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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

# H. R.

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 HOUSE OF REPRESENTATIVES

Mr. HECK introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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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:

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

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

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

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

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

22          (6) The Medal of Honor is awarded in the  
23          name of Congress.

24          (7) As found in Senate Concurring Resolution  
25          153 of the 101st Congress, on December 29, 1890

1 the 7th Cavalry of the United States engaged a trib-  
2 al community “resulting in the tragic death and in-  
3 jury of approximately 350-375 Indian men, women,  
4 and children” led by Lakota Chief Spotted Elk of  
5 the Miniconjou band at “Cankpe’ Opi Wakpa” or  
6 “Wounded Knee Creek”.

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

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

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

21 (11) On January 1st, 1891, Major General Nel-  
22 son A. Miles, Commander of the Division of Mis-  
23 souri, telegraphed Major General John M. Schofield,  
24 Commander-in-Chief of the Army notifying him that  
25 “[I]t is stated that the disposition of four hundred

1 soldiers and four pieces of artillery was fatally defec-  
2 tive and large number of soldiers were killed and  
3 wounded by the fire from their own ranks and a very  
4 large number of women and children were killed in  
5 addition to the Indian men”.

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

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

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

1           (15) General Miles contemporaneously stated  
2           that a “[w]holesale massacre occurred and I have  
3           never heard of a more brutal, cold-blooded massacre  
4           than that at Wounded Knee”.

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

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

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

20          (b) MEDAL OF HONOR ROLL.—The Secretary con-  
21          cerned shall remove the name of each individual awarded  
22          a Medal of Honor for acts described in subsection (a) from  
23          the Army, Navy, Air Force, and Coast Guard Medal of  
24          Honor Roll maintained under section 1134a of title 10,  
25          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.