concerned.
>
> (b) After required endorsements are obtained, MoH recommendations personally endorsed by the Military Department Secretary concerned will be forwarded to the Secretary of Defense through the Under Secretary of Defense for Personnel and Readiness USD(P&R). The USD(P&R) shall forward each MoH recommendation to the CJCS for endorsement prior to forwarding them to the Secretary of Defense.
>
> (c) The MoH is governed by statutory time limits:

[7] 10 U.S.C. 3741, 10 U.S.C. 6241, and 10 U.S.C. 8741; Title 10 also allows the President to delegate his authority to award the Medal of Honor. Thus, the authority to award the Medal lies with the President alone unless he so delegates.

[8] DOD, *Manual of Military Decorations & Awards*, 1348.33-M, Volume I, November 23, 2010, Incorporating Change 5, May 15, 2015, at http://www.dtic.mil/whs/directives/corres/pdf/134833vol1.pdf.

1. Army. In accordance with section 3744 of Title 10, United States Code, U.S. Army MoH recommendations must be entered formally into official channels within 3 years of the act warranting the recommendation, and awarded within 5 years.

2. Navy and Marine Corps. In accordance with section 6248 of Title 10, United States Code, Navy and Marine Corps MoH recommendations must be formally entered into official channels within 3 years of the act warranting the recommendation, and awarded within 5 years.

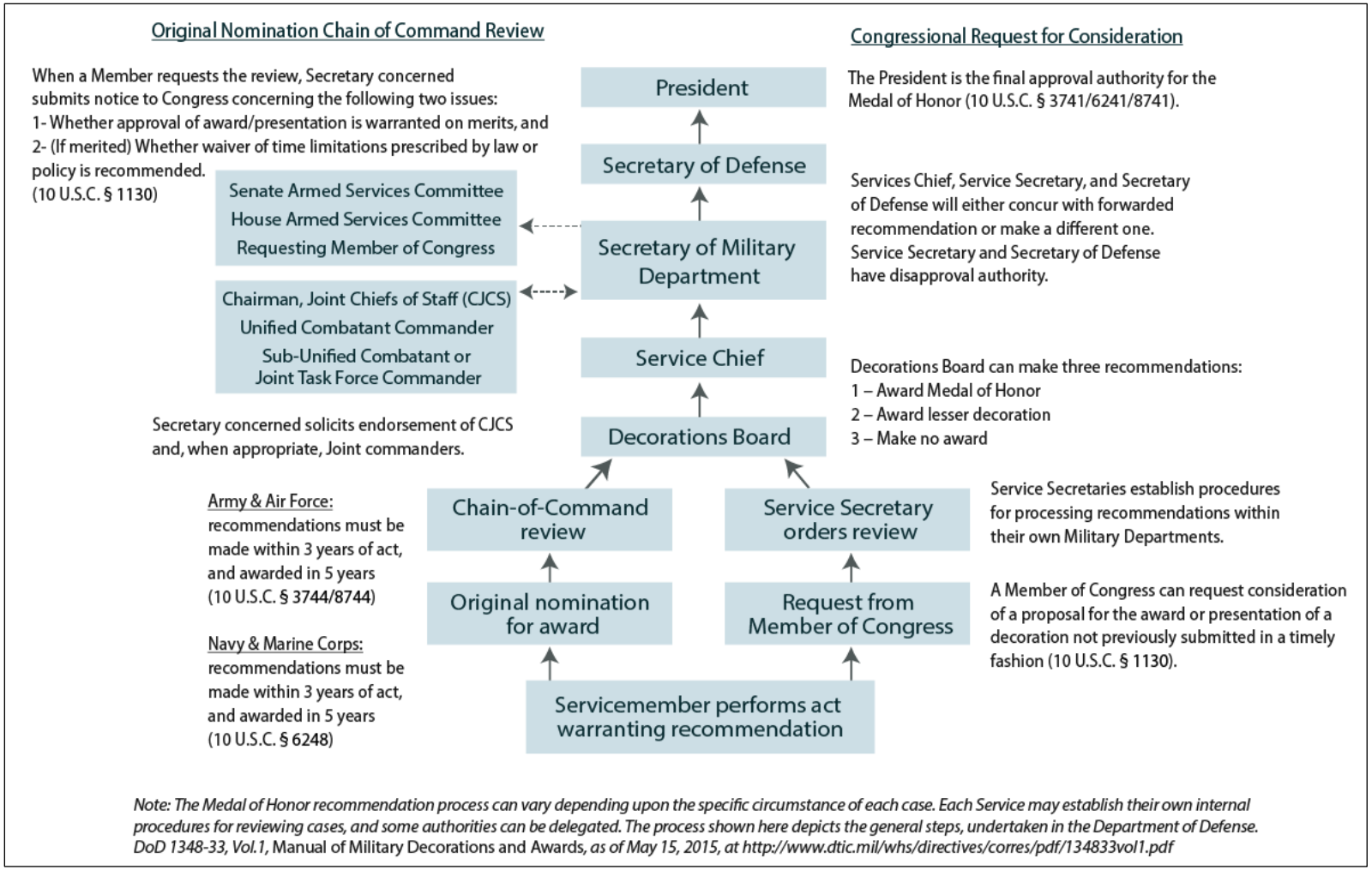
3. Air Force. In accordance with section 8744 of Title 10, United States Code, Air Force MoH recommendations must be entered formally into official channels within 3 years of the act warranting the recommendation, and awarded within 5 years.

4. All Military Departments. In accordance with section 1130 of Title 10, United States Code, a Member of Congress (MOC) can request consideration of a proposal for the award or presentation of a MOH not previously submitted in a timely fashion.

The process for restoration of a rescinded Medal of Honor is different. Since the rescissions during World War I, no other MoH awards have been rescinded. However, if a request for a restoration of a MoH were made, the process would be different than the procedures noted above. For those seeking restoration of the Medal of Honor, an appeal must be considered by the appropriate Board for Correction of Military Records.[9] This appeal is requested via the President, a Member of Congress, or the Secretary of Defense. If the board recommends reinstatement, the decision is passed to the service Secretary and then, ultimately, to the President.

[9] Contact information for the Boards for Correction of Military Records for each service is available at https://kb.defense.gov/app/answers/detail/a_id/386/~/boards-for-correction-of-military-records. A link to DD Form 149, Application for Correction of Military Records under the Provisions of 10 U.S.C. 1552, is also provided.

Figure 1. Medal of Honor Recommendation Process



Source: The Congressional Research Service (CRS).

Notes: This is a modification/update of the Department of the Army chart on the MoH Process from May 2001.

Presentation of the MoH[10]

According to the current DOD *Manual of Military Decorations & Awards*, the presentation of the MoH shall be made by the President of the United States, as the Commander-in-Chief, in a formal ceremony in Washington, D.C when applicable. Any premature public disclosure of information concerning recommendations, processing, and approval or disapproval actions is a potential source of embarrassment to those recommended and the federal government. Additionally, in the case of approved recommendations, it could diminish the impact of ceremonies at which the presentation is made. Therefore, to prevent premature disclosure, public comments should not be made on any MoH case under consideration. Accordingly, the processing of MoH recommendations shall be handled on a "FOR OFFICIAL USE ONLY" basis until the awards are announced officially or are presented. Pending MoH recommendations are pre-decisional and are exempt from public release under Freedom of Information Act (FOIA) requests.

Courtesies and Privileges Afforded MoH Recipients[11]

MoH recipients are entitled the following benefits:

1. Each recipient receives a monthly [$1,299.61] dollar pension from the Department of Veterans Affairs (VA).[12]
2. Enlisted recipients who retire with 20 or more years of Military Service receive a 10-percent increase in retired pay, not to exceed the 75 percent maximum.[13]
3. Recipients are issued a special MoH Travel and Identification Card signed by the Secretary of the Military Department. That entitles recipients who are not on active duty and not military retirees to use space available military air transportation.
4. Unlike [active duty and reserve] military personnel and retirees, MoH recipients may wear their uniforms at any time or place they choose.
5. Recipients who are not on active duty or a military retiree are issued a DOD Identification Card, as are their dependents. It authorizes them military commissary, post exchange, and theater privileges. All of the Military Departments, consistent with DOD policy, authorize use of morale, welfare, and recreation activities, including honorary club membership without dues are authorized pursuant to DOD instructions.

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[10] DOD, *Manual of Military Decorations & Awards: General Information, Medal of Honor, and Defense/Joint Decorations and Awards*, 1348.33-M, Volume I, November 23, 2010, Incorporating Change 5, May 5, 2015, p.32 at http://www.dtic.mil/whs/directives/corres/pdf/134833vol1.pdf.

[11] Ibid, pp. 33-35.

[12] The Veterans Benefits Act of 2002 (P.L. 107-330) created a formula for future increases in the Medal of Honor pension tied to the annual rate of inflation. Previously, each increase in the MoH pension occurred as a result of an act of Congress. See CRS Report RS22804, *Veterans' Benefits: Pension Benefit Programs*, "Medal of Honor Pension" section; and the Department of Veterans Affairs, Special Benefit Allowances Rates: Current as of December 1, 2014, at http://www.benefits.va.gov/compensation/special_Benefit_Allowances_2014.asp.

[13] 10 U.S.C. §3991, See sub (a) (2) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—If a member who is retired under section 3914 of this title has been credited by the Secretary of the Army with extraordinary heroism in the line of duty, the member's retired pay shall be increased by 10 percent of the amount determined under paragraph (1) (but not more than 75 percent of the retired pay base upon which the computation of such retired pay is based). The Secretary's determination as to extraordinary heroism is conclusive for all purposes.

6. Children of MoH recipients are not subject to quotas if they are qualified and desire to attend one of the U.S. military academies.
7. MoH recipients receive invitations to attend Presidential inaugurations and accompanying festivities. Military recipients and those who are civil servants have traditionally been authorized administrative absence in lieu of chargeable leave to attend.
8. The VA provides a special engraved headstone for deceased recipients of the MoH.
9. MoH recipients should be accorded on-base billeting commensurate with the prestige associated with the MoH.

In 2000, Congress extended permissive health care benefits to MoH recipients and their dependents in the same manner as is currently available to military retirees and their dependents.[14]

Congressional and Other Efforts to Award the Medal of Honor

Generally speaking, the originating request for military awards, including the MoH, is made by the military commander or other appropriate uniformed personnel. Those on the scene and/or those familiar with military operations are often considered to be in the best position to observe the individual actions and make the recommendation for award. Therefore, it is considered appropriate, that recommendations regarding this or other awards originate from those military personnel who are familiar with human behavior under the stress of combat situations.

In a number of instances, Members of Congress or others have urged the President to consider or reconsider an individual for the MoH. Over the years, Members of Congress have offered numerous bills for this purpose. Much of this legislation takes the form of extensive findings detailing the background, situation, and exploits concerned. Where important, special mention may be made of the reason(s) the MoH was not originally awarded (e.g., a presumption of racism, lost documents recently uncovered, etc.). The legislation then resolves that notwithstanding restrictions contained in Title 10 U.S. Code (i.e., restrictions pertaining to time limits), the President is "requested" to award the MoH.[15] In certain cases, Congress has held hearings concerning the award.[16] See **Table 1** for a list of bills introduced in the current 114th Congress (2015-2016) to award the MOH and **Table A-3** for a list of bills introduced during the 113th Congress (2013-2014).

The handling of these congressional requests, if and when forwarded to the services, varies depending on whether or not the individual was originally recommended by a military commander or uniformed personnel for the Medal of Honor. See also **Figure 1,** involving congressional request for consideration (on the right side of the chart).

[14] P.L. 106-398; 114 Stat. 1654, 1654A-175; October 30, 2000.

[15] For examples of legislation offered in the 113th Congress, see H.R. 658, H.R. 1237, H.R. 2082, H.R. 2106, H.R. 3304, H.R. 3364, H.Con.Res. 26, S. 993, S. 1258, and S.Con.Res. 9.

[16] See U.S. Congress, House Armed Services Committee, Subcommittee on Personnel and Compensation, *H.J. Res. 279, H.R. 1730, and H.R. 3401 (Vraciu Congressional Medal of Honor and MIAs/KIAs*), HASC No. 101-77, 101st Cong., 2d Sess., January 30, 1990; cited from opening statement provided at the hearing.

Generally speaking, the services will not favorably consider awarding the MoH unless the individual was originally recommended but did not receive the award because of extenuating circumstances (e.g., the paperwork was lost and only rediscovered, allegations exist that the individual's award was downgraded for reasons of racism, etc.). In nearly every case, specific findings of fact are required that the individual was originally recommended or that the downgrade to another type of award occurred under questionable, but verifiable, circumstances. In these cases, a review may be undertaken by the Board of Correction for Military Records (BCMR) of the appropriate military department.[17] Following the findings of the BCMR, the decision is then passed to appropriate authorities for further and/or final consideration.

In cases where no original recommendation has been made, extensive and reliable findings of valid facts must be presented. In these instances, since there is no original record to "correct," the BCMR is not necessarily involved in the consideration process. Without an original recommendation, factual data supporting the award, and compelling reasons for it to be awarded at a later date, it is very unlikely that the MoH will be awarded. This is particularly so in cases where a great deal of time has passed and eyewitnesses cannot be found, or do not clearly remember the events in question.

Nevertheless, on numerous occasions, legislation has been introduced seeking to have the MoH awarded. The legislation is assigned to the appropriate committee/subcommittee. An executive comment is usually requested by the committee. In most cases, the executive comment proves unfavorable and the legislation is not reported out of committee.

In recent times, there have been a number of specific instances in which the MoH was awarded or reinstated outside of the statutory time limits. In one case, the award was renounced by a recipient. The following are examples of these instances.

For his actions in Vietnam on May 2, 1968, Master Sergeant Roy Benavidez, U.S. Army, was awarded the Distinguished Service Cross (the second-highest Army award for heroism below the MoH). His commander later recommended that the award be upgraded to the Medal of Honor. The upgrade was denied until a missing eyewitness was located in 1980. Then-President Jimmy Carter approved the upgrade on December 31, 1980. On February 24, 1981, newly elected President Ronald Reagan awarded Master Sergeant Benavidez the MoH.[18]

The family of Marine Colonel Donald G. Cook (deceased) received his MoH award on May 16, 1980, for his services during captivity as a POW in North Vietnam from December 31, 1964, through his death on December 8, 1967. Information of his heroics was only obtained after the repatriation of other POWs. Colonel Cook's award was delayed in part because he had not been officially declared dead.[19]

Then-President Carter awarded the medal to former Army Lieutenant Colonel Matt Urban on July 19, 1980, for his services during World War II. Urban's battalion commander promised to nominate him for the award but was killed in action.[20] A review of Urban's records in 1978

[17] DOD Knowledge Base, Boards for Correction of Military Records at https://kb.defense.gov/app/answers/detail/a_id/386/~/boards-for-correction-of-military-records.

[18] Don Hirst, "Benavidez Receives Medal of Honor," *Army Times*, March 9, 1981, p. 34. Congress enacted H.R. 8386 (P.L. 96-81) on December 18, 1980, removing the statutory time limit on the award, thereby clearing the way for MSgt. Benavidez to receive the medal.

[19] "Colonel Awarded Medal of Honor Posthumously," *Navy Times*, May 26, 1980, p. 2.

[20] Chip Brown, "Medal of Honor Winners: 203 Certified Heroes Here: A Pantheon of Certified Heroes Gather," *Washington Post*, January 19, 1981, p. C3.

revealed a copy of the proposed letter. There is no evidence, however, that the letter was received by the headquarters of the 9th Infantry Division in Europe.

On July 29, 1986, Charles Liteky, a former Army chaplain in Vietnam, renounced his Medal of Honor in protest over U.S. policies in Central America. Liteky's is the only known case in which a Medal of Honor has been renounced.[21]

On April 24, 1991, then-President George H. W. Bush awarded the MoH (posthumously) to Corporal Freddie Stowers, U.S. Army, for his services in World War I. Although African Americans had received the award for other conflicts, Stowers was, at the time, the only African American to be awarded the MoH for either World War. This presentation followed a review of the award by the Army into citation records to determine whether or not African Americans were treated fairly.[22]

Perhaps one of the more contentious Medal of Honor awards involved the case of the Civil War civilian contract surgeon Mary Edwards Walker. She was awarded the Medal of Honor by President Andrew Johnson on November 11, 1865, for "services rendered during the war." She was a flamboyant and controversial character, and it has been argued that the award was made to placate her for being terminated by the Army. As with certain other medal recipients of her day, no specific act of heroism was cited for receiving it.[23] Under the review panel's considerations, Dr. Walker's award was stricken because she was not a member of the Armed Forces and because her services did not involve "actual conflict with an enemy, by gallantry or intrepidity, at the risk of life, above and beyond the call of duty."

At the behest of distant relatives, some Members of Congress and then-President Carter contacted DOD on the matter. The Army Board for Corrections of Military Records ruled (with one dissent) that the decision to rescind the award was "unjust." Although the board noted that if it had not been for her sex, she would have been given a commission and her actions would have been those of a soldier, no specific act of gallantry or heroism was noted. In 1977, her medal was restored. The restoration remains highly contentious.[24]

On September 12, 1980, then-President Carter awarded Anthony Casamento, a Marine Corps veteran of combat against the Japanese on Guadalcanal during World War II, the Medal of Honor. Lacking sufficient witnesses to attest to certain deeds, military officials argued that Casamento should be awarded only the Navy Cross. The President overruled the Pentagon (including the Secretary of Defense) and awarded the MoH. Critics contend that President Carter's action was timed for political effect, as the President awarded the medal just prior to an election-year appearance before the National Italian-American Foundation.[25]

Following the example of the reinstatement of the award to Dr. Walker, relatives of William F. "Buffalo Bill" Cody sought reinstatement of his medal, in part on the grounds that since Dr. Walker's was reinstated, there existed a precedent for awarding the medal to civilians who served

[21] "Veteran Returns Medal to Protest U.S. Policy," *Washington Post*, July 30, 1986, p. B3.

[22] "Medal of Honor for Black G.I.," *New York Times*, April 6, 1991, p. 6.

[23] Various interpretations of her service record raise questions regarding her skills and loyalty. Others have charged that these claims were the result of rampant sexism. Allen D. Spiegel and Andrea M. Spiegel, "Civil War Doctoress Mary: Only Woman to Win Congressional Medal of Honor," *Minerva: Quarterly Report on Women and the Military*, vol. XIII, no. 3, Fall 1994, p. 25.

[24] See Gene Famiglietti, "MH Award to Dr. Walker Is Hit," *Army Times*, June 1977, p. 4; and Nick Adde, "Real American Heroes," *Army Times*, April 11, 1988, p. 57.

[25] Rowland Evans and Robert Novak, "Playing Politics with the Pentagon," *Washington Post*, September 12, 1980, p. A19.

with the military. Cody was originally awarded the Medal of Honor on May 22, 1872, for his gallantry while serving as an Army scout on April 26, 1872, at the Platte River, Nebraska. At the request of a U.S. Senator serving as the counsel for a relative, the Board for Correction of Military Records recommended reinstatement of "Buffalo Bill" Cody's medal, citing in part the award of Dr. Walker.[26] In June 1989, the U.S. Army Board of Correction of Military Records restored the award, and on July 8, 1989, two Senators announced the restoration of Cody's medal.[27] Four others also had their medals reinstated by the board in June 1989: Amos Chapman [scout], William Dixon [scout], James B. Doshier [post guide], and William H. Woodall [scout].[28]

Throughout the years, many efforts to award or reinstate the Medal of Honor have proven time-consuming and difficult. For example, advocates for Navy Seaman Doris (a.k.a. Dorie or Dorrie) Miller have sought for years to have his award upgraded to the Medal of Honor. During the Japanese attack on Pearl Harbor on December 7, 1941, while serving aboard the USS *West Virginia* as a mess attendant (one of the few jobs available to African Americans in the Navy at the beginning of World War II), Seaman Miller moved his mortally wounded captain to safety. He then proceeded to man a machine gun, successfully returning fire on the attacking Japanese.[29] His heroics were initially ignored. After strong civil rights protests, he was given a letter of commendation. The letter of commendation was upgraded to the Navy Cross. A destroyer escort was later named in his honor. Legislative and other efforts to upgrade the Navy Cross to the Medal of Honor have proven unsuccessful.[30] Noting that, at the time, no African Americans received the Medal of Honor during WWII, critics cite racism as a main reason for refusing Seaman Miller this honor.[31]

The reluctance to upgrade awards to the Medal of Honor or to award it outright is generally based on efforts to award the medal to those truly deserving, to maintain the integrity of the award itself and the awards process in general, and to avoid "opening the floodgates" to retroactive requests for this and other awards and decorations. This reluctance has led many to feel that the system of awarding medals is overly restrictive and that certain individuals are denied earned medals.

It is noteworthy that two MoH awards have gone "unclaimed."[32] A posthumous medal awarded to Navy Chief Peter Tomich in 1942 for heroism at Pearl Harbor was never claimed since there were no known relatives, and according to the Navy Museum curator, Edward M. Furgol, the 20th century produced at least one other unclaimed MoH from 1904.[33]

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[26] U.S. Department of the Army, Board for the Correction of Military Records, Washington, D.C., In the Case of: Cody, William F., AC88-10374, January 12, 1989.

[27] "'Buffalo Bill' Regains Medal of Honor," *Washington Post*, July 9, 1989, p. A5.

[28] *United States of America's Congressional Medal of Honor Recipients and Their Official Citations*. Minnesota: Highland House II, 1996, pp. 1118-1119.

[29] Naval History and Heritage Command, "Doris Miller 12 October 1919 - 24 November 1943," at http://www.history.navy.mil/research/histories/bios/miller-doris.html.

[30] According to the Legislative Information System (LIS) at http://www.congress.gov, nine bills have been introduced in Congress from 1994- 2011 (103rd- 112th Congresses) "to waive the time limitations specified by law for the award of certain military decorations in order to allow the posthumous award of the Medal of Honor to Doris Miller for actions while a member of the Navy during World War II." None were referred out of committee.

[31] Robert K. Chester, "Negroes' Number One Hero: Doris Miller, Pearl Harbor and Retroactive Multiculturalism in World War II Remembrance," *American Quarterly*, Volume 65, Number 1, March 2013, pp.31-61, on p.34 at https://muse.jhu.edu/journals/american_quarterly/v065/65.1.chester.pdf.

[32] Clyde Haberman, "A Medal both Coveted and Orphaned," *New York Times*, April 1, 2003, p. D1, at http://www.nytimes.com/2003/04/01/nyregion/nyc-a-medal-both-coveted-and-orphaned.html.

[33] Ibid.

In the FY1996 National Defense Authorization Act,[34] Congress enacted language that could significantly affect potential recipients. First, Congress waived the time limitation on any award or decoration for acts of valor during the Vietnam era[35] for actions in the Southeast Asia theater of operations.[36] Under this language, the Secretary concerned is instructed to review requests for consideration of awards/decorations, and to submit the following to the House National Security Committee and the Senate Armed Services Committee:

- a summary of the request consideration,
- the findings resulting from the review, and
- the final action taken on the request for consideration.

Second, Congress waived the laws and regulations for awarding any decoration (including the Medal of Honor) for those so deserving who were serving in intelligence activities during the period January 1, 1940-December 31, 1990.[37] The Secretary of each military department was instructed to review each request for the award of a decoration during a one-year period commencing February 10, 1996. This was later extended to February 9, 1998.[38] The Secretary was further instructed to file a report with the House National Security Committee and Senate Armed Services Committee with respect to each request. The report was to contain

- a summary of the request consideration,
- the findings resulting from the review,
- the final action taken on the request for consideration, and
- administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

These actions were taken in consideration of the fact that the records regarding intelligence activities are sealed for many years. Protecting this information for intelligence reasons means that those involved in intelligence activities are often ineligible to receive the Medal of Honor. In other words, should a person serving in intelligence perform an act of heroism worthy of the

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[34] P.L. 104-106, Section 522, February 10, 1996.

[35] "The term *Vietnam era* means the period beginning on "(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period. (B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases." 38 U.S.C. 101(29). See alsoCRS Report RS21405, *U.S. Periods of War and Dates of Recent Conflicts*, by Barbara Salazar Torreon.

[36] According to the commander of 1st Battalion, 7th Cavalry, a unit involved in combat at Ia Drang:

> I had been pushing my staff hard as we wrote letters of condolence to the families who had lost loved ones killed in action and prepared recommendations for medals and awards. We had problems on the awards: We had few who could type, so many of the forms were scrawled by hand by lantern light. Many witnesses had been evacuated with wounds or had already rotated for discharge. Too many men had died bravely and heroically, while the men who had witnessed their deeds had also been killed. Uncommon valor truly was a common virtue on the field at Landing Zone X-Ray those three days and two nights. Acts of valor that on other fields, on other days, would have been rewarded with the Medal of Honor or Distinguished Service Cross or a Silver Star were recognized only with a telegram saying "The Secretary of the Army regrets ..."

Although the findings section of the language implies the language pertains to operations in the Ia Drang Valley, near Pleiku, South Vietnam, from October 23, 1965, to November 26, 1965, no such limitation appears in the waiver statement. Indeed, medals—including the MoH—were awarded for this action. Lt. Gen. Harold G. Moore and Joseph L. Galloway, *We Were Soldiers Once ... and Young, Ia Drang: The Battle that Changed the War in Vietnam* (New York: Random House, 1992), pp. 317-318.

[37] P.L. 104-106, Section 523, February 10, 1996.

[38] P.L. 105-85, Section 575, November 18, 1997.

MoH, it is unlikely that the information could be publicly acknowledged. If the information is ever declassified, it is usually years after the fact. This delay could well mean that the individual who performed the act of heroism would be ineligible for the medal because of time limits on making recommendations.

Third, Congress waived the time requirements and other restrictions and then asked the Secretary of the Army and the Secretary of the Navy to review the records relating to the award of the Distinguished Service Cross and Navy Cross, respectively, awarded to Asian Americans or Native American Pacific Islanders who served during World War II.[39] The purpose of this review was to determine whether such awards should be upgraded to the Medal of Honor. The reasoning for this review was based on claims of discrimination towards Americans of Asian-Pacific descent during the war. (For example, many Americans of Japanese descent were relocated to internment camps during the war.) On October 12, 1998, the Army Center of Military History reported that Army historians had completed a two-year search for Asian-Pacific American recipients of the Distinguished Service Cross (DSC).[40] The names of 104 Army recipients (including the late Senator Daniel K. Inouye) were forwarded to a board of senior officers for review. This board considered whether any of the forwarded recipients met the criteria for an upgrade to MoH. The list of those 22 Asian-Pacific Americans considered worthy of upgrading was then submitted to the President for final consideration. However, the Navy determined that its sole Asian-Pacific American DSC recipient did not merit upgrading. Proponents of the review/upgrade viewed this process as an overdue recognition of the heroics of these individuals long delayed by racism.[41] Critics contend that the process was an act of "race-based political correctness" that diminished the value of the medal.[42]

Finally, Congress included a section entitled, "Procedure for Consideration of Military Decorations Not Previously Submitted in Timely Fashion."[43] Under this section:

> (a) Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based on such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration and other determinations necessary to comply with subsection (b).
>
> (b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on National Security[44] of the House of Representatives and to the requesting member of Congress notice in writing of one of the following:
>
> (1) The award or presentation of the decoration does not warrant approval on the merits.

[39] P.L. 104-106, Section 524, February 10, 1996.

[40] Army Center of Military History, "U.S. Army Asian-Pacific Medal of Honor Recipients," at http://www.history.army.mil/html/topics/apam/ap-moh2.html.

[41] David Stout, "21 Asian-Americans Receive Medal of Honor," *New York Times*, May 14, 2000, at http://www.nytimes.com/2000/05/14/us/21-asian-americans-receive-medal-of-honor.html.

[42] Martin Kasindorf, "Veterans Might Get Late Medals of Honor," *USA Today*, October 2, 1998, p. 2.

[43] P.L. 104-106, Section 526, February 10, 1996; 10 U.S.C. 1130.

[44] The House Committee on National Security is the former name of the House Armed Services Committee. When Republicans took control of the House of Representatives in 1994, the committee was renamed the Committee on National Security. It was changed back to the House Armed Services Committee in 1999.

> (2) The award or presentation of the decoration warrants approval and a waiver by law of time restrictions prescribed by law are recommended.
>
> (3) The award or presentation of the decoration warrants approval on the merits and has been approved as an exception to policy.
>
> (4) The award or presentation of the decoration warrants approval on the merits, but a waiver of the time restrictions prescribed in law is not recommended.
>
> A notice under paragraph (1) and (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.[45]

Under this language, Members of Congress are able to directly request the Secretary to consider awarding military decorations. Although this allows Members to better serve their constituents as well as fulfill their constitutional duties in providing oversight, critics contend that it may unduly politicize the awards process.[46]

In April 1996, despite restrictions on discussing awarding the Medal of Honor prematurely, the White House announced that it planned to award the medal to seven African American soldiers who fought in World War II.[47] Although a number of Members of Congress[48] had been working in favor of awarding certain of these individuals' medals, the White House announced that these awards would be forthcoming. On May 13, 1996, the Senate included a section in its version of the FY1997 National Defense Authorization Act waiving the time limits for awarding the Medal of Honor to

1. Vernon J. Baker, who served as a first lieutenant in the 370th Infantry Regiment, 92nd Infantry Division.
2. Edward A. Carter, who served as a staff sergeant in the 56th Armored Infantry Battalion, 12th Armored Division.
3. John R. Fox, who served as a first lieutenant in the 366th Infantry Regiment, 92nd Infantry Division.
4. Willy F. James, Jr., who served as a private first class in the 413th Infantry Regiment, 104th Infantry Division.
5. Ruben Rivers, who served as a staff sergeant in the 761st Tank Battalion.
6. Charles L. Thomas, who served as a first lieutenant in the 614th Tank Destroyer Battalion.
7. George Watson, who served as a private in the 29th Quartermaster Regiment.[49]

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[45] U.S. Congress, House Conference Committee, *National Defense Authorization Act for Fiscal Year 1996*, 104th Cong., 2d sess., S. 1124, H. Rept. 104-450, January 22, 1996, pp. 133-134.

[46] David Zucchino and Tony Perry, "Why so few Medal of Honor Awards?" *Los Angeles Times*, October 4, 2010, at http://articles.latimes.com/2010/oct/04/nation/la-na-1004-medal-20101004-1

[47] Rick Weiss, "Seven Blacks in Line for Medal of Honor," *Washington Post*, April 28, 1996, p. A10.

[48] In the case of Ruben Rivers, his white commanding officer, David Williams, had sought for years to see that Rivers was awarded the Medal of Honor. After seeing to it that his unit received the Presidential Unit Citation in 1978, Williams was invigorated by that victory [and] shifted his sights to Sergeant Rivers' Medal of Honor. Now, with the help of Sen. James Inhofe of Oklahoma and Members of the Congressional Black Caucus, victory is at hand." Joseph L. Galloway, "One Officer's 52-Year Quest," *U.S. News and World Report*, May 6, 1996, pp. 40-41.

[49] P.L. 104-201, Section 561, September 23, 1996.

In the cases of living recipients Vernon J. Baker, Edward A. Carter, and Charles L. Thomas, their Medal of Honor pensions were awarded retroactively.[50]

On January 20, 1998, President Clinton awarded retired U.S. Marine Corps Major General James Day the Medal of Honor for his heroism as a Marine corporal during the battle for Okinawa in 1945. The original paperwork for his award was lost. Faded carbon copies of the recommendation surfaced in a fellow Marine's memorabilia and served as the basis for going forward with the award.[51]

Later in the same year, former U.S. Navy Hospital Corpsman Robert Ingram was awarded the Medal of Honor by President Clinton. Ingram's "comrades discovered at a 1995 reunion that he was alive and had never been decorated for his heroism."[52] The Navy claimed to have lost the original paperwork. Following the congressionally mandated waiver of the time limits in November 1997, a review of Ingram's record resulted in the awarding of the medal.

In a symbolic gesture, then-President Reagan awarded the medal to the Vietnam veteran interred at the Tomb of the Unknowns in Arlington Cemetery in 1984. On May 14, 1998, the remains of the Vietnam veteran were exhumed. Advances in forensic identification using DNA testing allowed the military to positively identify the remains as those of Air Force 1st Lieutenant Michael Blassie, an A-37 pilot who was killed in the battle of An Loc, Vietnam, on May 11, 1972. His remains were returned to his family in Missouri. Family members sought to retain the medal awarded in 1984 by then-President Reagan. The request to retain the medal was denied. "[I]n a letter to the family, Undersecretary of Defense Rudy de Leon said the Pentagon had decided that the medal had been a symbolic award to all servicemembers who lost their lives in the conflict and not to any individual servicemember."[53]

The efforts of historians searching for cases justifying the presentation of the award to African American servicemembers in the World Wars, and the legislation allowing Congress to waive time restraints for such cases, unearthed a controversy regarding Theodore Roosevelt.[54]

Under the time waiver Congress enacted in 1996, Representative Paul McHale introduced legislation requesting the President to award the MoH to then-Army Lieutenant Colonel Theodore Roosevelt for his actions on July 1, 1898, in the attack of San Juan Heights, Cuba, during the Spanish-American War. Representative McHale argued that the Medal was not awarded because of resentment generated as a result of Roosevelt's criticism of the War Department.[55] Although it has been reported that the Army opposed presenting the MoH to Roosevelt,[56] then-President Clinton signed the bill (H.R. 2263) into law as P.L. 105-371. Representatives of "Buffalo

[50] P.L. 105-85, Section 577, November 18, 1997.

[51] Associated Press, "Marine General James L. Day, 73, Dies; Okinawa Battle Hero," *Washington Post*, November 2, 1998.

[52] Associated Press, "A 32-year Wait for the Medal of Honor," *Washington Post*, July 11, 1998, p. 3.

[53] Steve Vogel, "Medal Honoring 'Unknowns' Won't Go to Family of Identified Pilot," *Washington Post*, August 22, 1998, p. 5.

[54] Glenn R. Simpson, "Long Campaign to Get Teddy a Medal May Lead to a Slight of Black Heroes," *Wall Street Journal*, November 13, 1998, p. 1. A decade-long effort by Congress to honor African-American war heroes culminated in a strange result: Theodore Roosevelt, a famous white man, received the Medal of Honor for a battle some historians say was won by black soldiers.

[55] *Congressional Record*, October 8, 1998, pp. H10121-10126.

[56] Mitchell Yockelson, "'I Am Entitled to the Medal of Honor and I Want It': Theodore Roosevelt and His Quest for Glory," National Archives *Prologue* Magazine, Spring 1998, vol. 30, no. 1, parts 3 and 4, at http://www.archives.gov/publications/prologue/1998/spring/roosevelt-and-medal-of-honor-1.html.

Soldiers"[57] claimed that providing the award to Roosevelt would give him (Roosevelt) credit for "their success" in battle.[58] Proponents contend this was an opportunity to amend a 100-year slight. Still others view this as the continuation of "identity politics"[59] driving the awarding of the MoH.

Statutory Restrictions

In 1994, Congress passed P.L. 103-322 that stated in Section 320109. Military Medals and Decorations:

> (a) In General.—Whoever knowingly wears, manufactures, or sells any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title [18 *U.S. Code* §704] or imprisoned not more than six months or both.
>
> (b) Congressional Medal of Honor.—
>
> (1) In General.—If a decoration or medal involved in an offense under subsection (a) is a Congressional Medal of Honor, in lieu of the punishment provided in that subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.
>
> (2) Definitions.—(A) As used in subsection (a) with respect to a Congressional Medal of Honor, "sells" includes trades, barters, or exchanges for anything of value.[60]

The discharge certificate (DD 214) of a recipient of the Medal of Honor carries a notation of this award.

Stolen Valor Act

The Stolen Valor Act of 2005 was signed into law by then-President George W. Bush on December 20, 2006 (P.L. 109-437). The law made it a federal misdemeanor to falsely represent oneself as having received any U.S. military decoration or medal. If the decoration was the Medal of Honor, a defendant could be imprisoned up to one year if convicted. In 2007, Xavier Alvarez, an elected board member of a water district in Southern California, was charged with violating the law after stating at a public meeting that he was a recipient of the Medal of Honor after being

[57] "Buffalo Soldiers" is the name given to the African-American regulars who had served on the frontier and who also fought in Cuba. See Frank Schubert's article, "Buffalo Soldiers at San Juan Hill," presented at the 1998 Conference of Army Historians in Bethesda, Maryland, at http://www.history.army.mil/documents/spanam/bssjh/shbrt-bssjh.htm.

[58] P.L. 105-371, November 12, 1998.

[59] The phrase "identity politics" has come to signify political activity or movements based on or catering to the cultural, ethnic, gender, racial, religious, or social interests that characterize a group identity. Based on Random House Dictionary, 2015, via Dictionary.com, at http://dictionary.reference.com/browse/identity%20politics.

[60] This language was the result of changes created by P.L. 103-322, 108 Stat. 2113, September 13, 1994. This language increased the penalties to up to one year imprisonment and/or up to $100,000 fine for violations involving the Medal of Honor. Prior to this change, the law stated: Whoever knowingly wears, manufactures, or sells any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined not more than $250 or imprisoned not more than six months, or both.

wounded in action as a Marine. Alvarez declared that his remarks were protected speech under the First Amendment and that he should not be fined $5,000 for making a false claim.

On June 28, 2012, in *United States v. Alvarez*, the U.S. Supreme Court overturned the original Stolen Valor Act of 2005 (6-3 decision), deeming it unconstitutional because it was, in the Justices' opinion, too broad in scope and violated the right of free speech. Justice Anthony M. Kennedy, who wrote the court's opinion, said the act "would endorse government authority to compile a list of subjects about which false statements are punishable."[61]

As a result of the Supreme Court decision, legislation was introduced in the 113th Congress to protect the reputation and meaning of the decoration. On June 3, 2013, President Obama signed H.R. 258, the Stolen Valor Act of 2013, into law (P.L. 113-12). This law now makes it "a federal crime for an individual to fraudulently hold oneself out to be a recipient of any of several specified military decorations or medals with the intent to obtain money, property, or other tangible benefit."[62] Violators could face up to a year in prison.

MoH Recipients in 2014

The National Defense Authorization Act (NDAA) for FY2002 (P.L. 107-107, §552) called for a review of Jewish American and Hispanic American veteran war records from WWII, the Korean War, and the Vietnam War to ensure those deserving the Medal of Honor were not denied because of prejudice. During the review, records of several soldiers of neither Jewish nor Hispanic descent were also found to display criteria worthy of the Medal of Honor. The 2002 act was amended to allow these soldiers to be honored with the upgrade. As a result of the review, 24 recipients were honored in 2014.

Valor 24

On March 18, 2014, President Obama presented Medals of Honor to 24 recipients, all Army and many of whom were overlooked initially due to bias because they were Hispanic, Jewish, or African American. He remarked that this was the single largest group of servicemembers to be awarded the Medal of Honor since the Second World War.[63] For full detail on all 24 recipients from WWII, Korea, and Vietnam, see the Valor 24 website at http://www.army.mil/medalofhonor/valor24/.

According to a White House press release on February 21, 2014, "these veterans received the Medal of Honor in recognition of their valor during major combat operations in World War II, the Korean War and the Vietnam War. Each of these Soldiers' bravery was previously recognized by award of the Distinguished Service Cross, the nation's second highest military award; that award will be upgraded to the Medal of Honor in recognition of their gallantry, intrepidity and heroism above and beyond the call of duty."[64]

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[61] *United States v. Alvarez,* Opinion by Justice Kennedy, June 28, 2012, p.11, Supreme Court of the United States at http://www.supremecourt.gov/opinions/11pdf/11-210d4e9.pdf.

[62] Bryant Jordan, "Obama Sign New Stolen Valor Act," Military.com, June 3, 2013, at http://www.military.com/daily-news/2013/06/03/obama-signs-new-stolen-valor-act.html.

[63] The White House Press Office, "Remarks by the President at Presentation Ceremony for the Medal of Honor," March 18, 2014, at http://www.whitehouse.gov/the-press-office/2014/03/18/remarks-president-presentation-ceremony-medal-honor.

[64] The White House Press Office, "President Obama to Award Medal of Honor," February 21, 2014, at

Living Recipients from Afghanistan and Iraq

Additionally, the President awarded Medals of Honor to living servicemembers of the recent conflicts in Iraq and Afghanistan. On May 13, 2014, President Obama presented the Medal of Honor to former Army Sergeant Kyle J. White for saving a soldier's life and helping evacuate other wounded soldiers during an ambush in Afghanistan in 2007. White received the Medal of Honor for his courageous actions during combat operations in Nuristan Province, Afghanistan.[65]

On June 19, 2014, President Obama presented retired Marine Corporal William "Kyle" Carpenter the Medal of Honor during a ceremony in the East Room of the White House. Carpenter received the medal for taking the blast from a grenade to protect fellow Marines, sustaining major wounds that required over 40 surgeries to repair a collapsed lung, fractured fingers, a shattered right arm, and multiple skin grafts.[66]

On July 21, 2014, President Obama awarded the Medal of Honor to Army Staff Sergeant Ryan M. Pitts. Pitts distinguished himself by extraordinary acts of heroism at the risk of his life while serving as a Forward Observer in 2d Platoon, Chosen Company, 2d Battalion (Airborne), 503d Infantry Regiment, 173d Airborne Brigade, during combat operations against an armed enemy at Vehicle Patrol Base Kahler in the vicinity of Wanat Village, Kunar Province, Afghanistan on July 13, 2008.[67] Sergeant Pitts is the ninth and most recent living recipient of the Medal of Honor awarded for valor during combat in Afghanistan or Iraq.

Vietnam Veterans

On September 15, 2014, President Obama awarded Medals of Honor to Retired Army Command Sergeant Major Bennie G. Adkins and Army Specialist Four Donald P. Sloat for heroic actions in Vietnam.[68] Adkins was present to receive his medal during the ceremony at the White House and Sloat's medal was awarded posthumously and accepted by his brother, Dr. Bill Sloat, on his behalf. As the President noted in his opening remarks, "sometimes even the most extraordinary stories can get lost in the fog of war or the passage of time. Yet when new evidence comes to light, certain actions can be reconsidered for this honor, and it is entirely right and proper that we have done so."[69]

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http://www.whitehouse.gov/the-press-office/2014/02/21/president-obama-award-medal-honor.

[65] The White House Blog, "President Obama Awards the Medal of Honor to Sgt. Kyle J. White," May 13, 2014, at http://www.whitehouse.gov/blog/2014/05/13/president-obama-awards-medal-honor-sgt-kyle-j-white.

[66] David Hudson, The White House Blog, "President Obama Awards the Medal of Honor to Corporal William "Kyle" Carpenter," June 19, 2014, at http://www.whitehouse.gov/blog/2014/06/19/president-awards-medal-honor-corporal-william-kyle-carpenter.

[67] The White House Press Office, "Remarks by the President at Presentation of the Medal of Honor to Staff Sergeant Ryan Pitts," July 21, 2014, at http://www.whitehouse.gov/the-press-office/2014/07/21/remarks-president-presentation-medal-honor-staff-sergeant-ryan-pitts.

[68] David Vergun, "President Awards Medals of Honor to 2 Vietnam Veterans," DOD News, September 16, 2014, at http://www.defense.gov/news/newsarticle.aspx?id=123172.

[69] The White House Press Office, "Remarks by the President at Presentation of the Medal of Honor to Command Sergeant Major Bennie G. Adkins and Specialist Four Donald Sloat," September 15, 2014, at http://www.whitehouse.gov/the-press-office/2014/09/15/remarks-president-presentation-medal-honor-command-sergeant-major-bennie; Army Command Sgt. Maj. Bennie G. Adkins official citation at http://www.army.mil/medalofhonor/adkins/ and Army Specialist Four Donald P. Sloat's official citation at http://www.army.mil/medalofhonor/sloat/.

Civil War

The National Defense Authorization Act for FY2014 was signed into law on December 26, 2013, as P.L. 113-66. Section 569 of this law authorized the award of the Medal of Honor to Union Army First Lieutenant Alonzo H. Cushing for acts of valor during the Civil War. Specifically, Cushing helped to stop the Confederate Army charge led by Major General George E. Pickett at the Battle of Gettysburg on July 3, 1863.[70] On November 7, 2014, President Obama presented the medal to Helen Loring Ensign, who accepted the medal on behalf of Cushing, her first cousin twice-removed, during the White House ceremony.[71] Also in attendance were other Cushing descendants and Margaret Zerwekh, 94, who researched Cushing's service in the Civil War and championed his cause for more than 30 years.[72]

MoH Recipients in 2015

World War I

Section 572 of the National Defense Authorization Act for FY2015 was signed into law as P.L. 113-291 on December 19, 2014. It authorized award of the Medal of Honor to two members of the Armed Forces for acts of valor during World War I. This section waived the time limitation to award the MoH award to Army Sergeant William Shemin and Army Private Henry Lincoln Johnson. During WWI, Sergeant Shemin was awarded the Distinguished Service Cross, the nation's second-highest military honor. Private Johnson received the French Croix de Guerre and was awarded posthumously the Army Distinguished Service Cross in 2003.

On June 2, 2015, at a White House ceremony, President Obama presented Medals of Honor posthumously to Army Sergeant William Shemin and Army Private Henry Lincoln Johnson following the upgrade of their Distinguished Service Crosses to Medals of Honor.

President Obama presented Private Johnson's medal to Command Sergeant Major Louis Wilson, of the New York National Guard, who accepted the medal on Johnson's behalf. The President remarked, "We can't change what happened to too many soldiers like him, who went uncelebrated because our nation judged them by the color of their skin and not the content of their character. But we can do our best to make it right."[73]

President Obama then presented Sergeant Shemin's medal to his daughters, Ina Judith Bass and Elise Shemin-Roth. He stated, "It takes our nation too long sometimes to say so—because Sergeant Shemin served at a time when the contributions and heroism of Jewish Americans in uniform were too often overlooked. William Shemin saved American lives and he represented our nation with honor."[74] On June 3, 2015, both Sergeant Shemin and Private Johnson were inducted

[70] Medal of Honor: First Lieutenant Alonso Cushing, U.S. Army site at http://www.army.mil/medalofhonor/cushing/.

[71] David Vergun, "President Awards Medal of Honor for Civil War Heroism," DOD News, November 7, 2014, at http://www.defense.gov/news/newsarticle.aspx?id=123584&.

[72] Katie Zezima, "A Civil War soldier is getting the Medal of Honor. This 94-year-old woman is responsible." *Washington Post*, November 6, 2014, at http://www.washingtonpost.com/blogs/post-politics/wp/2014/11/06/a-civil-war-soldier-is-getting-the-medal-of-honor-this-94-year-old-woman-is-responsible/.

[73] "Remarks by the President at Presentation of the Medal of Honor," The White House, Office of the Press Secretary, June 2, 2015, at https://www.whitehouse.gov/the-press-office/2015/06/02/remarks-president-presentation-medal-honor. For Johnson's official MoH citation, see the Army's site at http://www.army.mil/medalofhonor/johnson/.

[74] Ibid, For Shemin's official MoH citation, see the Army's site at http://www.army.mil/medalofhonor/shemin/.

into the Pentagon's Hall of Heroes in a ceremony presided over by Deputy Defense Secretary Bob Work.[75]

Legislation in the 114th Congress

See **Table 1** for a list of bills introduced in the current Congress to award the Medal of Honor as of the date of this report.

Table 1. Medal of Honor Bills in the 114th Congress (2015)

Bill Number and Date Introduced	Title	Latest Action
H.R. 808 on 2/5/2015	Private Bill; To authorize the President to award the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II.	2/5/2015—Referred to House Committee on Armed Services.
H.R. 1010 on 2/13/2015	To provide for the posthumous commission as a captain in the regular Army of Milton Holland, who, while sergeant major of the 5th Regiment, United States Colored Infantry, was awarded the Medal of Honor for gallantry during the Civil War.	2/13/2015—Referred to House Committee on Armed Services.
H.R. 1094 on 2/26/2015	To authorize and request the President to award the Medal of Honor posthumously to Navy Seal Christopher Scott Kyle for acts of valor during Operation Iraqi Freedom.	2/26/2015—Referred to House committee on Armed Services.
H.R. 1596 on 3/24/2015	Private Bill; To authorize the President to award the Medal of Honor to Special Forces Command Sergeant Major Ramon Rodriguez of the United States Army for acts of valor during the Vietnam War.	3/24/2015—Referred to House committee on Armed Services.
H.R. 1857 on 4/16/2015	To authorize and request the President to award the Medal of Honor posthumously to Army Air Force Major Dominic S. Gentile for acts of valor during WWII.	4/16/2015—Referred to House committee on Armed Services.

[75] J.D. Leipold, "Pentagon inducts WWI Soldiers into Hall of Heroes," June 3, 2015, U.S. Army's official homepage at http://www.army.mil/article/149808/Pentagon_inducts_WWI_Soldiers_into_Hall_of_Heroes/?from=moh_cushing_news_text.

Bill Number and Date Introduced	Title	Latest Action
H.R. 2561 on 5/21/2015	To authorize the President to award the Medal of Honor posthumously to Paul A. Smithhisler for acts of valor in November 1918 during World War I.	5/21/2015—Referred to House committee on Armed Services.
S. 1502 on 6/4/2015	To authorize the award of the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II.	6/4/2015—Referred to Senate committee. Status: Read twice and referred to the Committee on Armed Services.

Source: Legislative Information System (LIS)/Congress.gov.

In addition, other bills related to the Medal of Honor were also introduced:

- H.R. 136, the Camp Pendleton Postal Service in California, and H.R. 1521, the Great Falls Armed Forces Readiness Center in Montana, would rename government facilities after MoH recipients;
- H.R. 272, Medal of Honor Priority Care Act, would increase the priority for enrollment of MoH recipients in the health care system of the Department of Veterans Affairs; and
- H.R. 2559, to designate a segment of Interstate Route 10 the "PFC Milton A. Lee Medal of Honor Highway" in Kendall County, Texas. This bill became P.L. 114-49 on August 7, 2015.

Additional Sources of Information

CRS Report RL30011, *Medal of Honor Recipients: 1979-2014.*

CRS Report R43939, *Medal of Honor Recipients in the 113th Congress: A Fact Sheet.*

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[Part III on pp. 951-1009 lists MoH Recipients by State, 1863-1980]

DOD, U.S. Military Awards for Valor at http://valor.defense.gov/

DOD Knowledge Base, Boards for Correction of Military Records at https://kb.defense.gov/app/answers/detail/a_id/386/~/boards-for-correction-of-military-records

Sammons, Jeffrey T. and John H. Morrow, Jr. *Harlem's Rattlers and the Great War*. Lawrence: University of Kansas Press, 2014. 616 pages
[Discussion of MoH campaign on behalf of Henry Johnson on pp. 464-6]

U.S. Congress, Senate Committee on Veterans' Affairs, *Medal of Honor Recipients 1863-1978,* committee print, 96th Congress, 1st session, February 14, 1979, S. Committee Print No. 3 (Washington, DC: GPO, 1979).

U.S. Air Force Historical Support Division, Medal of Honor Recipients at http://www.afhso.af.mil/topics/factsheets/factsheet.asp?id=15196

U.S. Army, Valor 24 website at http://www.army.mil/medalofhonor/valor24/

U.S. Coast Guard, *Book of Valor: A Fact Book on Medals and Decorations*, 1945, 90 pages at http://www.uscg.mil/history/awards/docs/1945_USCG_BookOfValor.pdf
[Douglas A. Munro is the only Coast Guardsman to receive the MoH, see pp.80-81]

U.S. Navy, Medal of Honor USN Recipients at http://www.navy.mil/moh/
[The Navy version is awarded to both the Navy and Marine Corps since they are both part of the Department of the Navy.]

Yockelson, Mitchell. "'I Am Entitled to the Medal of Honor and I Want It': Theodore Roosevelt and His Quest for Glory," National Archives, *Prologue* Magazine, Spring 1998, vol. 30, no. 1 at http://www.archives.gov/publications/prologue/1998/spring/roosevelt-and-medal-of-honor-1.html

Appendix. Official Citation Samples, Statistics, and Legislation in the 113th Congress

Citations

Below are samples of official MoH citations. (An * asterisk indicates a posthumous award.) For citations of recent recipients, see CRS Report RL30011, *Medal of Honor Recipients: 1979-2014*.

Coates, Jefferson

Rank and organization: Corporal, Company I, 14th Michigan Infantry. *Place and date:* At Gettysburg, PA, 1 July 1863. *Entered service at:* Boscobel, Wis. *Birth:* Grant County, Wis. *Date of issue:* 29 June 1866. *Citation:* Unsurpassed courage in battle, where he had both eyes shot out.

Edgerton, Nathan H.

Rank and organization: Lieutenant and Adjutant, 6th United States Colored Troops. *Place and date:* At Chapins Farm, VA, 29 September 1864. *Entered service at:* Philadelphia, PA. *Birth:* ____. *Date of issue:* 30 March 1898. *Citation:* Took up the flag after three color bearers had been shot down and bore forward, though himself wounded.

***Roosevelt, Theodore**

Rank and organization: Lieutenant Colonel, U.S. Army. *Place and date*: At San Juan Hill, 1 July 1898. *Date of issue*: 16 January 2001. *Citation*: Lieutenant Colonel Theodore Roosevelt distinguished himself by acts of bravery on 1 July, 1898, near Santiago de Cuba, Republic of Cuba, while leading a daring charge up San Juan Hill. Lieutenant Colonel Roosevelt, in total disregard for his personal safety, and accompanied by only four or five men, led a desperate and gallant charge up San Juan Hill, encouraging his troops to continue the assault through withering enemy fire over open countryside. Facing the enemy's heavy fire, he displayed extraordinary bravery throughout the charge, and was the first to reach the enemy trenches, where he quickly killed one of the enemies with his pistol, allowing his men to continue the assault. His leadership and valor turned the tide in the Battle for San Juan Hill. Lieutenant Colonel Roosevelt's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit upon himself, his unit, and the United States Army.[76]

***Flaherty, Francis C**.

Rank and organization: Ensign, U.S. Naval Reserve. *Born:* 15 March 1919, Charlotte, Mich. *Accredited to:* Michigan. *Citation:* For conspicuous devotion to duty and extraordinary courage and complete disregard of his own life, above and beyond the call of duty, during the attack on Pearl Harbor, by Japanese forces on 7 December 1941. When it was seen that the *USS Oklahoma* was going to capsize and the order was given to abandon ship, Ensign Flaherty remained in a turret, holding a flashlight so the remainder of the turret crew could escape, thereby sacrificing his own life.

[76] "Theodore Roosevelt," Congressional Medal of Honor Society at http://www.cmohs.org/recipient-detail/2178/roosevelt-theodore.php. For additional background information, see "Remarks on Presenting the Medal of Honor," January 16, 2001, by President Bill Clinton at http://www.presidency.ucsb.edu/ws/index.php?pid=64177&st=medal+of+honor&st1=roosevelt and the National Archives *Prologue* magazine article, "I Am Entitled to the Medal of Honor and I Want It: Theodore Roosevelt and His Quest for Glory," by Mitchell Yockelson, Spring 1998, at http://www.archives.gov/publications/prologue/1998/spring/roosevelt-and-medal-of-honor-1.html.

***Gilmore, Howard Walter**

Rank and organization: Commander, U.S. Navy. *Born:* 29 September 1902, Selma, Ala. *Appointed from:* Louisiana. *Other Navy award:* Navy Cross with one gold star. *Citation:* For distinguished gallantry and valor above and beyond the call of duty as Commanding Officer of the *USS Growler* during her Fourth War Patrol in the Southwest Pacific from 10 January to 7 February 1943. Boldly striking at the enemy in spite of continuous hostile air and anti-submarine patrols, Commander Gilmore sank one Japanese freighter and damaged another by torpedo fire, successfully evading severe depth charges following each attack. In the darkness of night on 7 February, an enemy gunboat closed range and prepared to ram the *Growler*. Commander Gilmore daringly maneuvered to avoid the crash and rammed the attacker instead, ripping into her port side at 17 knots and bursting wide her plates. In the terrific fire of the sinking gunboat's heavy machine guns, Commander Gilmore calmly gave the order to clear the bridge, and refusing safety for himself, remained on the deck while his men preceded him below. Struck down by the fusillade of bullets and having done his utmost against the enemy, in his final living moments, Commander Gilmore gave his last order to the officer of the deck, "Take her down." The *Growler* dived; seriously damaged but under control, she was brought safely to port by her well-trained crew inspired by the courageous fighting spirit of their dead captain.

***Bobo, John P.**

Rank and organization: Second Lieutenant, United States Marine Corps Reserve, 3rd Battalion, 9th Marines, 3rd Marine Division (Rein) FMF. *Place and date:* Quang Tri Province, Republic of Vietnam, 30 March 1967. *Entered service at:* Buffalo, N.Y. *Date and place of birth:* February 14, 1943, Niagara Falls, N.Y. *Citation:* For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty. Company I was establishing night ambush sites when the command group was attacked by a reinforced North Vietnamese company supported by heavy automatic weapons and mortar fire. Lieutenant Bobo immediately organized a hasty defense and moved from position to position encouraging the outnumbered Marines despite the murderous enemy fire. Recovering a rocket launcher from among friendly casualties, he organized a new launcher team and directed its fire into the enemy machine gun positions. When an exploding enemy mortar round severed Lieutenant Bobo's right leg below the knee, he refused to be evacuated and insisted upon being placed in a firing position to cover the movement of the command group to a better location. With a web belt around his leg serving as a tourniquet and with his leg jammed into the dirt to curtail the bleeding, he remained in this position and delivered devastating fire into the ranks of the enemy attempting to overrun the Marines. Lieutenant Bobo was mortally wounded while firing his weapon into the main point of the enemy attack but his valiant spirit inspired his men to heroic efforts, and his tenacious stand enabled the command group to gain a protective position where it repulsed the enemy onslaught. Lieutenant Bobo's superb leadership, dauntless courage, and bold initiative reflected great credit upon him and upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

Table A-1. Medal of Honor Breakdown by War and Service

(as of August 17, 2015)

War	Total Awards	Army	Navy	Marines	Air Force	Coast Guard	Posthumous	Civilian	Air Corps
Civil War	1,523	1,199	307	17			30	(2) Navy (2) Army	
Indian Campaigns	426	426					12	(4) Army	
Korea 1871	15		9	6					
Spanish American	110	31	64	15			1		
Samoa	4		1	3					
Philippine Insurrection	80	69	5	6			4		
Philippine Outlaws	6	1	5						
Boxer Rebellion	59	4	22	33			1		
Mexican Campaign	56	1	46	9					
Haiti	6			6					
Dominican Republic	3			3					
World War I	126	97	21	8			35		Army (4)
Haiti 1919-1920	2			2					
Nicaraguan Campaign	2			2					
World War II	471	331	57	82		1	273		Army (37)
Korean War	145	92	7	42	4		107		
Vietnam	258	171	16	57	14		162		
Somalia	2	2					2		
Afghanistan	12	9	1	2			3		
Iraq	4	2	1	1			4		
Non-Combat	193	3	185	5			5		Army (1)
Unknowns	9	9					9		
TOTALS	3,512	2,447	747	299	18	1	648		

Notes: Updated data provided to CRS courtesy of the Congressional Medal of Honor Society. These totals reflect the total number of Medals of Honor awarded. Nineteen (19) men received a second award. Fourteen (14) of these men received two (2) for separate actions, five (5) received the Navy and Army Medals for Honor for the same action. The Air Corps was the predecessor of the U.S. Air Force from 1926-1947 and known

officially as the Army Air Corps according to the "Centennial of Army Aviation" at http://www.army.mil/aviation/aircorps/.

Table A-2. Medal of Honor Total Numbers

(as of August 17, 2015)

Total Medals of Honor Awarded	3,512
Total Numbers of Recipients	3,493
Total Number of Double Recipients	19
Total Number of Living Recipients	79

Source: Congressional Medal of Honor Society.

Table A-3. Medal of Honor Bills in the 113th Congress (2013-2014)

Bill Number and Date Introduced	Title	Latest Action
H.R. 658 on 2/13/2013	To authorize and request the President to award the congressional Medal of Honor to Arthur Jibilian for actions behind enemy lines during World War II while a member of the United States Navy and the Office of Strategic Services.	2/28/2013—Referred to the House Subcommittee on Military Personnel.
H.R. 1237 on 3/18/2013	To authorize and request the President to award the Medal of Honor posthumously to Major Dominic S. Gentile of the United States Army Air Forces for acts of valor during World War II.	4/8/2013—Referred to the House Subcommittee on Military Personnel.
H.R. 2082 on 5/21/2013	Private Bill; To authorize and request the President to award the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II.	6/20/2013—Referred to the House Subcommittee on Military Personnel.
H.R. 2106 on 5/22/2013	To authorize and request the President to award the Medal of Honor posthumously to First Lieutenant Alonzo H. Cushing for acts of valor during the Civil War.	6/20/2013—Referred to the House Subcommittee on Military Personnel.

Bill Number and Date Introduced	Title	Latest Action
H.R. 3304 on 10/22/2013	National Defense Authorization Act for Fiscal Year 2014 Subtitle H, Section 583—regarding standardization to time limits for Recommending and Awarding MOH, DSC, NC, AFC, DSM; Section 584—recodification and revision of MOH requirements; Section 587—MOH consideration for Sgt. Rafael Peralta; Section 588—DSC for Sergeant Robert F. Kreiser, Korean War.	12/26/2013—Became Public Law No: 113-66. See the following: Sec. 561. Repeal of limitation on number of medals; Sec. 562. Standardization of time-limits for recommending and awarding Medal of Honor and other medals; Sec. 563. Recodification and revision of Medal of Honor Roll requirements. Sec. 566. Authorization for award of the Medal of Honor to former members of the Armed Forces previously recommended for award of the Medal of Honor. Sec. 567. Authorization for award of the Medal of Honor for acts of valor during the Vietnam War. Sec. 569. Authorization for award of the Medal of Honor to First Lieutenant Alonzo H. Cushing for acts of valor during the Civil War.
H.R. 3364 on 10/29/2013	To authorize and request the President to issue a posthumous commission in the regular Army to Milton Holland, who, while sergeant major of the 5th Regiment, United States Colored Infantry, was awarded the Medal of Honor for gallantry during the Civil War.	1/24/2014—Referred to the House Subcommittee on Military Personnel.
H.R. 3979 on 1/31/2014	National Defense Authorization Act for Fiscal Year 2015 Sec. 572. Authorization for award of the Medal of Honor to members of the Armed Forces for acts of valor during World War I.	12/19/2014—Signed by the President as P.L. 113-291. Sec. 572. Authorization for award of the Medal of Honor to members of the Armed Forces for acts of valor during World War I. Waives time limitation for consideration of this award for (a) Sgt. William Shemin and (b) Pvt. Henry Johnson.
H.R. 4233 on 3/13/2014	To authorize the President to award the Medal of Honor posthumously to Lance Corporal Jordan C. Haerter and Corporal Jonathan Yale of the Marine Corps for acts of valor during Operation Iraqi Freedom in April 2008.	06/20/2014—Referred to the Subcommittee on Military Personnel.
H.R. 5302 on 7/30/2014	Private Bill; To authorize the President to award the Medal of Honor to Special Forces Command Sergeant Major Ramon Rodriguez of the United States Army for acts of valor during the Vietnam War.	7/30/2014—Referred to the House Committee on Armed Services.

Bill Number and Date Introduced	Title	Latest Action
H. Con. Res. 26 on 3/19/2013	Recommending the posthumous award of the Medal of Honor to Sergeant Rafael Peralta.	4/5/2013—Referred to the House Subcommittee on Military Personnel.
S. 993 on 5/21/2013	A bill to authorize and request the President to award the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II.	6/4/2013—Referred to the Senate Committee on Armed Services by unanimous consent.
S. 1258 on 6/27/2013	A bill to authorize and request the President to award the Medal of Honor posthumously to First Lieutenant Alonzo H. Cushing for acts of valor during the Civil War.	6/27/2013—Referred to the House Subcommittee on Military Personnel.
S. 2793 on 9/11/2014	A bill to authorize the award of the Medal of Honor to Private Henry Johnson.	9/19/2014—Referred to House committee. Status: Referred to the House Committee on Armed Services.
S. Con. Res. 9 on 3/19/2013	A concurrent resolution recommending the posthumous award of the Medal of Honor to Sergeant Rafael Peralta.	3/19/2013—Referred to Senate Committee. Status: Referred to the Committee on Armed Services.

Source: Legislative Information System (LIS)/Congress.gov at http://www.congress.gov.

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Acknowledgments

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