
The Medal of Honor: Its Dark Sides

"Killed/No Medal"

"The Deserters Have Forfeited Their Medals"

"An Injustice Has Been Done"

"Lost To History"

"Forgotten Recommendations"



Michael C. Eberhardt

SECOND EDITION

DEDICATION

To Sergeant Stephen Fuller and Private Thomas Collins who were approved in 1870 for Medals of Honor that were never issued simply because these soldiers were killed in battle. They are buried in unmarked graves deep in the Chiricahua Mountains of Arizona, but not forgotten.

To Joe Harris who passed away on June 2, 2024. His passion for the Medal of Honor for his great-grandfather, William Simon Harris, will always be remembered.

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Front Cover Photos: This book deals primarily with controversial government decisions and policies involving the Medal of Honor during the period 1862 to 1900. During that period, the versions of the Medals of Honor then being utilized for awards were the 1863 and 1896 styles of the Army Medal of Honor, and the 1862 style of the Navy Medal of Honor. These are the three Medals of Honor shown on the cover courtesy of the Congressional Medal of Honor Society.

Back Cover Photo: Plaque erected in 2022 by author near the location of the Battle of Chiricahua Pass, October 20, 1869

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ACKNOWLEDGMENT

Like many books, this one is a product of “chance.” In the first instance, my unlikely discovery in 2015 of obscure documents relating to the October 1869 battlefield deaths of two soldiers, Sergeant Stephen Fuller and Private Thomas Collins, would serve to unravel how these two men and several others were unjustly denied the Medal of Honor—only because they were killed in battle. That injustice, which remains unremedied, could have been the end to my research without ever documenting the other types of Medal of Honor injustices that fill the pages of this book.

However, in 2016, while in attendance at the annual meeting of the Wild West History Association (WWHA) in Oklahoma City, I was joined at my table by an amiable stranger who introduced himself as Jim Kenney, a retired FBI agent who was attending his first WWHA meeting. As a former federal prosecutor, I exchanged obligatory law enforcement histories with Jim, and a few war stories. We quickly learned that we also both belonged to another historical organization, the Cochise County Arizona Historical Society (CCHS), and we were both good friends with Bill Cavaliere, President of CCHS. (Bill would subsequently take a personal interest in assisting me with two permanent Medal of Honor exhibits in Arizona for which I am most grateful.) I explained to Jim that I had written about my great great uncle, Mike Gray, a Tombstone-era figure of some significance, and that Bill and CCHS had published an article about him and his exploits in the Chiricahua Mountains of Arizona in the late 1800s. Jim explained that one of his historical interests involved the Medal of Honor, and I asked him if he knew about the 1869 Battle of Chiricahua Pass involving 61 Army soldiers and 100 Apache warriors led by Cochise—where 33 soldiers received the Medal of Honor, arguably the most for any single day military action in U.S. Army history. Jim looked at me with great skepticism as to this number of recipients but a few days later I sent him my research which is largely reflected in Chapter 1 of this book. As it turned out, Jim had been doing Medal of Honor research for decades and thereafter became a wealth of knowledge for me on a wide variety of Medal of Honor related topics. More importantly, he was a source of enormous encouragement, and the unique discoveries detailed in this book are a direct result of his relentless support.

Jim’s encouragement also led me, by chance again, to a small group of like-minded Medal of Honor researchers, none more knowledgeable than Gayle Alvarez, President of the Medal of Honor Historical Society of the United States (MOHHSUS). The records that Gayle has developed relating to individual recipients are truly remarkable, and her extraordinary diligence as a researcher and publisher of the MOHHSUS newsletter is, in my opinion, without parallel. She was a major factor in assembling many of the profiles in this book. It is with much gratitude that I acknowledge all that she has done, and continues to do, in honoring recipients of the Medal of Honor.

In 2019, I discovered the 2018 publication of Dwight Mears’ book, *The Medal of Honor, The Evolution of America’s Highest Military Decoration*. My copy of Dwight’s book is terribly dog-eared as I constantly refer to it, and I have pestered Dwight over the years for information about documents that he has cited in his book. He has always been gracious with his time, his information, and his insights. His book certainly represents the most definitive and well-researched book ever written on the history of the Medal of Honor.

Finally, the discoveries detailed in this book are almost exclusively based on documents from the National Archives—most never publicized. Without the hard work of professional researcher Vonnie Zullo, who did all the “digging” at the National Archives based on leads that I provided to her, this book would not have been possible.

Thank you, Jim, Bill, Gayle, Dwight, and Vonnie—I am in your debt.

Michael Eberhardt

INTRODUCTION

While over the decades numerous authors have written, justifiably so, about the gallantry of many of the over 3500 recipients of the Medal of Honor, few have written critically about the Medal's history. Most recently, in the 2018 book by Dwight Mears, *The Medal of Honor, The Evolution of America's Highest Military Decoration*, an author finally and authoritatively analyzed and critiqued the multitude of policies, events and considerations that have influenced the transformation of the Medal as it was authorized by statute in 1862 and 1863 into what the Medal of Honor represents in the 21st century. Mr. Mears' account is enlightening and provocative, and it highlights many controversial aspects of the Medal's history. Anyone who really understands the rich history of the Medal of Honor has read Dwight's book. Pretenders have not.

The Congressional Medal of Honor Society (CMOHS), as of July 2024, recorded on its website the number of Medal of Honor recipients as 3519. The actual number of Medals awarded is over 900 higher than the CMOHS figure, since the Medal revocation processes over the last 120 years have removed many soldiers and sailors from the official rolls. There are also a number of soldiers who were approved for the Medal of Honor where no Medals were issued. And, shamefully, there are soldiers and sailors still on the official Medal of Honor rolls who were deserters.

Make no mistake, this book is one of “advocacy”—pure and simple. While the accounts and case studies of various soldiers and sailors in this book are based on historical facts, the author's views expressed herein are intended to criticize certain actions relating to the Medal of Honor and to offer explanations that demonstrate:

- How and why Medals of Honor were never issued to soldiers who were actually approved for Medals but denied their issuance under the Army's “Killed/No Medal” policy which was in place from 1862 to 1918.
- How so many Medal of Honor recipients, who became deserters, regrettably remain to this day on the official CMOHS Medal of Honor rolls.
- How the 1916 Medal of Honor Review Board performed the greatest of injustices by revoking certain Medals of Honor.
- How almost 250 Medal of Honor recipients have been unrecognized and cast as “Lost to History”.
- How over 150 Civil War soldiers recommended for the Medal of Honor were not properly considered because the War Department misplaced recommendation lists for over three decades.

These are the “Dark Sides” of the Medal of Honor as the title to this book so characterizes them. While the author's interpretations and perspectives are apparent in this piece of “advocacy,” the readers of this book are certainly encouraged to draw their own conclusions. However, in doing so they should respectfully reflect on the words of the late U.S. Senator Daniel K. Inouye (himself a Medal of Honor recipient) when he stated:

There is no statute of limitations on honor. It's never too late to do what is right. A nation that forgets or fails to honor our heroes is a nation destined for oblivion.

CHAPTER 1: THE ARMY’S “KILLED/NO MEDAL” POLICY

“The medal of honor cannot be awarded in the case of a deceased soldier, no matter what measure of gallantry he may have displayed.”

The Adjutant General

This Chapter examines the actual consequences to the Army’s policy of not awarding Medals of Honor to soldiers killed in battle or otherwise not alive when the Army was prepared to issue the Medals. This policy, which this author has characterized as the “Killed/No Medal” policy, was in place from 1862 until 1918 when the Secretary of War finally ordered its rescission. Unfortunately, a number of soldiers who were killed or deceased were victims of this policy, and Medals of Honor were never issued despite cases where there are documented Medal of Honor approvals.

Inexplicably, the Army’s own ability to enforce the “Killed/No Medal” policy was atrocious at best. During the period of 1862-1918, at least 40 soldiers—who were in fact killed—nonetheless had Medals of Honor issued and are now on the official Medal of Honor rolls. There is no logical distinction between these 40 Medal of Honor recipients and the soldiers discussed in this Chapter who failed to have Medals issued solely because of their deaths—typically and gallantly in the heat of battle.

PART 1 of this Chapter details the facts and circumstances as to how the Army failed to issue Medals of Honor for two soldiers, Sergeant Stephen Fuller and Private Thomas Collins, simply because they were killed at the Battle of Chiricahua Pass in October 1869—despite the Medal of Honor approval of the Army’s Commanding Officer, General William T. Sherman. The notations in their files that read “Killed/No Medal” are the basis for this author’s characterization of the policy that accounts for the denials of their Medals of Honor.

PART 2 of this Chapter similarly recounts the facts relating to eleven soldiers from the 1899-1902 Philippine Insurrection who were also denied Medals of Honor because of the Army’s “Killed/No Medal” policy—despite Secretary of War approvals in 1906 for most of them. This Chapter also explains how three of these soldiers who were approved for the Medal of Honor were mistakenly believed by the Army not to have been “living” at the time of their approvals, and therefore no Medals were issued to them. In fact, these three soldiers survived the award dates for their Medals, and each died many years later without ever knowing they had been approved.

PART 1

Medals of Honor Denied: The Army Failed Two Soldiers at the Battle of Chiricahua Pass in October 1869



Site where Sgt Stephen Fuller and Pvt Thomas Collins killed in action.

Introduction

The Battle of Chiricahua Pass on the afternoon of October 20, 1869—perhaps better described as a five-hour skirmish between approximately 100 Apache warriors lead by Cochise and 61 U.S. Army soldiers lead by Captain Reuben Bernard—is likely considered but a footnote in the annals of important American military battles. However, while most Americans may never have heard of this engagement between Army and Apache, the descendants of the nineteenth-century Chiricahua Apache almost certainly see it as the beginning of the end for their ancestors' status as a free and independent people. It is very likely that this battle caused Cochise to reconsider his resolve to continue hostilities.

Still, this battle was hardly a success for the U.S. Army, since Cochise was able to escape Bernard and his troop, who had been doggedly tracking the Apaches for months. Additionally, it is fair to state that the two soldiers under Bernard's command who were shot and killed that afternoon, Sergeant Stephen Fuller and Private Thomas Collins, are themselves obscure figures in U.S. military history. Nevertheless, the Battle of Chiricahua Pass, with 33 soldiers receiving the Medal of Honor, arguably sits near the top of one historically significant list: the most Medals of Honor awarded for a *single-day* military engagement in U.S. Army history. However, inexplicably and tragically, Sergeant Fuller and Private Collins were not awarded the United States's most significant military honor. They were victims of a Medal of Honor oversight—in need of correction 155 years later.¹

Despite the February 1870 written approval by the Commanding General of the Army, General William T. Sherman, of Captain Bernard's handwritten recommendation to award the Medal of Honor to a list of 31 soldiers including Sergeant Fuller and Private Collins, all the men on Bernard's list *except* Fuller and Collins received the Medal. There is nothing in Sherman's approval (or the Army chain of command endorsements to him) that excluded these two soldiers, who ended up as unfortunate examples of a then ill-conceived Army interpretation of the 1862 Act of Congress involving the eligibility to receive the Medal of Honor. That interpretation, which lasted until its revocation in 1918, stated that a soldier, no matter how gallant his actions, could not receive the Medal of Honor if the soldier gave the ultimate sacrifice and was killed in the action being recognized. In the cases of Sergeant Fuller and Private Collins, it appears from an examination of the official records that, after General Sherman's approval, a lower ranking officer or clerk—while reviewing the approved list to authorize individual engraving orders for each honoree on the list—checked off each soldier's name for whom such orders were to be released. However, when he came to the names of Fuller and Collins, the words “Killed” and “No Medal” were added next to their names, and no engraving orders were issued.²

This chapter examines the events associated with the Battle of Chiricahua Pass. Despite its inconclusiveness in terms of the efforts to capture Cochise, it is an important part of the history of the Indian War period and of Cochise County, Arizona. The following descriptions rely heavily on the actual words of Captain Bernard who organized the actions of his soldiers in the months leading up to the engagement with Cochise on October 20, 1869. The following descriptions rely as well on the records held by the National Archives which chronicle not only Bernard's battle report but also the actions taken within the Army chain of command in response to his Medal of Honor recommendations. Those documents offer a clear picture of the personal actions and recommendations of the Army Adjutant General Edward Townsend and the Commander of the Department of California General Edward Ord, as well as the final decision by General Sherman in the award of the Medals of Honor in response to Bernard's specific recommendation.

Significantly, the Army's error in failing to award Medals of Honor in 1870 to Sergeant Fuller and Private Collins is compounded by the fact that at least 40 other killed soldiers **did receive** their Medals of Honor prior to 1918 despite the Army's “Killed/No Medal” policy. A list of those 40 soldiers is included at the end of this chapter at Exhibit 1.



Captain Reuben F. Bernard, circa 1878
Photo is courtesy of the National Archives.

Captain Reuben Bernard and The Battle

After a long and distinguished career, Reuben Bernard retired on October 14, 1896. He had received his brevet as brigadier general in 1890. He subsequently served as Deputy Governor of the Soldiers' Home in Washington, D.C. for six years until his death in 1903. Bernard is the subject of a book published in 1936, entitled *One Hundred and Three Fights and Scrimmages, The Story of General Reuben F. Bernard*. Author Don Russell painstakingly researched military records, and interviewed individuals who knew Bernard, to reconstruct Bernard's military accomplishments. In the Appendix to his book, Russell lists all of Bernard's "fights" and "scrimmages" from 1856 to 1881 which, except for a four-year period during the Civil War, generally took place as part of the Indian Wars. Russell's book includes a brief description of the Battle of Chiricahua Pass and events leading up to it.

It is interesting to note that when Russell's book was re-printed in 2003 as part of the *Frontier Classics* series, Stackpole Books looked to Ed Sweeney—one of the finest Indian War historians and who wrote extensively on Cochise and the Apaches—to provide a new introduction to the book. Sweeney himself wrote about the Battle of Chiricahua Pass in his 1991 book *Cochise: Chiricahua Apache Chief*. However, neither Russell nor Sweeney in their books ever addressed the Medal of Honor documents that are uniquely discussed in this chapter.

Sweeney's lengthy and highly illuminating introduction to Russell's book contains an interesting commentary on Bernard and his military capabilities. He also discussed the objectives during the events of 1869 leading up to the October battle at Chiricahua Pass, and his following description is useful in putting the rest of this chapter, and the circumstances relating to Fuller and Collins who were denied their Medals of Honor, in context.³ Sweeney states:

Much impressed by what he had seen of Bernard's determination and results-oriented leadership, Lieutenant Colonel Devin, in May of 1869, ordered Bernard to take his troop to Fort Bowie (the scene of Bascom's betrayal of Cochise). Soon thereafter, he lead a scout to examine the Stein's Peak area, about fifty miles northeast of Fort Bowie. But without a reliable guide, his command was hamstrung. Not only was he unable to find Indians, he, nor any of his men had any "knowledge of the whereabouts of water".

This frustrated the cavalry officer, who had enough difficulties to overcome in trying to confront Cochise in his mountain homes. For remedy, he asked Devin to send him Grijalva (a scout who had been an Opata Indian from Sonora but who had lived with the Chiricahua Apaches and who was a favorite scout of Bernard), then at Camp Lowell in Tucson. Devin, probably wondering why he had assigned his best scout to Tucson instead of a frontier post, immediately complied.

To defeat Apaches, as history has shown, Americans employed a formula that combined two independent variables: Competent military leadership with common sense and the tenacity of bulldogs, and resourceful guides who could ferret out a trail. The equation became unbalanced if only one was present; Bernard understood that a campaign, if it hoped to enjoy any success at all, required both. History would show that Bernard and Grijalva would combine to make an effective team against Cochise.

Throughout the remainder of the summer of 1869, Bernard trained his men on their new mounts and took them on monthly patrols to get more familiar with Cochise's country. By the fall of 1869, Bernard's drills and patience fortunately began to return dividends, for his troop engaged Cochise's band five times in a three-month span.

On the morning of October 20, 1869, Captain Bernard, with G troop of his own 1st Cavalry and G troop, 8th Cavalry (sixty-one men in all) picked up Cochise's trail near the eastern mouth of Tex Canyon in the Chiricahua Mountains. His junior officer, Lt. William H. Winters, had defeated and driven Cochise into the mountains twelve days before. That Cochise was still in the Chiricahuas probably surprised Bernard. Cochise was just as surprised when his scouts reported the presence of Bernard's force in what is known today as Rucker Canyon.⁴

The element of "surprise," as Sweeney describes it, is embedded in Bernard's own official account of what transpired at the battle. His October 22, 1869, report was initially conveyed by Bernard to Lt. Colonel Thomas Devin, and then from Devin to Colonel John P. Sherburne, Assistant Adjutant General. Those transmittals and Bernard's attached report state:

*Headquarters Sub-District of Southern Arizona, Tucson Depot, A.T., October 30, 1869.
Brevet Colonel John P. Sherburne, Assistant Adjutant General,
Department of California, San Francisco, California*

Colonel:

I have the honor to transmit Captain Bernard's report of a second engagement with the Chiricahua Apaches, and respectfully invite the attention of the Department Commander to the indomitable energy and "pluck", displayed by Captain Bernard and his gallant officers and men in at once pushing out again after the Indians, instead of waiting for the reinforcement I had ordered to his support.

What I had at first supposed to be a reverse, has proved a well contested and desperate fight, inflicting serious injury upon the Indians.

*Very respectfully, Your obedient servant,
(Signed) THOMAS C. DEVIN
Lt. Col. 8th Cavalry, Bvt. Brig. Gen. U.S.A.,
Commanding. Camp Bowie, A. T.*

*October 22, 1869. Thomas C. Devin,
Bvt. Brigadier General, U.S.A.,
Commanding Sub-District of Southern Arizona.*

General:

I have the honor to report for your information that I left this post on the night of the 16th instant, in compliance with your Orders No. 23, dated Headquarters Sub-District of Southern Arizona, October 9th, 1869, with "G" Troop, 1st Cavalry, (26 men); "G" Troop 8th Cavalry, (24 men). The commissioned officers were First Lieutenant John Lafferty, 8th Cavalry, Second Lieutenant John Q. Adams, 1st Cavalry, Brevet Captain U.S.A., Acting Assistant Surgeon H. G. Tiderman, six (6) packers, and one (1) guide. Total 61 men, with fifteen days provisions. Marched south on the east side of the Chiricahua Mountains to the point where Lieutenant Winters fought the Indians on the 9th instant. My marching was entirely by night, until I arrived at this point. During the night of the 19th, the moon was entirely obstructed by clouds, making the night very dark, causing me to quit the trail and wait for daylight to enable me to follow it. The next morning started early on the trail, and with great difficulty followed it to the top of the highest mountain in the vicinity, where I found an Indian camp that had been evacuated but a few days. This camp overlooked the whole country, and was about three (3) miles from water. After about two hours hunting, I found their trail leading west through the mountains following it about ten (10) miles, came upon a fresh track running in the same direction we were going. Here I took the gallop, knowing this Indian had seen us, and that the main body must be close. Having kept the gallop for about five minutes, we came to a camp that had been evacuated a day or so. Here I halted the command, not being able to see the trail. I then ordered the guide to take five (5) men, dismounted, and go to the top of a rocky mesa and see what he could discover, while I galloped off in the canon [canyon] to see if I could not find their trail. When about two hundred yards from the command, I looked back to see how the men were getting up the hill, and saw several Indians running for the crest. Getting back as quick as my horse could carry me, and ordered the men to tie their horses to the trees, and get to the top of the hill as quick as possible, (leaving six (6) men with the horses). Before the men had reached halfway up the hill, the Indians had opened fire on the guide and five (5) men, compelling them to take shelter behind rocks. At this firing commenced from all parts of the rocks above us. We pressed forward to a ledge of rocks about thirty yards from the ledge occupied by the Indians. This enabled them to shoot their arrows at any person who might show himself. Here two (2) men of the command were killed and one (1) wounded. The men then made themselves secure among the rocks, and sharp shooting commenced in earnest, which was kept up for about half an hour, when I gave the command of the troops occupying the rocks to Lieutenant Lafferty, while I disposed of the rear guard and pack train, which was just coming in.

When reaching the place I had left the horses I found they were greatly exposed to the enemy's fire, and it being impossible to advance with the troops from the place they occupied except to run against another precipice, I ordered Lieutenant Lafferty to fall back and bring the dead men with him. The latter part of the order he could not obey, for as soon as the troops showed themselves volleys were fired at them, compelling them to seek shelter where best they could, and to have attempted to carry the bodies away under such a fire would have cost many a life. When the men reached the foot of the hill, I had the horses removed to a place of safety, with the pack train and sounded men. One man, in coming down the hill, fell over the rocks and broke his leg.

Lieutenant Lafferty, with a few men, remained behind trees at the foot of the hill to protect the dead bodies until something could be done to drive the Indians from the rocks, so that we could get the bodies.

With twenty (20) men I moved to the left, in hopes of being able to get in rear of the enemy, but found every point on the mesa well-guarded, and as I should get within gunshot of it, they would fire on us. I then took thirty (30) men and went to the right, mounted, determined to get on the mesa mounted, if possible.

This movement was made around a hill, where the Indians could not see us until we reached a place where I intended charting from. Here I found a deep canon that I should have to lead my horse down and up before reaching the top of the mesa. I had not more than made my appearance here until they commenced firing upon us. I then gave my first sergeant fifteen (15) men, with orders to occupy a hill nearest the mesa, and try to make the Indians leave their stronghold near the dead men. This fire had great effect, as several Indians were killed from this point.

I again returned to the place where the animals were left, and gave Captain Adams all the men that could be spared, with orders to report to Lieutenant Lafferty to make a charge and get the bodies of the dead men.

Just as Captain Adams arrived and was about to report to Lieutenant Lafferty, he (lieutenant Lafferty) was shot, the ball taking effect in the right cheek, breaking and carrying away the greater portion of the lower jawbone, the bullet and broken bones greatly lacerating the lower portion of the face.

The sun was now getting low, and there being no place where I could camp in the vicinity out of gun-shot range from the hills besides which the whole country was thickly set with timber, the night had the appearance of being very dark, as it had been raining or hailing all day, I thought it best to withdraw, and not lose more men in a vain attempt to dislodge an enemy, where I now feel confident I could not have done it with double the number of men I had.

The men all fought well, and no men could have done better than they did.

I now feel certain that I could not dislodge the Indians from the same place with one hundred and fifty (150) men without losing at least half of them. The Indians were recklessly brave, and many of them must have been killed and wounded.

I shall return to the seat of action, leaving here on the night of the 24th instant, with every man I can mount. The enlisted Indians you have sent me will be a great assistance in finding the camp at night, and I hope in a more accessible place. I will march altogether at night when I can follow the trail.

In contending with Cochies [Cochise], I do not think I exaggerate the fact, to say that we were contending with one of the most intelligent Indians on this continent.

The conduct of the officers and men of both troops were excellent throughout the entire engagement.

The conduct of Lieutenant Lafferty, 8th Cavalry, was most gallant and daring. The cavalry arm in Arizona has lost for a time a good and brave officer in Lieutenant Lafferty. A government in extending thanks to their officers, cannot bestow them too freely upon such an officer as Lieutenant John Lafferty, 8th Cavalry, Brevet Captain John Q. Adams, 1st Cavalry, and Acting Assistant Surgeon H.G. Tiderman, were at all times at their posts of duty. The Doctor had a great deal to do in caring for the wounded.

The following named men are known to have killed Indians:

Sergeant Frederick Jarvis, Troop "G" 1st Cavalry,

" John Thompson,

Private Charles Kelly,

" Thomas Powers,

" William H. Smith,

" Thomas Sullivan,

" Charles H. Ward,

First Lieutenant John Lafferty, Troop "G" 8th Cavalry,

Sergeant Andrew J. Smith,

Private John [Georgian]

" John G. Donahue,

" William Smith,

" Edwin Elwood,

Acting assistant Surgeon H.G. Tiderman U.S.A.

Total-----18 Apache

Our loss is in the engagement is as follows:

Killed.

Sergeant Stephen S. Fuller, Troop "G" 8th Cavalry, shot through the head.

Private Thomas Collins, Troop "G" 1st Cavalry, shot through the head.

(Emphasis added by author.)

Wounded.

First Lieutenant John Lafferty, 8th Cavalry, shot in the right cheek, carrying away almost the entire jawbone of the lower jaw.

Private Edwin Elwood, Troop "G", 8th Cavalry, shot through the right breast.

Private Charles H. Ward, Troop "G", 1st Cavalry, leg broken by falling over rocks.

Three (3) of our horses were killed.

The above were all done with rifle balls.

The place of action was in the Chiricahua Pass, about twenty-five (25) miles northwest of the place where Lieutenant Winters fought them on the 8th instant. The point they occupied was a table land, level on the top and interspersed with oak timber.

The crest was bounded by a precipice of rocks from five (5) to twenty (20) feet high; the table land was about six hundred (600) yards high from the bottom of the canon. This table land or mesa, ran back, connecting with the main mountain, which is very high and rocky. On each side of this mesa, east and west, is a deep rocky canon; in its front, south from where I made this attack, is a small flat thickly covered with timber, which proved to great advantage to us after falling back from the rocks. The fighting began about 12 P.M., and continued until near sunset, when I withdrew.

I would have sent the wounded to this post with one (1) of the troops and remained with the other, had I not thought that my presence in the vicinity would have caused them to keep a strong position. My withdrawal may have a tendency to give them courage and allow me to find them in a more favorable position, which I shall endeavor to do with the aid of the enlisted Indian scouts I now have.

*I am General, very respectfully, Your obedient servant,
(Signed) R.F. BERNARD
Capt. 1st Cavalry, Bvt. Colonel,
U.S.A. Commanding Expedition.⁵*

Captain Bernard's Medal of Honor Recommendation

Following Captain Bernard's October 22, 1869, battle report, he addressed a letter to Colonel John P. Sherburne, Assistant Adjutant General, and recommended that each of the listed 31 soldiers, who had ascended the mountain in the face of the intense fire from the Apache warriors, receive the Medal of Honor. The list of recommended recipients included Sgt. Fuller and Pvt. Collins. The recommendation of Captain Bernard offered the following explanation and justification:

I have the honor to submit the following names of Men of the Troops G. 1st and 8th Cavalry for gallantry displayed during the engagement on October 20th 1869 in the Chiricahua Mountains. These Men are they who advanced with me up the steep and rocky mesa under as heavy a fire as I ever saw delivered from the number of men (Indians), say from one hundred to two hundred.

These Men advanced under this fire until within thirty steps from the Indians when they came to a ledge of rocks where every man who showed his head was shot at by several Indians at once; here the Men remained and did good shooting through the crevices of the rocks until ordered to fall back, which was done by running from rock to rock where they would halt and return the fire of the Indians. When a Government gives an incentive to men for special good conduct, I feel confident in saying that every one of these men is justifiably entitled to be specially rewarded.

The men composing the rear guard and those left with the lead horses are not mentioned in this report although they might have done equally as well as those mentioned, but I do not feel justified in classing them with the other men; time will give them the same chance of showing their soldierly qualities as those mentioned have had.⁶

Names	Rank	Regiment	Remarks
1. Ensign Francis Chas	C.	1st Reg.	✓
2. Ensign Francis Jarvis	C.	1st	✓
3. John Thompson	C.	1st	✓
4. Ensign Nicholas Wheeler	C.	1st	✓
5. Thomas Powers	C.	1st	✓
6. Corporal Bartholomew C. Newman	C.	1st	✓
7. Private Thomas Collins	C.	1st	Killed <i>No medal</i>
8. Charles Kelley	C.	1st	✓
9. Edward Memphis	C.	1st	✓ <i>No Medal</i>
10. Thomas Smith	C.	1st	✓
11. William H. Smith	C.	1st	✓
12. Thomas J. Smith	C.	1st	✓
13. George Springer	C.	1st	✓ - no
14. Thomas Sullivan	C.	1st	✓
15. Charles H. Ward	C.	1st	Wounded ✓
16. Ensign R. Weiss	C.	1st	✓ <i>Severely</i>
17. Ensign Stephen E. Fuller	C.	8th	Killed <i>No medal</i>
18. Andrew J. Smith	C.	8th	✓
19. Ensign Charles H. Dickens	C.	8th	✓
20. Blacksmith Wheeler A. Harding	C.	8th	✓ <i>No medal</i>
21. Gadshel Christian Steiner	C.	8th	✓
22. Major Griffin Jeward	C.	8th	✓
23. Private John Davis	C.	8th	✓
24. Edwin L. Elwood	C.	8th	Wounded ✓
25. John Ferguson	C.	8th	✓
26. Edward Connelly	C.	8th	✓
27. Alvin L. Elwood	C.	8th	✓

Names	Rank	Regiment	Remarks
28. Private William Smith	C.	8th	✓
29. " " " " " "	C.	8th	✓
30. " " " " " "	C.	8th	✓
31. " " " " " "	C.	8th	✓

I am, Colonel,
 Very Respectfully,
 Your Obedient Servant,
R. W. Bernard
 Capt. 1st Reg. At Sea. U.S.

This two-page list is personally signed by Captain Bernard.
 See "Killed" and "No Medal" notes next to names of Fuller and Collins.
 Document courtesy of National Archives.

General Sherman's Medal of Honor Approval

Following his receipt of Captain Bernard's recommendation, Colonel Sherburne addressed a letter as follows, which reflected General Ord's concurrence as well. It reads:

San Francisco, November 20, 1869 Headquarters Department of California,

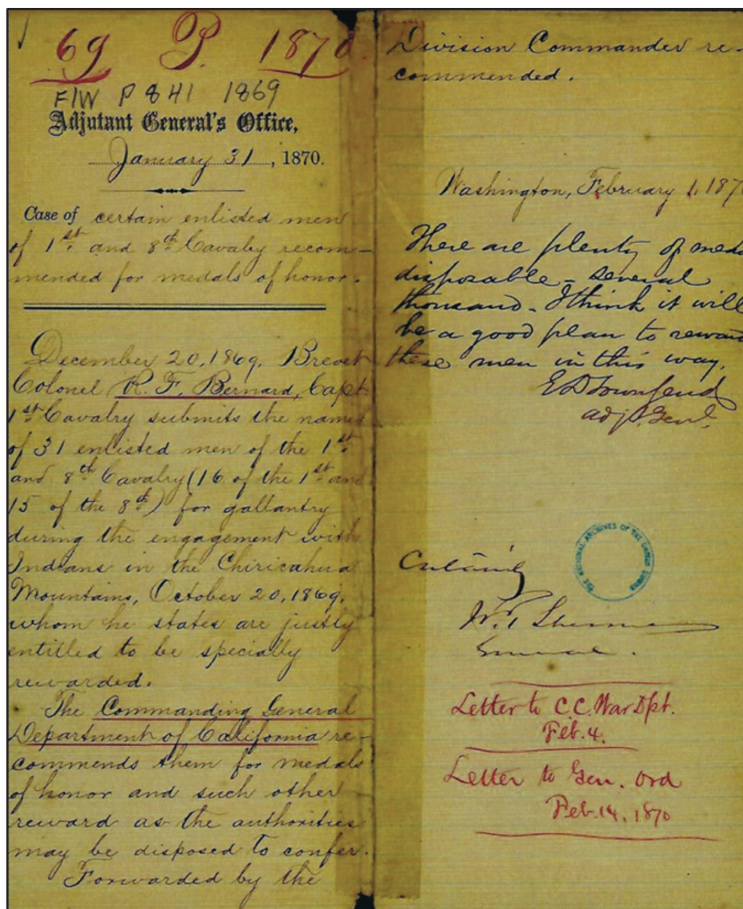
The thanks of the General Commanding are conveyed to the gallant officers and men of Colonel Bernard's command. Brevet Colonel Bernard is recommended for the Brevet of Brigadier General, Lieutenant Lafferty for the Brevet of Major, and Brevet Captain Adams for the Brevet of Major.

The enlisted men mentioned for gallantry are recommended for medals of honor.

*By command of Brevet Major General Ord:
(Signed) JOHN P. SHERBURNE,
Assistant Adjutant General.⁷*

On January 31, 1870, the Army Adjutant General's Office in Washington, D.C., documented that Captain Bernard had submitted the names of 31 enlisted men (16 from the 1st Cavalry and 15 from the 8th Cavalry) for the Medal of Honor. It recorded that General Ord, as the Commanding General of the Department of California, also "recommends" the soldiers for the Medal of Honor.

On February 1, 1870, General Edward D. Townsend, the Adjutant General of the Army, then noted, "There are plenty of medals disposable—several thousand. I think it will be a good plan to reward these men in this way." Below the signature of General Townsend appeared the word "Concurring" and the signature of General William T. Sherman who was then serving as the Commanding General of the Army. Directive letters to the War Department and to General Ord were then issued.⁸



Adjutant General Edward D. Townsend's note agreeing that all 31 soldiers recommended for gallantry by Captain Bernard be "specially rewarded" the Medal of Honor; below Townsend's signature, in different handwriting, is "Concurring" followed by the signature of General William T. Sherman.

Document is courtesy of the National Archives.

Sergeant Stephen Fuller and Private Thomas Collins

Typical of the wave of Irish immigrants in the early 1800s, Stephen Fuller and Thomas Collins both found their way to the United States from distinct parts of Ireland, and like so many of their countrymen enlisted in the U.S. Army. However, their paths to the rocky mesa on October 20, 1869—where both were shot in the head—were quite different.

At the time of his death, Sergeant Fuller was on his third enlistment. Hailing from Henry, Ireland, Fuller left for the United States at the age of 18 on the ship *New Brunswick*, which departed Tralee, Ireland, and arrived in New York on May 27, 1852. He first enlisted in the Army two years later on October 13, 1854, in New York City. His initial enlistment described him as 5' 11" tall, with blue eyes, brown hair, and fair complexion. After a second enlistment on March 1, 1860, while serving in California, Sergeant Fuller then served another five years and was discharged in New York in 1865. He apparently was determined to become a U.S. citizen, since his name appears in U.S. naturalization records in New Haven, Connecticut on March 10, 1866, where he is listed as an "Ex-Soldier." Thereafter, he re-enlisted again on December 6, 1866, and was assigned to Troop G, 8th Cavalry. He was 35 years old when he was killed on October 20, 1869.⁹

Thomas Collins was an Irish immigrant from Limerick. He was born in 1839, and his enlistment records describe him as having auburn hair, gray eyes, a fair complexion, and standing 5' 6" tall. Prior to his enlistment, he worked as a tailor. Little else is known of him. Unlike Sergeant Fuller with his 15 years of military service, the 30-year-old Private Collins had enlisted only 20 days before the Battle of Chiricahua Pass. His enlistment appears to have occurred at Fort Bowie. Private Collins's fatal experience at the Battle of Chiricahua Pass was likely his first and last engagement with the Chiricahua Apache.¹⁰

Neither Fuller nor Collins appear to have been married, and no descendants or relatives have yet been identified.

Because of the intense Apache rifle fire during the battle, and the hasty retreat ordered by Bernard, the bodies of Fuller and Collins were left where they fell on the rocky mesa described by Bernard in his account of their killing. According to Bernard's subsequent report dated November 2, 1869, Fuller and Collins were later buried near the battle site. In his report, Bernard stated that he left Fort Bowie on October 24, 1869, to return to the scene of the battle four days prior with 68 soldiers. He noted:

*I arrived near the battle ground of the 20th about 10 o'clock in the night of the 26th and sent out an Indian Scout with twelve (12) soldiers to find the Indian camp. They returned about 10 o'clock the next morning reporting that nothing could be seen of the whereabouts of the Indians but thought that they were close to us in the high mountains. **About 12 o'clock, I moved with a portion of the command for the purpose of burying the dead left on the field on the 20th.** While this was being done, the scouts reported they could see horses up a deep and narrow canyon and thought they were there for purposes of decoying us into the canyon; the day was focused in scouting in the hills around but no Indians could be seen.¹¹ (Emphasis added by author.)*

Despite the search efforts in March of 2020 by this author and other members of the Cochise County Historical Society to locate a possible grave site for the two men, no confirmed graves have been identified at the rocky mesa battle site location where Fuller and Collins fell. Three somewhat organized rock mounds were noted as potential graves. However, there are also two unmarked graves (no names) that have headstones. They were erected by the Civilian Conservation Corps (CCC) in 1934, in a location at the western end of Rucker Canyon.

The two CCC headstones are in an area where Bernard and his men could well have camped upon their return on October 24, 1869; the location of the graves is about a mile from the rocky mesa. The graves were likely discovered by the CCC volunteers because their own 1934 camp in Rucker Canyon was close to the location of the graves; it was one of the four CCC camps in the Chiricahua Mountains during the Depression.

Whether these two graves are those of Fuller and Collins is speculative but cannot be dismissed. Unlike the three other rock formations closer to the battle site, these two have actual headstones.



Two grave markers placed by CCC in Rucker Canyon
Photo is courtesy of Bill Cavaliere.

The Inconsistency of the Army in Applying the “Killed/No Medal” Policy

As noted above, it is clear from the document on which General Sherman’s signature appears that the recommendation in front of him was for *all* 31 soldiers on Bernard’s list, including Fuller and Collins.¹²

While Fuller and Collins were denied Medals, how did 40 other soldiers (Exhibit 1) have Medals issued despite being killed during the “Killed/No Medal” policy period from 1862-1918? Part of the answer lies in the absence of published Army Medal of Honor regulations during a large portion of this period.¹³

One historian has commented, “Since its creation during the Civil War, the Medal of Honor had been haphazardly awarded because there were no clear rules or policies documenting and authenticating the acts of gallantry befitting the decoration.”¹⁴

Citing the *Digest of Opinions of Military History*, Medal of Honor historian Dwight Mears explained the erroneous Army construction of the original statute and how the earlier informal “Killed/No Medal” policy became part of the official written policy of the Army—some 25 years after Fuller and Collins were denied:

In 1895 the Army also formalized a curious interpretation of the Medal of Honor statutes, requiring soldiers to survive the acts of valor to receive the decoration.... In 1895 the Army judge advocate general ruled that the original Medal of Honor statutes of 1862 and 1863 were “manifestly intended to honor and distinguish the recipient in person.” Therefore, absent “special authority of Congress,” he determined that a Medal of Honor “could not legally be awarded to the widow, or a member of the family, of a deceased officer, on account of the distinguished service in action performed by the latter during his lifetime.

This opinion resulted from a literal if unlikely interpretation of the language of the Civil War statutes. For example, 1862 act that authorized Medals of Honor for issuance by the Army directed that the Medal “be presented, in the name of Congress, to such non-commissioned officers and privates.” The judge advocate general evidently construed this clause to preclude the awarding of a medal to anyone other than the service member, given the omission of explicit authorization to present the medal posthumously or to a deceased soldier’s next of kin. There was no clear intent to deny the medal to deceased soldiers, either in the law’s text or its legislative history, so the Army was apparently stretching the law’s construction in an attempt to narrow the consideration of retroactive cases. This interpretation was never legislatively or judicially overruled, but the Army eventually revoked the rule as a matter of internal policy. Officials likely realized that qualifying actions resulting in death were often more gallant than those in which the soldiers survived, particularly where they sacrificed their own lives for altruistic reasons.¹⁵

Historian Mears adds, and quite appropriately applicable to Fuller and Collins, that:

Strangely, this legal interpretation survived until 1918, when the Army unilaterally revised its regulations to state that the Medal of Honor could be “awarded posthumously to persons killed in the performance of acts meriting such award, or to persons whose death from any cause may have occurred prior to such award.

It is surprising that it took the Army so long to recognize that soldiers who fell in battle were often just as gallant as those who lived, if not more so. In addition, the authorizing statutes contained no demonstrable textual commitment to awarding Medals of Honor exclusively to living soldiers, making this policy even more perplexing.¹⁶ (Emphasis added by author.)

Regarding the 40 soldiers (Exhibit 1) who received their Medals of Honor despite being killed, these were all awards that were made during the period of the “Killed/No Medal” policy, and proximate in time to the deaths of these soldiers.¹⁷ These were not posthumous awards made many years later. They all occurred prior to the 1918 rescission of the “Killed/No Medal” policy.

During the Civil War, several of these killed or deceased¹⁸ Medal of Honor recipients were honored for capture of a Confederate flag or protection of a Union flag. However, others were recognized for different actions. Consider the following:

1. Sergeant William Laing was honored for his action at Chapin’s Farm, Virginia, where he was “among the first to scale a parapet.”
2. Privates Samuel Robertson and Samuel Slavens were honored for their actions as part of a penetration deep into Georgia to capture a train at Big Shanty and the destruction of Confederate bridges and railroad tracks.
3. Private George Buchanan was honored in 1865 after being mortally wounded while taking a “position in advance of a skirmish line” and driving “the enemy’s cannoneers from their guns.”
4. Sergeant Horace Capron, Jr., was honored for “Gallantry in action” at Blunt County, Tennessee.¹⁹

The Indian War period also reflects a number of situations where the Army, contrary to the “Killed/No Medal” policy, nonetheless recognized killed or deceased soldiers with Medals of Honor. All these Medals were issued to killed soldiers within a seven-year period following Bernard’s recommendation that included Fuller and Collins, and one was in fact issued later in the same year (1870) of the denial to Fuller and Collins.

1. Corporal John J. Given was recognized for his action in July of 1870, for “Bravery in action” at Wichita River, Texas.
2. Corporal Frank Braitling was honored for “Services against hostile Indians” at Fort Selden, New Mexico.
3. Sergeant William De Armand was honored for “Gallantry in action” at Upper Washita, Texas.
4. Private Abram Brant was honored for bringing “water for the wounded under a most galling fire” at Little Big Horn.
5. First Sergeant Wendelin Kreher and Private Bernard McCann were honored for “Gallantry in action” at Cedar Creek, Montana.
6. Corporal Henry McMasters was honored for “Gallantry in action” at Red River, Texas.
7. Private George W. Smith was honored after being mortally wounded while carrying dispatches during the attack of “125 hostile Indians.”
8. Private George Hooker was recognized for “Gallantry in action” at Tonto Creek, Arizona.²⁰

Commentary on Captain Bernard’s Tactics

The daunting and difficult challenge that Captain Bernard confronted as he ordered 31 soldiers up the rocky mesa towards Cochise’s position on October 20, 1869, is very obvious from a personal visit to the battle site. In hindsight, after inspecting the site, one has to wonder whether Bernard, in the spontaneity and surprise of the situation, fully appreciated the risk to which he exposed his charging men.

In March 2020, this author and several other members of the Cochise County Historical Society navigated the battle site and particularly the specific ascent made by Bernard’s 31 men upon his orders. Enabled by Bernard’s own detailed battle report and a description of the firing positions of the soldiers from a more recent reconstructed map of spent cartridges, our group clearly was able to envision the perils confronted by Bernard’s men as they made the ascent. In retrospect, it is quite remarkable that only Sergeant Fuller and Private Collins were killed; the superior position of Cochise and his warriors is unquestionably apparent.



Base of the rocky mesa from which Captain Bernard ordered the ascent of his soldiers up the mountain held by Cochise.



A higher vantage point on the mountain from which Cochise and his warriors fired upon Captain Bernard’s soldiers.



Rock outcropping below Cochise's position, a place where Sergeant Fuller and Private Collins may have been killed in battle.

Conclusion

The Army's frequent use of the Medal of Honor during the Indian War has been subject to criticism and comment over the years, as the standard and the formality of the review process has evolved. "Gallantry" has certainly been defined differently over time. As historian Dwight Mears notes: "... the Medal of Honor cannot be viewed as a static decoration, even at discrete points in history. The medal has had different qualification thresholds at various times."²¹

It is interesting to contrast the number of Medal of Honor citations for heroic acts of individual gallantry in the post-World War I period—often involving loss of life—to the somewhat off-hand comment of General Townsend in his February 1, 1870, note to General Sherman. Regarding Bernard's recommendation, Townsend commented that "there are plenty of medals disposable—several thousand" and how it would be "a good plan to reward the men in this way." His views seem to reflect on the collective efforts of 31 men, not their individual acts of gallantry. While Bernard's recommendation does use the word "**gallantry**" to describe the actions of his men (as does Colonel Sherburne's transmittal letter to General Ord on November 20, 1869), Bernard's recommendation contains no assessment of individual soldier conduct, except to describe the perils of the assault by the 31 soldiers and to list Fuller and Collins as "killed."

The specific numbers of Medals issued during various periods of history underscore the evolution of the standards for the award. The Indian Wars resulted in 426 Medals of Honor; 33 of those alone came from the Battle of Chiricahua Pass and another 32 during the Sioux Indian Campaign of 1876-1877. Compare this to the 126 Medals during all of World War I and the 472 Medals during all of World War II. Thereafter, the Korean War had 146 Medal of Honor recipients and the Vietnam War had 268 recipients.

Other pre-1900 military actions also arguably reflected the differing standards compared to the modern era. For example, the Philippine Insurrection of 1899-1902 had 80 honorees and the Spanish American War of 1898 had 110. The Boxer Rebellion had 57 recipients. There were also 51 non-combat related Medal recipients between 1899-1910. Perhaps in greatest contrast to the modern era, and somewhat paradoxically, the "War Between the States" resulted in the most Medals of Honor with 1523 recipients.

In summary, in excess of 50% of all Medals of Honor were issued in a 38-year span prior to 1900. These statistics are not cited in order to detract from the recognition due soldiers during the Indian War period, and certainly not to undermine the case to have Medals issued now for Sergeant Fuller and Private Collins. It was simply a different time. The statistics are relevant, in part, to put in context the mindset of Captain Bernard, General Sherman, and the rest of the Army in 1869 and 1870. In the case of Bernard, it may also not be far-fetched to suggest that he was influenced in his recommendation for 31 Medals of Honor by the loss of two of his soldiers, along with the fact that he was reluctantly forced to retreat after months of preparation and tracking, thus allowing Cochise to escape once again. Clearly, the exchange of fire on the afternoon of October 29 was intense, and arguably Bernard was either surprised or outmaneuvered by Cochise who had secured a superior position on Bernard's charging soldiers. Bernard's own words acknowledge that he put his men in a position where the Apaches could fire "from all parts of the rocks above us."

If it is true, or even likely, that the deaths of Fuller and Collins somehow played on the mind of Bernard as he made his Medal of Honor recommendations, it is tragic and inexcusable that neither Fuller nor Collins was ever awarded the Medal. It is even more unjust when one recognizes that one of the recipients of the Medal of Honor at Chiricahua Pass had twice previously deserted from the Army and had been arrested and returned to duty only the year prior to the battle. That soldier happened to be one of the 31 soldiers, like Fuller and Collins, who was ordered up the hill to face the unexpected withering Apache fire. However, unlike Fuller and Collins, he and the others survived and received their Medals of Honor.

It has often taken many complicated government actions over the years to remedy the lack of an award for a person whose gallantry went unrecognized at the time of the event of extreme bravery. Specific acts of Congress and new investigations have in some cases been required to authorize a Medal of Honor posthumously, and there have been costly, time-consuming undertakings needed to reconstruct and justify an award initiated many years later.

In contrast to that process, the Army effort that is necessary to issue Medals for Fuller and Collins is actually quite simple. The conduct of Fuller and Collins has already been recognized and was specifically documented contemporaneously in the 1869 recommendation of Bernard. He included their names with the other recipients, and their "awards" were specifically approved by the Adjutant General, the General in Command of the Department of California, and the Commanding General of the Army. The actions required of the Army to correct its earlier mistaken interpretation of eligibility are therefore easily attained without any further investigation of the facts relating to Fuller and Collins.

Few Americans have ever heard of Sergeant Stephen Fuller and Private Thomas Collins, but such is no excuse for the failure to recognize them now. By comparison, in explaining the 151-year delay in awarding the Medal of Honor in 2014 to Lt. Alonzo Cushing, who was killed during Pickett's Charge at Gettysburg on July 3, 1863, the Army recognized that the obstruction to his award was, according to Dwight Mears, "the result of period practices or a simple oversight." It is likely that the cases of Fuller and Collins involved both of those circumstances and, like Cushing, they were killed. But Fuller and Collins were previously approved for Medals of Honor in 1870. That must now be acknowledged.

EXHIBIT 1

LIST OF SOLDIERS KILLED/DECEASED AND AWARDED THE MEDAL OF HONOR 1862-1899

CIVIL WAR

Rank and Name	Action	Date of Death	Date of Issue
Sgt. Lester Archer	Wilderness, Va.	10/27/1864	04/06/1865
Pvt. Elijah Bacon	Wilderness, Va.	05/06/1864	12/01/1864
Sgt. Terrence Begley	Cold Harbor, Va.	08/25/1864	12/01/1864
Capt. Morris Brown	Petersburg, Va.	06/22/1864	03/06/1869
Pvt. George Buchanan	Chapin's Fann, Va	10/02/1864	04/06/1865
Pvt. Denis Buckley	Peach Tree Creek, Ga	07/20/1864	07/07/1865
Sgt. Horace Capron, Jr	Chickahominy, Va.	02/06/1864	09/27/1865
Sgt. Benjamin Falls	Gettysburg, Pa.	05/12/1864	12/01/1864
Sgt. Richard Gasson	Chapin's Farm, Va.	09/29/1864	04/06/1865
Pvt. Henry M. Hardenbaugh	Deep Run, Va.	08/28/1864	04/07/1865
Sgt. James S. Hill	Petersburg, Va.	07/30/1864	12/01/1864
Sgt. Alfred Hilton	Chapin's Farm, Va.	10/12/1864	04/06/1865
1 st Sgt. William Jones	Spotsylvania, Va.	05/12/1864	12/01/1864
Cpl. John P. McVeane	Fredericksburg, Va.	05/10/1864	09/21/1870
Sgt. William Laing	Chapin's Farm, Va.	09/29/1864	06/06/1865
Pvt. Lewis Morgan	Spotsylvania, Va.	10/27/1864	12/06/1864
Pvt. James Richmond	Gettysburg, Pa.	06/03/1864	12/01/1864
Sgt. Major Marion Ross	Big Shanty, Ga.	06/18/1862	09/1863
Pvt. Samuel Robertson	Big Shanty, Ga.	06/18/1862	09/1863
Sgt. John M. Scott	Big Shanty, Ga.	06/18/1862	08/04/1866
Sgt. Charles Seston	Winchester, Va.	09/12/1864	04/06/1865
Pvt. Samuel Slavens	Big Shanty, Ga.	06/18/1862	07/28/1863
Col. John W. Sprague	Decatur, Ga.	12/24/1893	01/18/1894
1 st Sgt. Benard Strausbaugh	Petersburg, Va.	11/05/1864	12/01/1864
Sgt. William Thompson	Wilderness, Va.	10/07/1864	12/01/1864
Pvt. Henry S. Wells	Chapin's Farm, Va.	08/27/1864	04/06/1865

INDIANWARS

Pvt. Abram Brant	Little Big Horn, Mt.	10/04/1878	10/05/1878
Cpl. Frank Bratling	Canada Alamos, N.M.	07/13/1878	08/12/1875
Sgt. William DeArmond	Upper Washita, Tx.	09/09/1874	04/23/1875
Cpl. John Given	Wichita River, Tx.	07/12/1870	08/25/1870
1 st Sgt. Wendelin Kreher	Cedar Creek, Mt.	03/17/1877	04/27/1877
Pvt. Bernard McCann	Cedar Creek, Mt.	01/12/1877	04/12/1877
Cpl. Henry McMasters	Red River, Tx.	11/11/1872	11/19/1872
Pvt. George Smith	Washita River, Tx.	09/13/1874	11/04/1874
Pvt. George Hooker	Tonto Creek, Az.	01/22/1873	08/12/1875
Pvt. Philip Kennedy	Cedar Creek, Mt.	11/03/1883	04/12/1887

PHILIPPINE INSURRECTION

Pvt. Cornelius Leahy	Porac, Luzon, Philippines	12/01/1900	03/05/1902*
Major John A. Logan	San Jacinto, Luzon, Philippines	11/11/1899	07/24/1902
Capt. Hugh J. McGrath	Calamba, Luzon, Philippines	11/07/1899	07/24/1902*
Pvt. John C. Wetherby	Imus, Luzon, Philippines	11/29/1899	04/12/1902*

* General Order No. 86, U.S. Army Headquarters specifically notes these soldiers deceased prior to award date.

¹ While there are battles in U.S. military history with more Medal of Honor awardees, virtually all of those occurred over multiple days. For example, in the Civil War the Medal of Honor counts for the following battles were: 128—Vicksburg, 108—Petersburg, 61—Gettysburg, and 40—Spotsylvania. Ronald J. Owens, *Medal of Honor Historical Facts and Figures* (Nashville: Turner Publishing, 2004).

² The engraving orders for the soldiers receiving the Medal of Honor on October 20, 1869, are maintained by the National Archives and Records Administration (NARA), and are part of Records Group (RG) 75, Record of the Bureau of Indian Affairs.

³ Don Russell, *One Hundred and Three Fights and Scrimmages: The Story of General Reuben F. Bernard* (Mechanicsburg, Pennsylvania: Stackpole Books, 2003), pp. 63-80.; Edwin R. Sweeney, *Cochise: Chiricahua Apache Chief* (Norman: University of Oklahoma Press, 1991), pp. 262-282.

⁴ Russell, *One Hundred and Three Fights and Scrimmages*, p. xv.

⁵ Captain Rueben Bernard letter to Lieutenant Colonel Thomas C. Devin, October 22, 1869, NARA, RG 75. Boldface emphasis was added by this author.

⁶ Bernard letter of Recommendation to Colonel John P. Sherburne, November 20, 1869, NARA, RG 75.

⁷ Colonel Sherburne letter, November 20, 1869, NARA, RG 75.

⁸ Colonel Sherburne letter to General Edward Ord, November 20, 1869, NARA, RG 75. Adjutant General's Office document, January 31, 1870, NARA, RG 75.

⁹ Stephen Fuller Enlistment Papers, March 10, 1866, 1st Series, 1798-1894, NARA RG 94.; U.S. Naturalization Index.

¹⁰ Thomas Collins Enlistment Papers, October 4, 1869, 1st Series, 1798-1894, NARA, RG 94.

¹¹ Bernard letter to Devin, November 14, 1869, NARA, RG 75. Boldface emphasis was added by this author.

¹² While 29 of the 31 soldiers on Bernard's recommendation list received the Medal of Honor, there were four other soldiers who also received the Medal for the same action on October 20, 1869. Documentation at NARA is incomplete as to the origins of the recommendation for these four (John. L. Donahue, James Russell, Thomas Smith, and James Sumner). By adding the 29 from Bernard's list plus these four, the generally accepted total number of those awarded the Medal of Honor from the battle is 33 (again, not including Fuller and Collins).

¹³ Dwight S. Mears, *The Medal of Honor: The Evolution of America's Highest Military Decoration* (Lawrence: University of Kansas Press, 2008), pp. 27-37.

¹⁴ Mitchell Yockelson, "I Am Entitled to the Medal of Honor and I Want It: Theodore Roosevelt and His Quest for Glory," *Prologue*, Vol. 30 (NARA magazine), Spring 1998.

¹⁵ Mears, *The Medal of Honor*, pp. 34 and 35.

¹⁶ Mears, *The Medal of Honor*, p.158, from *Digest of Opinions of Military History*, pp. 491-492, citing the memo from Acting Chief of War College Division to Army Chief of Staff, February 13, 1918, "Posthumous Award of the Medal of Honor" and "An Act Authorizing the Award of Medals of Honor after the Decease of the Person Entitled Thereto" at 10 United States Code, Section 3752. Emphasis is added by this author.

¹⁷ George Lang, Raymond Collins, and Gerard White, *Medal of Honor Recipients, 1863-1994* (New York: Facts on File, Inc., 1995).

¹⁸ A few of the 40 men from the Civil War/Indian Wars who received the Medal were not actually killed in battle but died *before* the award. One was deceased within several days after the military engagement. Two others died further in time from the action of gallantry—one soldier clearly dying from a non-battle related cause.

¹⁹ Lang, Collins, and White, *Medal of Honor Recipients*, details of these Medal of Honor winners are in the section "Civil War," pp. 1-250.

²⁰ *Ibid.*, pp.254-314.

²¹ Mears, *The Medal of Honor*, p.202.

²² *Ibid.*, p. 159.

PART 2

JAMES HARRINGTON AND TEN SOLDIERS WHO FAILED TO RECEIVE MEDALS OF HONOR UNDER THE ARMY'S “KILLED/NO MEDAL” POLICY DURING THE PHILIPPINE INSURRECTION

INTRODUCTION

Researching historical military records to find soldiers who did not receive the Medal of Honor because they were denied by the Army's "Killed/No Medal" policy is not an easy undertaking. The research that led to the discovery of the cases of Sergeant Stephen Fuller and Private Thomas Collins in **PART 1** of this Chapter was not the objective of that research; it was a bi-product result of other research that uncovered an obscure article which only mentioned Fuller and Collins in a footnote that listed their deaths—but not the facts later unearthed through NARA records that revealed these two soldiers had been approved for the Medal of Honor but their Medals never issued.

Finding other examples like Fuller and Collins would mean pulling NARA records for larger military actions events (similar to the Battle of Chiricahua Pass where Fuller and Collins were killed), and then searching for groups of soldiers who were recommended for the Medal of Honor. The resulting research then focused on the individual soldiers who were recommended to determine if they were approved for the Medal but denied, again like Fuller and Collins. And finally, for those recommended but where no Medal was issued, the ultimate question would be whether the Army's "Killed/No Medal" policy was a factor in the denial.

One such recent research undertaking proved productive, and it started with Pvt. James Harrington who served as a scout during the Philippine Insurrection from 1899 to 1902. The NARA documents reveal that Harrington was denied the Medal of Honor because he was killed in battle in the Philippines in 1899. However, like the 29 survivors who received Medals of Honor for their gallantry in the 1869 Battle of Chiricahua Pass, there were 13 surviving scouts in Private Harrington's troop in the Philippines who did receive Medals of Honor.

However, Private Harrington and ten other Army soldiers in the Philippines were denied Medals of Honor under circumstances as compelling—if not more so—as those underscoring the denials to Sergeant Fuller and Private Collins thirty years prior.

THE BATTLES OF SAN MIGUEL AND SAN ISIDIRO

Private Harrington, born in 1853 to Irish immigrants, served as part of a small elite group of scouts known as “Young’s Scouts” during the Army’s engagement in the “Philippine Insurrection” (also referred to as the Philippine-American War) from 1899 to 1902. This “Insurrection” followed the United States assumption of control over the Philippines after the defeat of Spain in the Spanish American War. The “Scouts” were named after William Young who was a civilian volunteer scout in the Philippines who had served previously in the Army in the Nez Perce Indian War.

The formation of “Youngs Scouts” was conceived by General Henry W. Lawton, himself a Civil War Medal of Honor recipient. General Lawton was commanding the Northern campaign in the Philippines in 1899. Lawton observed Young in action one day as a volunteer soldier and was immediately impressed by his bravery and leadership. Thereafter, “Young’s Scouts” was formed and served as an advance guard for especially dangerous assignments in engagements with the Philippine insurrectionists. It was comprised of men specifically hand-picked from the 1st North Dakota Volunteers, the 2nd Oregon Volunteers and the 4th U.S. Cavalry. Private Harrington was one of the soldiers from the 2nd Oregon Volunteers. This elite group of scouts varied in size from 12 to 25 during its existence in 1899.

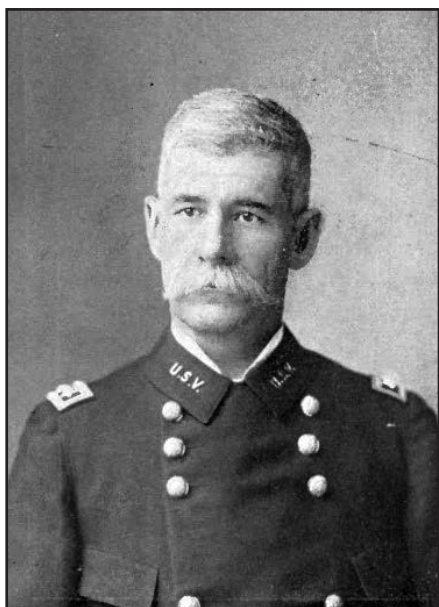
In May 1899, under the command of Captain William Birkhimer (who himself was awarded the Medal of Honor for his action in the Philippines), Young’s Scouts engaged in two dangerous and intense assault actions. These actions are referred to as the Battle of San Miguel on May 13 and the Battle at Tarbon Bridge near San Isidiro on May 16 (hereinafter the Battle of San Isidiro). In each case, the actions involved strategically important positions and the scouts were significantly outnumbered.

At the Battle of San Miguel on May 13, a reconnaissance party of 11 scouts commanded by Captain Birkhimer was confronted by 200-300 insurgents. The scouts were led by Young, who was mortally wounded, and Private Harrington. The insurgents were routed despite their overwhelming numbers. For their actions, Captain Birkhimer and 11 scouts, including Private Harrington were recommended by General Lawton for Medals of Honor in his report filed on September 26, 1899, and addressed to the Adjutant General of the United States.

In describing the action at San Miguel on May 13, 1899, General Lawton’s report to the Adjutant General reads:

...brought the support forward promptly in extended order, but before it could come up and engage, 12 scouts on the left of the center, encouraged by two of their number (Chief Scout young and Private Harrington), under the direct supervision of Captain Birkhimer, broke from the bushes which temporarily concealed them and charged straight across the open for the right center of the enemy’s line, which wavered, broke, and, carrying with it the flanks, precipitately fled before the scouts could reach it.¹

Three days later, a slightly larger group of scouts, again including Private Harrington, discovered that some 600 Philippine insurgents had entrenched themselves near the strategically placed Tarbon bridge one mile from San Isidiro and were intent on burning the bridge. The scouts rushed the bridge and prevented the burning, and subsequently drove the insurgents from their trenches with the aid of the Second Oregon Volunteers, thus recapturing control of the bridge. The only soldier killed at the battle at the bridge near San Isidiro on May 16, 1899, was Private Harrington. Ominously, only the day before Private Harrington had remarked to his fellow scouts that the “bullet had not yet been made that could kill him.” When General Lawton arrived with a troop of mounted cavalry to begin repairs on the bridge, he was told of Private Harrington’s death, and he directed that an American flag be placed over his body.



Major General Henry W. Lawton



Young's Scouts

In his report to the Adjutant General in September 1899, General Lawton describes Private Harrington's death:

Harrington, killed, the only casualty, is the man who has several times before been commended for unusual bravery. He was as noble and brave a soldier as I have ever known, and his death.... will be great loss to us.²

In the same September 1899 report to the Adjutant General, at page 92, General Lawton included the list of the following 11 soldiers, as well as Captain Birkhimer, from the Battle of San Miguel in his recommendation for Medals of Honor:

Private Eli L. Watkins, Troop C, Fourth U.S. Cavalry
 Private Simon Harris, Troop G, Fourth U.S. Cavalry
 Private Peter H. Quinn (also McQuinn), Troop L, Fourth U.S. Cavalry
 Corporal Frank L. Anders, Company B, First North Dakota Volunteer Infantry
 Private J. W. McIntyre, Company B, First North Dakota Volunteer Infantry
 Private Gotfried Jensen, Company D, First North Dakota Volunteer Infantry
 Private Willis H. Downs, Company H, First North Dakota Volunteer Infantry
 Private Patrick Hussey, Company K, First North Dakota Volunteer Infantry
 Private Frank W. Summerfield, Company K, First North Dakota Volunteer Infantry
 Private Edward Eugene Lyon, Company K, Second Oregon Volunteer Infantry
 Private James Harrington, Company G, Second Oregon Volunteer Infantry

General Lawton's report to the Adjutant General, at page 96, also recommended the following 22 men for Medals of Honor for the action at the Tarbon bridge near San Isidiro on May 16:

Private Peter H. Quinn (also McQuinn), Troop L, Fourth U.S. Cavalry
 Private Simon Harris, Troop G, Fourth U.S. Cavalry
 Private Edward Eugene Lyon, Company B, Second Oregon Volunteer Infantry
 Private Marcus W. Robertson, Company B, Second Oregon Volunteer Infantry
 Private Frank Charles High, Company G, Second Oregon Volunteer Infantry
 Private M. Glassley, Company A, First North Dakota Volunteer Infantry

Private Richard M. Longfellow, Company A, First North Dakota Infantry
Private J.W. McIntyre, Company B, First North Dakota Volunteer Infantry
Private John B. Kinne, Company B, First North Dakota Volunteer Infantry
Private Eli L. Watkins, Company C, First North Dakota Volunteer Infantry
Private Gottfried Jensen, Company D, First North Dakota Volunteer Infantry
Private Charles P. Davis, Company H, First North Dakota Volunteer Infantry
Private S.A. Galt, Company G, First North Dakota Volunteer Infantry
Private W.H. Downs, Company H, First North Dakota Volunteer Infantry
Private J. Killion, Company H, First North Dakota Volunteer Infantry
Private Frank Fulton Ross, Company H, First North Dakota Volunteer Infantry
Private Otto Boehler, Company I, First North Dakota Volunteer Infantry
Private John F. Desmond, Company I, First North Dakota Volunteer Infantry
Corporal W.F. Thomas, Company K, First North Dakota Volunteer Infantry
Private F. W. Summerfield, Company K, First North Dakota Volunteer Infantry
Private Patrick Hussey, Company K, First North Dakota Volunteer Infantry
Private T.M Sweeney, Company K, First North Dakota Volunteer Infantry

(Note: Several of the listed soldiers appeared on both of General Lawton's lists. However, of those who did receive their Medals of Honor, none were issued two Medals.)

In total, in addition to Captain Birkhimer, thirteen of the men on the two foregoing lists eventually received Medals of Honor as a result of War Department approvals in 1906. They were:

Private Peter H. Quinn
Corporal Frank L. Anders
Private Gottfried Jensen
Private Willis Downs
Private Edward Eugene Lyon
Private Marcus W. Robertson
Private Frank Charles High
Private Richard M. Longfellow
Private John B. Kinne
Private Charles P. Davis
Private S.A. Galt
Private Frank Fulton Ross
Private Otto Boehler

However, another eleven soldiers on General Lawton's two lists from 1899 never received Medals of Honor. So, what happened to these soldiers? As detailed below, eight of the eleven were specifically listed on two 1906 War Department Medal of Honor approval lists but never received Medals of Honor because of the Army policy to deny Medals for soldiers no longer alive. Furthermore, the other three soldiers can also be similarly accounted for as non-recipients of the Medal because of the same "Killed/No Medal" policy then in effect.

THE JANUARY 8, 1906 WAR DEPARTMENT APPROVAL LIST

On January 8, 1906, a document signed by the Assistant Secretary of War contains a list of ten soldiers as "approved" Medal of Honor recipients for the Battle of San Miguel. Five of these soldiers received their Medals, but another five soldiers did not, including Private Eli L. Watkins, Private Simon Harris, Private James W. McIntyre, Private Patrick Hussey, and Private Frank Summerfield. These are five of the eight soldiers where no Medal of Honor was issued despite being approved by the War Department. The January 8, 1906, list includes language that reads in part:

*By direction of the President, let a medal of honor be awarded to each of the following named men, **if living**, for most distinguished gallantry in action at San Miguel, Luzon, Philippines on May 13, 1899. (Emphasis added by author)³*

An accompanying War Department document also dated January 8, 1906, signed by the War Department's Military Secretary, also refers to the approved soldiers, as well as Private James Harrington's circumstance, and reads in pertinent part:

It is further shown by the records that each of these men was specifically mentioned for distinguished gallantry in the charge of May 13, 1899, and that Captain Birkhimer and Major General Lawton recommended, in terms almost identical with those employed in the case of E.E. Lyon, and set forth hereinbefore, that each of these men (except Harrington, who died shortly thereafter) be awarded the Congressional medal of honor for distinguished gallantry on that occasion.⁴

THE APRIL 4, 1906 WAR DEPARTMENT APPROVAL LIST

A second War Department document dated April 4, 1906, relating to the Battle of San Isidoro and signed by the Assistant Secretary of War, includes the names of ten more soldiers "approved" for the Medal of Honor, but three of these ten soldiers never had Medals of Honor issued. These three soldiers were Private Michael Glassley, Private John Desmond, and Private William Thomas. In pertinent part, the April 4, 1906, San Isidoro list includes language which reads:

*By direction of the President, let a medal of honor be awarded to each of the following men, **if living**, for distinguished gallantry in action near San Isidoro, Philippine Islands⁵ (Emphasis added by author)*

THE PLIGHT OF ELEVEN PHILIPPINE SOLDIERS

The historical documents do not fully explain why it took over six years for the War Department to issue the Medal of Honor approval lists in January and April 1906 for the 1899 battles at San Miguel and San Isidoro. General Lawton was killed in action in December 1899 after publishing his recommendation lists for each battle in his official report of September 1899. While his death might have slowed the review process, there is evidence however that an initial board of officers was convened in 1900 and recommended the issuance of Medals of Honor for the 1899 battles. However, the records are not clear as to any immediately ensuing actions within the Army.

Not until a letter from former Private Edward Lyon in December 1905 did the earlier and still pending General Lawton recommendations for the Medals of Honor receive further attention by the War Department. Unquestionably, this six-year gap in approval action worked to the detriment of several soldiers who were on the approved 1906 War Department lists but who were either dead by the time of those 1906 approvals or were unaccounted for. Consider the summary of facts regarding the following eleven soldiers—eight of whom served with the First North Dakota Volunteer Infantry (whose names are marked with an asterisk):

1. **Private F.W. Summerfield*** (who appeared on both of General Lawton's lists) was killed in action in Calabarzon in the Philippines on January 20, 1900. Why the War Department did not know of his death when it approved Private Summerfield's Medal of Honor in 1906 is a curious but significant oversight.

In January 1906, Private Summerfield's parents learned of their son's name on the War Department approved list for the battle of San Miguel. They made a request for their son's Medal of Honor to the War Department through Senator Porter McCumber of North Dakota. Their request was denied in a War Department letter indicating there was no authority to issue a Medal of Honor for a deceased soldier. Private Summerfield is buried in Lisbon, N.D.

The War Department response to the parents of Summerfield's parents is inexplicable when compared to an analogous situation only four years prior when Mary Leahy, the mother of Private Cornelius Leahy, corresponded with the War Department and requested her deceased son's Medal of Honor. Private Leahy, born in Ireland in 1872, was assigned to Company A, 36th U.S. Volunteers, and was recognized for gallantry during action on September 3, 1899, near Porac, Luzon, in the Philippines. His Medal of Honor award date was May 3, 1902, but he had been killed in action prior to that on December 1, 1900, in Luzon. On May 9, 1902, Private Leahy's mother received his Medal. Private Leahy is one of four soldiers from the Philippine Insurrection who was killed but nonetheless received the Medal of Honor. (See Exhibit 1 in Chapter 1 of this book.) The War Department actions that lead to the award of these four Medals are noteworthy not only because they were exceptions to the then War Department's policy not to award to soldiers killed in battle, but because these awards were processed by the War Department within a timeframe far less than the six plus years (from 1899 to 1906) needed to process the belated Medal of Honor approvals for the "if living" battle participants at San Miguel and San Isidiro.

2. **Private Eli L. Watkins** (who appeared on both of General Lawton's lists) was killed in Philippines on July 20, 1901. He is buried in Clark Veterans Cemetery, Central Luzon, Philippines. Curiously, there is 1906 War Department correspondence to another Medal recipient asking for any information about the whereabouts of Private Watkins. In addition, Watkins was aware of Lawton's recommendation and on August 20, 1900 (prior to his death) he wrote the Adjutant General about the status of his Medal of Honor. No response was located. As was the case with Private Summerfield, why the War Department did not know of Private Watkins' prior death when it included his name on its 1906 approved list is perplexing.
3. **Private John Desmond*** died in San Francisco on July 31, 1900, after his discharge. In 1906, a War Department letter notifying Private Desmond of his award was sent to an outdated address in Wahpeton, N.D. and returned. He is buried in San Francisco National Cemetery.
4. **Private Michael Glassley*** died on November 18, 1904, after his discharge, but apparently from some form of illness originally contracted during his military service. In 1906, a War Department letter notifying the then deceased Private Glassley of his award was addressed to him in "Stevensville, Montana." He is buried at Fort Bayard, N.M.
5. **Private Patrick Hussey***. In 1906, a War Department approval notification letter was sent to Private Hussey in Belt, Montana, which was his residence in 1898. There is no record of receipt or return. It was likely not the current address. Records indicate that Hussey had re-enlisted in the Coastal Artillery in 1901 but deserted in September 1901. These enlistment records, with the desertion entry, should have been available to the War Department when Private Hussey was included on the January 1906 approved list. There is no confirmation of his death, although a "Patrick Hussey" died in Minot, North Dakota in 1920. (**Note:** Because Hussey deserted, he should not receive the Medal of Honor recognition that this author otherwise recommends for the other listed soldiers.)

6. **Private James Harrington.** As noted from the 1906 War Department documentation, all of General Lawton's recommendations for the Medal of Honor from the Battle of San Miguel were approved, except Private Harrington, who was specifically excluded because he had been killed in the May 16, 1899, at the Battle at San Isidiro. As discussed above, Private Harrington was particularly cited by General Lawton for his bravery. Furthermore, Captain Birkhimer, in a June 3, 1899, after action report on the two battles, stated:

*The voices of Young and Private Harrington are hushed in the stillness of the grave, yet at this moment I can hear them cheerily urging the scouts on the attack. Let their **surviving** comrades, each and all, receive the award appropriate to their deeds of valor. (Emphasis added by author)⁶*

This reference to the "surviving comrades" indicates that Captain Birkhimer may have been aware of the limitation on having a Medal of Honor awarded to a deceased soldier. Accordingly, Private Harrington's name, after General Lawton's death in December 1899, did not continue to be part of the War Department review and approval process along with General Lawton's other recommendations. Private Harrington is buried in Riverview Cemetery, Portland, Oregon.

7. **Private J. Killion*** was killed on June 9, 1899, in a military action near Morong, Philippines. He was buried in Manila. It seems likely that the War Department was aware of Private Killion's death when the approval list was issued in 1906; hence his name, like Harrington's, never made it from General Lawton's 1899 recommendation list into the subsequent War Department review and approval process.
8. **Private T.M Sweeney*** was killed in another subsequent action in the Philippines at San Isidiro on October 24, 1900. Like Private Killion, the War Department was likely aware of his death which is why he too never made it from General Lawton's recommendation list onto the 1906 War Department approved list. He is buried in San Francisco National Cemetery.

(While Harrington, Killion and Sweeney can be distinguished from the first five soldiers on the foregoing list as not having their names on the final 1906 War Department approval lists, there seems no doubt that the failure to issue Medals of Honor to these three soldiers was a result of the Army's "Killed/No Medal" policy.)

Interestingly, and tragically, there were three soldiers who, upon initial examination of the records, seemed to also fall victim to the Army's "Killed/No Medal" policy—but these three actually "survived" the 1906 War Department approvals, as further recent research has exposed. Each of these three soldiers was on at least one of the 1906 Medal of Honor approval lists. However, the Army apparently treated them as the others who had not survived because each of these three soldiers failed to respond to the official War Department notification letters sent to them. In fact, the records show that in each of these three cases the Army used an out-of-date address to notify the approved soldiers, and the notifications were never received. Each of the three lived beyond the 1906 approval dates and met the qualifier "if living"—but the War Department performed no follow-up to locate them. These three were Private J. W. McIntyre, Private Simon Harris, and Corporal William F. Thomas. In the cases of McIntyre and Harris, the War Department never pursued leads as to their correct addresses despite information concerning their correct addresses found in government records prior to their deaths, 24 and 57 years later, respectively.

9. **Private J. W. McIntyre***, who was on the January 8, 1906 War Department approval list for the Battle of San Isidoro (and on both of General Lawton's lists) had his War Department notification letter sent to him on January 12, 1906, and addressed to him only at "Fargo, North Dakota." It was returned as undelivered and there is no further record of War Department efforts to locate him. McIntyre lived until May 26, 1930, when he killed during a robbery while operating a transport business out of Columbus, New Mexico. His pension record reflects his date of death while residing in Columbus, as well as his service with his unit in the Philippines. He registered for the WWI draft in 1918 at the age of 42, and his residence in Wyoming is listed on the registration.⁷ He did not serve in WWI, but his address was certainly on record as part of the registration. During 1922-23, McIntyre was a resident of a U.S. Soldiers' Home in California. How the War Department failed to find Private McIntyre from 1906 to 1930 seems quite astounding.
10. **Corporal William F. Thomas*** is in the same category as Private McIntyre in that he survived the 1906 War Department award date but did not receive a Medal of Honor. In a letter dated April 6, 1906, the War Department attempted to communicate with Thomas regarding his approved award. That letter was sent to Dickinson, North Dakota (his address of record from 1898) but returned by an acquaintance with a note that Thomas was likely in San Francisco. The letter was then forwarded to San Francisco but there is no confirmation of receipt. (The great San Francisco earthquake occurred on April 18, 1906.) However, in a July 25, 1906, article in the Bismarck, North Dakota Tribune, William F. Thomas was reported to be in Bismarck (most recently of San Francisco where his house burned in the earthquake) and headed to a job at a nearby North Dakota ranch. No death certificate has been located for Thomas and his activities after July 1906 are not confirmed.
11. **Private Simon Harris** (who appeared on both of Lawton's lists) died on January 22, 1963. He suffered the same injustice as Private McIntyre and Corporal Thomas since he also survived his award date. Like McIntyre, he had a military pension record. Harris also had a VA record.⁸ Also like McIntyre, Harris was in a U.S. Soldiers' home prior to his death. The records show his presence in such a home in 1933, and there are entries for two other medical visits to federal government facilities in the 1920s. Harris is buried in Memorial Park Cemetery, in Kokomo, Indiana with an approved military headstone noted in his military records. In January 1906, a War Department approval letter was sent to him care of the "Dept of Police, Manilla". There was prior correspondence from Private Harris to the Army on April 5, 1902, in which he inquired about the status of his Medal of Honor. His letter stated that he was then working for the Manila Police Department. A response to that letter by the War Department on June 4, 1902, advised Private Harris that he had not received the Medal of Honor. Obviously, this was inconsistent with the January 8, 1906, War Department approval notification. Like McIntyre, there were opportunities to find Harris, but they were never pursued.



Pvt. Simon Harris (Photo courtesy of Harris family)

(NOTE: The documents referencing events associated with the eleven soldiers listed above were all obtained from the National Archives. The complete NARA files are available from the author upon request.)

DELAYED ARMY DECISIONS REGARDING SOLDIERS RECOMMENDED BY GENERAL LAWTON

The Medal of Honor recommendation for Captain Birkhimer resulted in his award on July 15, 1902, for his action at San Miguel. However, as noted above, not until January 8, 1906—after a six-year delay in the final consideration of the soldiers on General Lawton’s original 1899 recommendations lists—did the War Department issue the Medal of Honor approval list for the Battle of San Miguel. The War Department approval list for the Battle of San Isidiro followed shortly thereafter on April 4, 1906.

The issuance of these approval lists was ultimately triggered by a request from Senator C. W. Fulton on behalf of then former Private Edward Lyon. Edward Lyon had inquired on December 24, 1905, about his Medal of Honor since he was aware of General Lawton’s recommendation and Captain Birkhimer’s endorsement regarding Medals of Honor for himself and other soldiers serving in Young’s Scouts. In contrast to the lack of action between 1899 and Lyon’s letter in December 1905, the War Department’s reaction to Edward Lyon’s inquiry was remarkably swift; the San Miguel approval list, which included Edward Lyon, was issued by the War Department only 15 days later (and over the holidays at that) on January 8, 1906.

Regardless of the reason for this delay from 1899 to 1906—and it was certainly not the fault of any of the recommended soldiers—this delay had distinct consequences for the soldiers who were recommended and approved for Medals of Honor but who died prior to 1906. In fact, if it were not for Edward Lyon’s inquiry, approval lists might have never been issued by the War Department, and General Lawton’s Medal of Honor recommendations, except the one for Captain Birkhimer, would have never been addressed.

Furthermore, in the cases of Private Harris, Private McIntyre, and Corporal Harris—all of whom survived the 1906 War Department notifications—it turns out they were not alone in a failed War Department effort to notify a soldier of the approval of his Medal of Honor.

In the case of Private Joseph L. Epps, Co. B, 33rd Infantry, U.S. Volunteers, the War Department acknowledged in 1926, after an inquiry by Epps, that it “was discovered that an unsuccessful search had been conducted” in 1900 to notify Epps that he had been approved for the Medal of Honor for his actions on December 4, 1899, at the Battle of Vigan at Luzon in the Philippines. His Medal of Honor was issued in 1926 to the Eighth Corps Area commander for presentation to Private Epps. Epps died in 1952—26 years after the delayed issuance of his Medal of Honor.⁹

Harris, McIntyre, and Thomas—unlike Epps—all died without ever knowing that they had been approved for the Medal of Honor.

One can also reasonably argue that, when in 1918 the War Department corrected its flawed interpretation of the 1862 Act, it should have examined Medal of Honor records for any soldier denied the Medal simply because he was killed, particularly soldiers who had actually been approved. This expectation is particularly reasonable since the War Department could have easily ascertained that so many other killed or deceased soldiers (at least 40 by this author’s research) had received Medals of Honor in spite of this “Killed/No Medal” policy.

Conclusion

Like Sergeant Fuller and Private Collins, all of the soldiers listed in **PART 2** of this chapter (except the deserter Hussey) should have Medals of Honor issued.

Medals of Honor Finally Issued for William Simon Harris and James W. McIntyre

When this author's research discovered the Medal of Honor recommendations of General Henry W. Lawton arising from the May 1899 actions during the Philippine Insurrection and the 1906 War Department approval lists, it initially appeared that Harris and McIntyre were in the same category as others on those lists where no Medal of Honor was issued because they were not "living" at the time of approval—and victims of the Army's "Killed/No Medal" policy. However, further research confirmed that both Harris and McIntyre were in fact "living" at the time of approval and were victims of another kind—failed War Department notifications to them. These discoveries, along with further research that identified living grandchildren for both Harris and McIntyre, lead to written requests drafted by this author and submitted by each family to the Army's Human Resources Command (HRC) in May 2023. Medals of Honor for both Harris and McIntyre were requested.

The May 2023 requests were reviewed on a timely and professional basis by the Awards and Decorations Branch at HRC. Thereafter, they were forwarded to the Office of the Secretary of the Army.

With no action reported by the Army to the families, a letter dated November 9, 2023, was sent to the Secretary of the Army, Christine Wormuth; it was co-signed by the two 84-year-old granddaughters of Harris and McIntyre and requested prompt issuance of the Medals. (Copy appears on following pages.)

On December 21, 2023, the need for prompt action regarding the Harris and McIntyre Medals of Honor was also the subject of a joint letter from U. S. Senators Mike Braun and John Barrasso to the Secretary of the Army. Commendably, both Senators have taken a personal interest in the issuance of Medals of Honor for their respective constituent families. The staffs of both Senators have demonstrated a persistence that has been appreciated by both families.

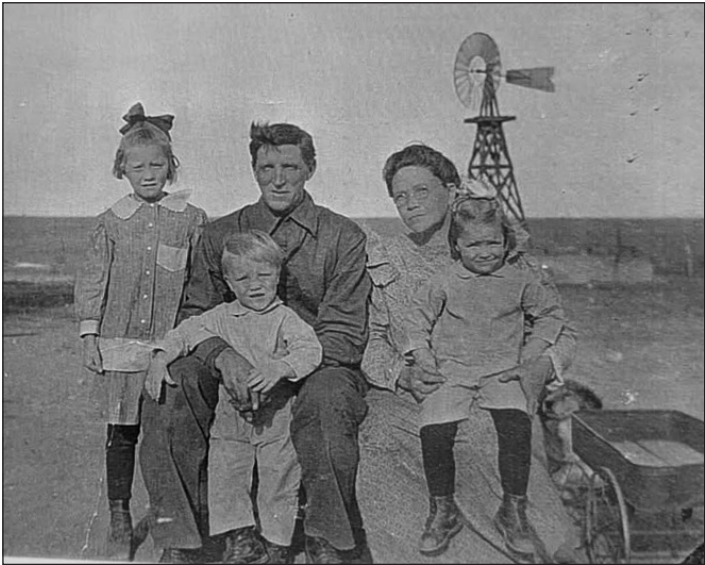
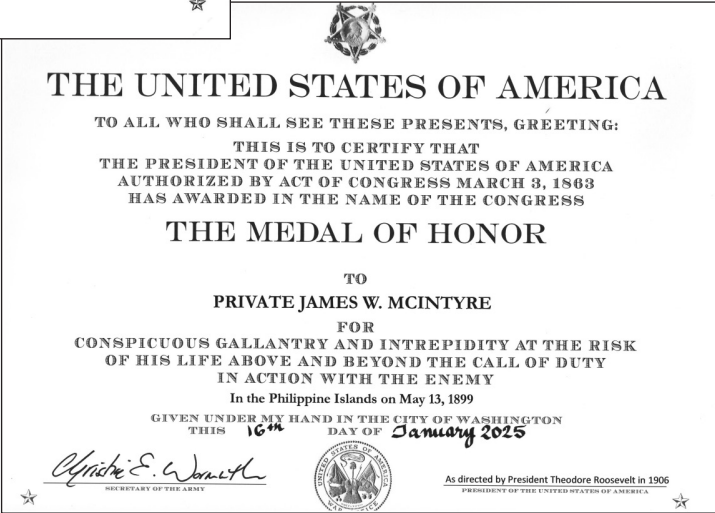
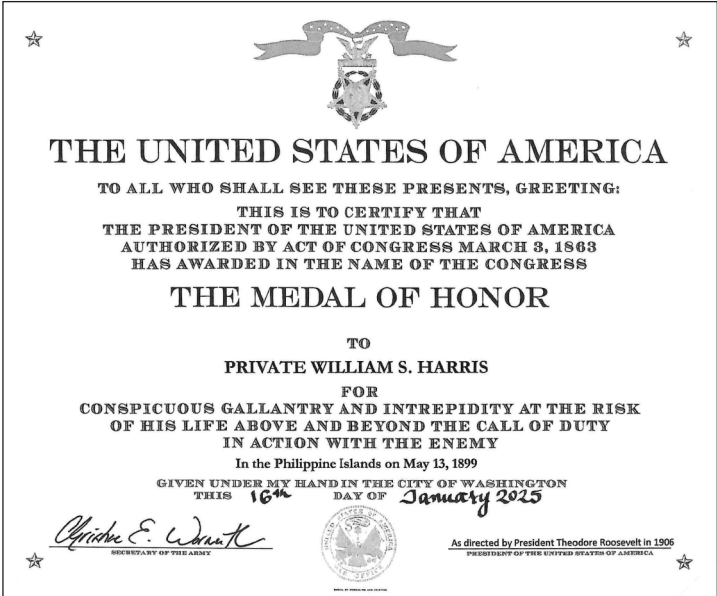
With no written response to any of the above-referenced letters, the granddaughter of Private Harris sent another letter on April 24, 2024, on behalf of both families, citing the need for prompt action given certain age and health considerations.

This author also sent a letter to the Secretary of the Army on April 29, 2024, which was copied to the White House (as was a copy of the initial 2023 submission.) Annette Harris sent yet another letter on July 10, 2024, to the Secretary of the Army.

In addition, Senator Braun sent a follow-up letter on May 24, 2024; this letter was sent to both the Secretary of the Army as well as the Secretary of Defense, requesting a response by June 11.

Still there were no written responses to any of the foregoing letters—not even acknowledgements of receipt by the Army. The absence of responses resulted in a personal call from Senator Braun to the Secretary of the Army in early July.

Finally, in January 2025, after months of silence and unnecessary bureaucratic delay from both the Secretary of the Army, the Secretary of Defense and the Biden White House, Medals of Honor were delivered to the granddaughters of William Simon Harris and James W. McIntyre via the two U.S. Senators who assisted in their cases. The persistence of the author had prevailed despite numerous obstacles.



James Walter McIntyre and Inez B. McIntyre with Agnes, Harlan and Harriett, 1918.
(Photo courtesy of Inez Larson).

Mary Constance Schrepferman
3134 Villas Dr. S.
Kokomo, IN 46901

Inez Larson
816 Northpointe Circle
Riverton, WY 82501

November 9, 2023

Christine E. Wormuth
Secretary of the Army
101 Army Pentagon
Washington, D.C. 20310

Re: Medals of Honor for William Simon Harris and James W. McIntyre

Dear Secretary Wormuth:

This letter is being written by Mary Constance (Harris) Schrepferman of Kokomo, Indiana and Inez Larson of Riverton, Wyoming. We are both 84 years old and widowed. We very much need your help.

Until several months ago, we shared no personal connection in our two very separate lives. All of that changed in early 2023 when we learned that our grandfathers, Private William Simon Harris and Private James W. McIntyre, were soldiers who served together in an elite scout unit for the U.S. Army in the Philippines in 1899 under General Henry Lawton. Most significantly, we were quite surprised (and proud) to learn that both our grandfathers, based on General Lawton's personal recommendations, had been approved for the Medal of Honor by the War Department in 1906, at the direction of the President of the United States.

But then our disappointment set in when we learned from Medal of Honor researcher Michael Eberhardt that, despite his recent discovery of documentation in the National Archives that confirmed their approvals, no Medals of Honor were ever issued because the War Department had sent the notification letters to incorrect addresses for our grandfathers. To our further disappointment, we learned that there were other documents indicating that the War Department never pursued avenues to find our grandfathers after 1906. For example, both of our grandfathers had pensions with addresses on the pension cards and both spent time in Army soldier's homes later in life. In addition, James W. McIntyre had registered for the WWI draft and, while he did not serve, his address was on the card. William Simon Harris, upon his death, received a VA grave marker so his last known address was known.

Sadly, both of our grandfathers died without ever knowing they had been approved for the Medal of Honor. William Simon Harris lived until 1963---so 57 years passed after his official approval in 1906. Tragically, James W. McIntyre was killed by robbers in 1930 during the operation of his transport business between the United States and Mexico. He is buried in an unknown location somewhere in Mexico where he was murdered.

You can imagine how all this information---and disappointment ---has affected us so late in our lives. We are the two eldest living grandchildren of our respective grandfathers, and we now share a common commitment to see that their Medals are issued while we are still alive. We also

share enormous newfound pride in our grandfathers, realizing now that they have earned our nation's highest military honor.

In May of this year, with the assistance of Mr. Eberhardt, we each submitted packages of documents obtained from the National Archives to the Army Human Resources Command confirming the approvals of the Medals of Honor. Those packages were acknowledged as complete, and an initial review process was conducted. The Human Resources Command has been very responsive to Mr. Eberhardt, who in turn has kept us informed regarding the status of its review. He describes the Human Resources Command as very professional and understanding of our situation, and we appreciate that very much.

We understand that the paperwork regarding the issuance of Medals of Honor for our grandfathers may have reached your office. However, Mr. Eberhardt has advised us, based on his own employment while at the Department of Defense, that the process to have Medals of Honor issued can be a slow one. Quite frankly, at this stage of our lives, we do not have the luxury of time. It is important to us to see these Medals soon, particularly since the issuance of the Medals should be considered (according to Mr. Eberhardt and a former Army General Counsel who is assisting him) as an administrative matter because official Medal of Honor approvals were previously issued in 1906.

We are also advised that the President has the authority to present Medals of Honor, although that can apparently be delegated to other officials. We certainly appreciate the tremendous workload at the White House and recognize that the Medals of Honor for our grandfathers have been part of history from a long time ago. We have no expectations that the President would present these Medals of Honor, and we would be honored if you could handle the presentation, or otherwise arrange for the issuance of the Medals. At this point, we are less concerned about ceremony and are just in need of having the Medals issued. We hope you can understand this.

U.S. Senators Mike Braun and John Barrasso have taken interest in our circumstance and hopefully their communications can further impress you with our very real needs. Senators Todd Young and Kevin Cramer have also assisted us in our initial submissions to the Human Resources Command and we believe they too would be appreciative of prompt Army action.

Thank you for any consideration you can provide. We know how important your job is and how busy you are. But please take a few moments to help us so we can honor the memories of our grandfathers. Both of us have extended families with many siblings, children, and grandchildren. Like the two of us, the rest of our families anxiously await the issuance of the Medals of Honor and the long overdue recognition for William Simon Harris and James W. McIntyre.

Sincerely,


Mary Constance Schrepferman


Inez Larson

MICHAEL C. EBERHARDT
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972-567-0029
mikeceber@sbcglobal.net

Christine E. Wormuth
Secretary of the Army
Pentagon
Washington, D.C. 20310

April 29, 2024

Re: Medals of Honor Approved in 1906 for Privates William Simon Harris and James W. McIntyre

Dear Secretary Wormuth:

The War Department made a terrible mistake in 1906 when it failed to notify two soldiers, Private William Simon Harris, and Private James W. McIntyre, that the President of the United States had directed the approval of Medals of Honor for both men. Notification letters were sent by the War Department in 1906 to incorrect addresses for both Privates Harris and McIntyre, and no follow-up ever occurred by the War Department when its letters were returned as undelivered. Both men died never knowing they had been approved for the Medal of Honor.

In May of 2023, the Army Human Resources Command received all the documentation retrieved from the National Archives by the undersigned to establish this egregious error. The Office of the Secretary of the Army received a request dated December 21, 2023 from Senators Mike Braun and John Barrasso that Medals be issued. Almost four months later, no action has apparently occurred despite repeated phone inquiries from Senator Braun's office. A new letter dated April 24, 2024 from Pvt. Harris' oldest granddaughter is attached.

It is tragic that Privates Harris and McIntyre died without knowing of the approval of their Medals of Honor. Now their grandchildren (eight in total) are receiving no relief; all are elderly and some will likely not live much longer due to serious health issues.

Is it too much to ask that these Medals of Honor be issued now? No one seems to care. This Administration takes pride in stating that it cares about "the people" and the Army claims to never leave a soldier behind. Harris and McIntyre may not have been left behind on any battlefield, but they certainly have been failed by our country.

Please, for the sake of decency and what is owed, please act now.

Sincerely,

Michael C. Eberhardt

cc: Senator Mike Braun
Senator John Barrasso
President Joseph Biden
Ed Siskel, White House Counsel
Major General Thomas Tickner, Army Chief of Legislative Liaison
George Harris, Army Office of Legislative Liaison

United States Senate

May 24, 2024

The Honorable Lloyd Austin
Secretary
US Department of Defense
1300 Defense Pentagon
Washington, DC 20301-1300

The Honorable Christine Wormuth
Secretary
US Department of the Army
101 Army Pentagon
Washington, DC 20310-0101

Dear Secretaries Austin and Wormuth,

I write to request an update concerning a Hoosier that served our country admirably. Specifically, I previously communicated to you on November 9, 2023 about the Medal of Honor for PVT William Simon Harris. The Medal was approved in 1906, but unfortunately never made it to Mr. Harris due to an incorrect address.

PVT Harris served with distinction in the Philippine Insurrection in 1899 where he served with the 4th US Cavalry. During this service, he was selected to be part of "Young's Scouts," an elite scouting group. PVT Harris was recommended for the Medal of Honor by General Henry Lawton for his heroism and gallantry during two battles, the Battle of San Miguel and the Battle of Tarbon Bridge near San Isidro.

On March 8, 2024, your office stated that it was in receipt of the letter and that it was working with the U.S. Department of Defense (DoD) to coordinate and schedule the presentation of the medal. At this time, your office stated that the timeline for the scheduling the presentation would take "several weeks" and that the Army would coordinate directly with the family on the presentation. However, it has now been over six months since my initial letter and over three months since the Army and DoD were supposed to be working together to schedule the award presentation, and no presentation has occurred.

The family of Mr. Harris has been patient, but I believe they have waited far too long for this honor to be officially presented. I respectfully ask for a formal response, which I ask to include a date for the presentation of these medals. Please provide this response to my office no later than Tuesday, June 11, 2024.

Please have your office contact mine to arrange any future meetings or correspondence to the family of Mr. Harris and to facilitate the planning of the award presentation.

Sincerely,



Mike Braun
U.S. Senator

AUTHOR'S NOTE (August 2025)

Request to DOD for Medals of Honor for Six More Approved Soldiers

In recognition of the fact that Sgt. Stephen Fuller and Pvt. Thomas Collins were approved for the Medal of Honor like four of the soldiers from the Philippine Insurrection who had no Medals issued because of the “Killed/No Medal” policy, this author submitted to the Army HRC, in February 2025, a complete package of documents requesting Medals of Honor for those six soldiers who were not “living” at the time of their approvals. The four soldiers who were recommended by General Lawton in 1899 and who were included on the 1906 War Department approved lists—but not “living”—were Privates Frank W. Summerfield, Eli L. Watkins, Michael Glassley, and John Desmond. Those approval lists included the words “At the direction of the President”—then being President Theodore Roosevelt.

As it has been established, William Simon Harris and James McIntyre were certainly “living” when approved in 1906. Some 119 years later their cases were finally resolved with the issuance of Medals of Honor in January 2025. There is no meaningful or rational distinction to deny Medals to those other “approved” soldiers whose Medals were not issued simply because of a flawed and inconsistently applied Army “Killed/No Medal” policy, which was finally revoked at War Department direction in 1918.

See the February 2025 submission on the following pages.

Michael C. Eberhardt
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Dallas, Texas 75248
mikeceber@sbcglobal.net/972-567-0029
February 20, 2025

Lieutenant Colonel Damian Tong
Chief, Awards and Decorations Branch
U.S. Army
Human Resources Command
1600 Spearhead Division Ave.
Fort Knox, KY 40121

Re: Frank W. Summerfield, Eli L. Watkins, Michael Glassley, John F. Desmond, Stephen Fuller and Thomas Collins: Previously Approved for Medals of Honor

Dear Lieutenant Colonel Tong:

As you know, as a result of an earlier review by the Human Resources Command, Medals of Honor (“Medals”) were issued on January 16, 2025 by the Secretary of the Army for Privates William Simon Harris and James W. McIntyre for their “conspicuous gallantry” during actions in the Philippines in May 1899. Copies of their Certificates are included at Exhibit 1. By its issuance of those Medals of Honor, the Department of the Army (and the Department of Defense) has recognized and corrected prior oversights and has finally accomplished what was started in 1906 when Harris and McIntyre were first approved for Medals of Honor, but those Medals never issued. Fortuitously, direct living descendants of both Privates Harris and McIntyre were located, and they now possess those awards. Those Medals of Honor have now been properly issued regardless of this fortuity.

There are, however, six other soldiers—four of whom served alongside Privates Harris and McIntyre and who are listed on the same 1906 War Department approval lists—who are entitled to the same considerations that lead to the issuance of the Medals of Honor for Harris and McIntyre. However, based on genealogical research, no evidence of direct living descendants has been found for these six soldiers. All were young men at the time of their deaths (some killed in action) and no record of marriages have been found.

As discussed later in this submission, the circumstance of no living direct descendant has not previously precluded Medal of Honor awards as well as the designation of appropriate government institutions and museums for the safekeeping of the Medals of Honor issued in such cases.

Accordingly, this submission is being offered for Army review, as has been undertaken in the past, to consider these six cases because it is clear from the documentation that Medals of Honor were long ago officially approved—but no Medals were ever issued. This submission is made to provide the Army with the opportunity to complete that approval process with the actual issuance of Medals of Honor. This letter and accompanying materials are not submitted on behalf of any

descendants of the six soldiers since there are none. As noted herein, there is ample precedent for such a review of these six approved soldiers whose cases represent recognized gallantry that resulted in Medal of Honor approvals but no issuance of Medals for one obvious reason, i.e., these soldiers were no longer living when the approvals were issued.

The circumstances that contributed to the absence of posthumous awards despite documented approvals for these six soldiers are explained herein. Given these circumstances, this submission should be considered under a standard of fairness and justice to these soldiers, just as that standard has been applied to the over 600 posthumous Medal of Honor awards that have been issued over the 163 years since the Medal of Honor statutes were first enacted—including many posthumous awards made during the very periods of time when the approvals were issued for the six soldiers discussed herein.

A. Four Approved Soldiers from the Philippine Insurrection: Privates Frank. W. Summerfield, Eli L. Watkins, Michael Glassley, and John F. Desmond

Each of the four above-referenced soldiers, like Privates Harris and McIntyre, were enlisted soldiers assigned to an elite Scout group called “Young’s Scouts” which served under Major General Henry Lawton during the Philippine Insurrection (1899-1902.) Following intense engagements which involved this elite scout group at the Battle at San Miguel on May 13, 1899, and at the Battle of San Isidoro on May 16, 1899, General Lawton submitted his Medal of Honor recommendation lists for both battles (Exhibit 2). After a delay of almost seven years, twenty soldiers from General Lawton’s lists were approved in two documents issued by the War Department in early 1906 “at the direction of the President.” Theodore Roosevelt was the President. See Exhibit 3 for the two War Department approval documents of January 8, 1906, and April 4, 1906, respectively.

Twelve of the twenty soldiers appearing on the two 1906 War Department approval lists received their Medals of Honor shortly after notification by the War Department in 1906. Their names are duly recorded on official Medal of Honor rolls:

Peter H. Quinn	Frank Charles High
Frank L. Anders	Richard M. Longfellow
Gottfried Jensen	John B. Kinne
Willis Downs	Charles P. Davis
Edward Eugene Lyon	Frank Fulton Ross
Marcus W. Robertson	Otto Boehler

Of the remaining eight approved soldiers, and as referenced above, two were Privates Harris and McIntyre who were never notified of their Medal of Honor approvals by the War Department, but have now had their Medals issued on January 16, 2025, almost 119 years after approval.

Setting Harris and McIntyre aside in light of their recent awards, out of the remaining six soldiers from the War Department approvals issued in 1906, two of those remaining soldiers

were reported as deserters and are not the subject of this submission. Their names were Private Patrick Hussey and Corporal William F. Thomas.

Accordingly, that leaves four soldiers where no Medals of Honor were ever issued despite War Department approvals in 1906. Each of these four soldiers is listed below and an Exhibit is attached to this submission for each soldier containing some of the relevant service record information for each:

- Private Frank W. Summerfield (who significantly appeared on **both** of General Lawton's original Medal of Honor lists for his gallantry at the battles at San Miguel and San Isidiro) was subsequently killed in action in Calabarazon in the Philippines on January 20, 1900. He died only eight months after the May 13, 1899, action at San Miguel for which he was eventually approved for the Medal of Honor on January 8, 1906. He is buried in Lisbon, M.D.

In January 1906, Summerfield's parents learned of the War Department approval of the Medal of Honor for their son and wrote a letter to Senator Porter McCumber of North Dakota asking that he obtain his Medal for them. The War Department refused to do so in a letter to McCumber explicitly stating that there was no authority to issue a Medal of Honor for a deceased soldier.

The War Department response to the parents of Summerfield was inexplicable when compared to a virtually identical situation involving Private Cornelius Leahy who was killed in action in the Philippines on December 1, 1900 (only seven weeks from the date when Summerfield was also killed in action). However, Private Leahy was awarded the Medal of Honor on May 3, 1902, despite being deceased (just like Summerfield), and Leahy's mother was permitted to receive his Medal.

(Summerfield documents at Exhibit 4. See also Leahy materials at Exhibit 8)

- Private Eli L. Watkins (who also significantly appeared on **both** of General Lawton's lists for his gallantry at the battles at San Miguel and San Isidiro) died in the Philippines on July 20, 1901. He is buried in Clark Veteran's Cemetery, Central Luzon, the Philippines.

One year prior to his death, Watkins—being aware like other soldiers who were on Lawton's lists that he had been recommended for the Medal of Honor—wrote the Adjutant General inquiring as to the status of his Medal. His letter was dated August 20, 1902, and there is no response in his file.

Curiously, there is War Department correspondence in 1906 to another approved Medal of Honor recipient on General Lawton's list asking that soldier for information concerning the whereabouts of Private Watkins in an effort to notify him of his award—even though Watkins died almost five years prior and was buried in the Philippines.

One of the soldiers who submitted a statement in support of General Lawton's Medal of Honor recommendation for Watkins was Pvt. James W. McIntyre.

. (Watkins documents at Exhibit 5)

- Private John Desmond died on July 31, 1900, shortly after his discharge, likely from illness contracted during his service in the Philippines. In 1906, the War Department sent a letter notifying the then deceased Private Desmond of his award, but it was sent to an outdated address in Wahpeton, N.D. and returned. He is buried in the San Francisco National Cemetery.
(Desmond documents at Exhibit 6)
- Private Michael Glassley died on November 18, 1904, after his discharge, also possibly from illness contracted during his service in the Philippines. In 1906, the War Department letter notifying the then deceased Private Glassley of his award was addressed to him in Stevensville, Montana. He is buried in Fort Bayard, N.M.
(Glassley documents at Exhibit 7)

Summerfield, Desmond, and Glassley were all members of the First North Dakota Volunteer Infantry, while Watkins was a member of the 4th U.S. Cavalry, when all were selected to join “Young’s Scouts” under the command of General Lawton.

Records at the National Archives do not explain the War Department delay from 1899 until 1906 in processing General Lawton’s Medal of Honor recommendations. Lawton himself was a Medal of Honor recipient from the Civil War, and he was killed in action in the Philippines on December 19, 1899. His official report with his Medal of Honor recommendations was submitted three months prior to his death. See Exhibit 2.

The official file of one soldier does contain revealing correspondence that indicates the events leading up to the January 8, 1906 and April 4, 1906 approval letters. In December 1905, a fellow Young’s Scouts soldier, Edward Lyon, wrote to U.S. Senator C. W. Fulton inquiring about the status of his Medal of Honor based on General Lawton’s 1899 recommendation. Following Senator Fulton’s December 24, 1905 referral of Lyon’s inquiry to the War Department, an immediate War Department review was conducted, resulting in the two Medal of Honor approvals letters at Exhibit 3.

The speed of the War Department’s review over the holidays in late December 1905/early January 1906 is remarkable in light of how long these recommendations had languished since General Lawton first submitted them in 1899. The War Department must have quickly ascertained their oversight since the January 8, 1906 approval letter was issued only about two weeks after Senator Fulton’s referral of Edward Lyon’s inquiry.

Unfortunately, Summerfield, Watkins, Desmond, and Glassley had all died during this significant lapse of time from 1899 to 1906. This fact is particularly important in considering what is just and fair to these soldiers. This delay was clearly not the fault of these soldiers. Indeed, Watkins’ letter of inquiry to the War Department in 1902 should have brought attention to lack of action.

The January 8, 1906, approval listed ten soldiers for actions at the Battle of San Miguel and included the names of Summerfield and Watkins (as well as Harris and McIntyre who, as noted above, have now received their Medals of Honor issued on January 16, 2025.) The April 4,

1906, approval listed another ten soldiers including Desmond and Glassley for the Battle of San Isidro. Both 1906 approval letters contain the identical language preceding the list of respective approved soldiers:

“By direction of the President, let a medal of honor be awarded to each of the following-named men if **living**....” (Emphasis added by this submitter)

As has now been documented, when these approvals were issued in 1906, Summerfield, Watkins, Glassley, and Desmond were no longer “living” and no Medals of Honor were issued; this occurred in apparent compliance with the then and “only sometimes enforced” Army interpretation of the 1862/1863 Army Medal of Honor statutes—which interpretation permitted Medals only for soldiers “if living.” This illogical interpretation existed in varying and inconsistent degrees of enforcement (as discussed below) by the Army from 1862 through 1918. It is best summarized by an Adjutant General statement from the 1890s which stunningly pronounced:

“The medal of honor cannot be awarded in the case of a deceased soldier no matter what measure of gallantry he may have displayed.”

This “Killed/No Medal” interpretation by the Army was rescinded in 1918. Author Dwight Mears, a retired Army officer who in 2018 wrote the most authoritative history of the Medal of Honor, *The Medal of Honor: The Evolution of America’s Highest Military Decoration*, has carefully studied the Army’s erroneous interpretation of the original Medal of Honor statutes. Some of the relevant excerpts from his book are insightful.

At pages 34-35 of his book Mr. Mears notes:

In 1895 the Army also formalized a curious interpretation of the Medal of Honor statutes, requiring soldiers to survive their acts of valor to receive the decoration. This followed informal practices in the Civil War, when only 5 of the more than 2100 Medals of Honor were awarded for combat actions that resulted in the immediate death of the recipients. In 1895 the army judge advocate general ruled that the original Medal of Honor statutes of 1862 and 1863 were “manifestly intended to honor and distinguish the recipient in person.” Therefore, absent “special authority of Congress,” he determined that a Medal of Honor “could not be legally awarded to the widow, or a member of the family, of a deceased officer, on account of the distinguished service in action performed by the latter during his lifetime.”

This opinion resulted from the literal if unlikely interpretation of the language of the Civil War statutes. For example, the 1862 act that authorized Medals of Honor for issuance by the Army directed that Medals of Honor “be presented, in the name of Congress, to such noncommissioned officers and privates.” The judge advocate general evidently construed this clause to preclude the awarding of a medal to anyone other than the service member, given the omission of explicit authorization to present the medal posthumously or to a deceased soldier’s next of kin. There was no clear intent to deny the medal to deceased soldiers, either in the law’s text or its legislative history This interpretation was never legislatively or judicially overruled, but the Army eventually revoked the rule as a matter of internal policy.

Officials likely realized that qualifying actions resulting in death were often more gallant than those in which the soldiers survived, particularly where they sacrificed their own lives for altruistic reasons.

Mr. Mears continues at page 158 of his book:

Strangely, this legal interpretation survived until 1918, when the Army unilaterally revised its regulations to state that the Medal of Honor could be “awarded posthumously to persons killed in the performance of acts meriting such award, or to persons whose death from any cause may have occurred prior to such award.”

It is surprising that it took the Army so long to recognize that soldiers who fell in battle were often just as gallant as those who lived, if not more so In addition, the original authorizing statutes contained no demonstrable textual commitment to awarding Medals of Honor exclusively to living soldiers, making this policy even more perplexing.

(Mr. Mears is a recognized authority on the history of the Medal of Honor and serves as an advisor to the Advisory Board of the National Medal of Honor Museum. He has indicated that he would be available to the Army on questions arising from this submission.
dwightmears@hotmail.com)

Inconsistent Army Application of the “Killed/No Medal” Interpretation

The reason it is appropriate to characterize as “only sometimes enforced” the Army’s “Killed/No Medal” interpretation of the original Army statutes is because there are, in fact, so many—at least 40—instances between 1862 and 1899 when the Army did not follow this interpretation, and Medals of Honor were issued for deceased soldiers. Mr. Mears refers to that inconsistency in his book.

The list of the 40 deceased soldiers who did have Medals of Honor issued during the period that the Army’s interpretation to the contrary was in effect appears on the following page. All of these soldiers and the cited dates are drawn from the records maintained by the Congressional Medal of Honor Society.

As is discussed below, this considerable number of deceased soldiers (at least the 40 uncovered to date) is a meaningful factor in the consideration now due to the six soldiers subject to this submission. If it were now to be suggested that the only way the Army could justify issuing Medals of Honor to these six deceased soldiers would be to override some prior valid policy, the answer to that suggestion is simple and two-fold: First, the interpretation has already been rejected officially by the Army with its 1918 rescission; secondly, the fact that 40 deceased soldiers received Medals clearly confirms that the interpretation was never consistently enforced to begin with. Accordingly, the long since discarded, ill-conceived, and inconsistently applied interpretation should not now be viewed as some form of precedent that bars issuance of previously approved Medals of Honor.

**LIST OF SOLDIERS KILLED/DECEASED AND
AWARDED THE MEDAL OF HONOR 1862-1899**

CIVIL WAR

Rank and Name	Action	Date of Death	Date of Issue
Sgt. Lester Archer	Wilderness, Va.	10/27/1864	04/06/1865
Pvt. Elijah Bacon	Wilderness, Va.	05/06/1864	12/01/1864
Sgt. Terrence Begley	Cold Harbor, Va.	08/25/1864	12/01/1864
Capt. Morris Brown	Petersburg, Va.	06/22/1864	03/06/1869
Pvt. George Buchanan	Chapin's Fann, Va	10/02/1864	04/06/1865
Pvt. Denis Buckley	Peach Tree Creek, Ga	07/20/1864	07/07/1865
Sgt. Horace Capron, Jr	Chickahominy, Va.	02/06/1864	09/27/1865
Sgt. Benjamin Falls	Gettysburg, Pa.	05/12/1864	12/01/1864
Sgt. Richard Gasson	Chapin's Farm, Va.	09/29/1864	04/06/1865
Pvt. Henry M. Hardenbaugh	Deep Run, Va.	08/28/1864	04/07/1865
Sgt. James S. Hill	Petersburg, Va.	07/30/1864	12/01/1864
Sgt. Alfred Hilton	Chapin's Farm, Va.	10/12/1864	04/06/1865
1 st Sgt. William Jones	Spotsylvania, Va.	05/12/1864	12/01/1864
Cpl. John P. McVeane	Fredericksburg, Va.	05/10/1864	09/21/1870
Sgt. William Laing	Chapin's Farm, Va.	09/29/1864	06/06/1865
Pvt. Lewis Morgan	Spotsylvania, Va.	10/27/1864	12/06/1864
Pvt. James Richmond	Gettysburg, Pa.	06/03/1864	12/01/1864
Sgt. Major Marion Ross	Big Shanty, Ga.	06/18/1862	09/1863
Pvt. Samuel Robertson	Big Shanty, Ga.	06/18/1862	09/1863
Sgt. John M. Scott	Big Shanty, Ga.	06/18/1862	08/04/1866
Sgt. Charles Seston	Winchester, Va.	09/12/1864	04/06/1865
Pvt. Samuel Slaven	Big Shanty, Ga.	06/18/1862	07/28/1863
Col. John W. Sprague	Decatur, Ga.	12/24/1893	01/18/1894
1 st Sgt. Benard Strausbaugh	Petersburg, Va.	11/05/1864	12/01/1864
Sgt. William Thompson	Wilderness, Va.	10/07/1864	12/01/1864
Pvt. Henry S. Wells	Chapin's Farm, Va.	08/27/1864	04/06/1865

INDIANWARS

Pvt. Abram Brant	Little Big Horn, Mt.	10/04/1878	10/05/1878
Cpl. Frank Bratling	Canada Alamos, N.M.	07/13/1878	08/12/1875
Sgt. William DeArmond	Upper Washita, Tx.	09/09/1874	04/23/1875
Cpl. John Given	Wichita River, Tx.	07/12/1870	08/25/1870
1 st Sgt. Wendelin Kreher	Cedar Creek, Mt.	03/17/1877	04/27/1877
Pvt. Bernard McCann	Cedar Creek, Mt.	01/12/1877	04/12/1877
Cpl. Henry McMasters	Red River, Tx.	11/11/1872	11/19/1872
Pvt. George Smith	Washita River, Tx.	09/13/1874	11/04/1874
Pvt. George Hooker	Tonto Creek, Az.	01/22/1873	08/12/1875
Pvt. Philip Kennedy	Cedar Creek, Mt.	11/03/1883	04/12/1887

PHILIPPINE INSURRECTION

Pvt. Cornelius Leahy	Porac, Luzon, Philippines	12/01/1900	03/05/1902*
Major John A. Logan	San Jacinto, Luzon, Philippines	11/11/1899	07/24/1902
Capt. Hugh J. McGrath	Calamba, Luzon, Philippines	11/07/1899	07/24/1902*
Pvt. John C. Wetherby	Imus, Luzon, Philippines	11/29/1899	04/12/1902*

* General Order No. 86, U.S. Army Headquarters specifically notes these soldiers deceased prior to award date.

Most notably, on the foregoing list the last four recipient soldiers (including the afore-mentioned Cornelius Leahy) were killed during the same Philippine Insurrection where Summerfield, Watkins, Desmond, and Glassley served. The fact that the Army knew these four soldiers were deceased at the time of their awards is noted specifically in the official records. See Exhibit 8.

To summarize, the inconsistent (and erroneous) application of the “Killed/No Medal” interpretation simply compounded the War Department’s failure to process in a timely fashion the approvals of Summerfield, Watkins, Desmond, and Glassley.

B. Two Other Approved Soldiers: Sergeant Stephen Fuller and Private Thomas Collins

Sergeant Stephen Fuller and Private Thomas Collins were killed in action on October 20, 1869, and joined the names of 29 other fellow soldiers who were recommended for Medals of Honor for actions on that date at the Battle of Chiricahua Pass in Arizona during an engagement with Cochise and renegade warriors who had been attacking Arizona settlers for months. Fuller and Collins were the only two on the list of recommended soldiers who were killed in that battle. Following the initial recommendation by commanding officer Captain Reuben Bernard, the recommendation for Medals of Honor for all 31 soldiers (including Fuller and Collins) quickly moved up the chain of command receiving approvals from General Edward Ord, Commanding General of the Pacific, Adjutant General Edward D. Townsend, and finally General William T. Sherman, Commanding General of the Army. Based on General Sherman’s approval in early 1870, engraving orders for the medals were ordered for all 31 soldiers; however, it was determined during this process that Fuller and Collins were no longer alive, having been killed in the battle action. Next to their names on the Medal of Honor approval list were then penned the words “Killed No Medal” and the War Department continued the process that resulted in the issuance of the other 29 Medals of Honor—but none for Fuller and Collins. (The Department of Defense list for Medal of Honor recipients, as well as the list maintained by the Congressional Medal of Honor Society, confirms issuance of the Medals of Honor to all the other listed 29 soldiers. These Medal of Honor recipient soldiers are included on the list at Exhibit 9 which is a marker erected in 2022 near the battle site.)

The history and documentation relevant to the approvals referenced above, including the events leading to the failure to issue the approved Medals of Honor for Fuller and Collins, are detailed in the materials at Exhibit 10. These materials are excerpts from the 2024 book by Michael C. Eberhardt entitled *The Medal of Honor: Its Dark Sides*. The materials at Exhibit 10 include contemporaneous documents from 1869-1870 that contain the list of the 31 soldiers approved for Medals of Honor and reflect the approvals of Generals Ord and Townsend, as well as the final concurrence of General Sherman for the issuance of all 31 Medals of Honor. These documents were obtained from the National Archives. Exhibit 10 also includes some background information for Sergeant Fuller and Private Collins; genealogical research has identified no direct descendants for either.

Exhibit 11 includes the service record material for Sergeant Fuller and Exhibit 12 includes the service record material for Private Collins.

CONSIDERATIONS AND CONCLUSION

In assessing the justification for issuance of Medals of Honor for the six soldiers referenced in this submission, there can be no dispute that: 1) all six were approved for the Medal of Honor; and 2) the only reason no Medals of Honor were issued was because of their deceased state at the time of their approvals. The four Philippine Insurrection soldiers had no Medals of Honor issued because of the “if living” wording in their 1906 approvals, and the two soldiers from the 1869 Battle of Chiricahua Pass were explicitly described as “Killed No Medal” on the list of approved soldiers.

What is further indisputable is the lack of logic and legitimacy behind the “Killed/No Medal” interpretation by the Army of the 1862 and 1863 Medal of Honor statutes, and the fact that the Army officially recognized the unfounded basis of this interpretation and ordered its revocation in 1918. Indeed, the history of the Medal of Honor now reflects over 600 recipients who have been awarded posthumously, including the at least 40 recipients cited above in this submission who were awarded Medals of Honor during the period this interpretation was “sometimes” enforced prior to 1918. These 40 recipients somehow (and fortunately for them) escaped enforcement of this incorrect interpretation. The application of this patently incorrect interpretation certainly resulted in the failure to issue Medals of Honor for these six soldiers who were otherwise properly approved just like their fellow recipient soldiers.

Furthermore, it is worth noting that the Navy—with a virtually identical Medal of Honor statute passed in 1861—never made the same erroneous interpretation as the Army did; there are scores of examples, as early as the Civil War, where deceased sailors and marines were awarded Medals of Honor. Again, this was a stark contrast to what happened to the six soldiers in this submission.

Fundamental fairness dictates that the Army should complete the process that it initiated so many decades ago when it officially approved the Medals of Honor for the six soldiers in this submission. Such action to complete that process is not driven by any descendant requirement or request because the documented approvals have already occurred—only the issuance of the Medals remains with the designation of an appropriate institution to hold the awards.

There is ample precedent for the issuance of Medals of Honor for deceased soldiers where there is no living descendant. Consider the case of Private William Henry Johnson who was posthumously awarded the Medal of Honor on June 2, 2015, for his act of gallantry in WWI on May 15, 1915. With no descendant alive to request or receive the award in 2015, it was directed that Johnson’s Medal of Honor be placed in the War Room at the New York State Capitol in Albany, New York. Similarly, in the case of Private George Watson, his Medal of Honor was awarded to him posthumously on January 13, 1997. He died in 1943 and with no descendant alive at the time of the award in 1997, it was directed that his Medal of Honor be held at the U.S. Army Quartermaster Museum in Virginia.

Clearly, these are examples of how the Army fairly undertook actions without being urged by descendants. The justification for action in the cases of the six soldiers referenced herein is even more compelling because of the long since recorded prior approvals for each.

The general ability of the Army (and the Navy) to identify appropriate places to safeguard Medals of Honor is well documented, including in cases like those of Johnson and Watson where no descendants were alive. For example, it is reported that 67 Medals of Honor are held at various Army museums/facilities, while a similar number are held at various Navy museums/facilities. In addition, historical societies and organizations, including the Congressional Medal of Honor Society, are the repositories for a total of at least another 70 Medals of Honor. Furthermore, the National Archives holds 13 Medals of Honor, and the Smithsonian holds another 22 Medals of Honor. And, of course, the new National Medal of Honor Museum holds a number of Medals as part of its growing collection that will go on display soon as the Museum opens in Arlington, Texas. Accordingly, the Medals of Honor for the six approved soldiers, who are the subjects of this submission and without descendants, can most certainly be held securely at appropriate facilities throughout the United States.

What is also noteworthy is the fact that, in the case of the four Philippine Insurrection soldiers whose Medals were approved, their approvals were issued “at the direction of the President” who was then Theodore Roosevelt. President Roosevelt was himself initially denied the Medal of Honor by the War Department despite recommendations for his actions at San Juan Hill; however, 22 other soldiers did receive Medals of Honor for actions at San Juan Hill. In 2001, Theodore Roosevelt was posthumously awarded his Medal of Honor. With the approvals already documented for the six soldiers referenced in this submission, it is appropriate for their Medals of Honor to now be issued so that, like Theodore Roosevelt, each of the six might join the numerous other soldiers with whom they served and who were recognized with Medals for the very same actions of gallantry so many decades ago.

In summary, the words of the late Senator Daniel K. Inouye, himself a Medal of Honor recipient, should be the guiding principle to a just decision and the issuance of Medals of Honor. He said:

There is no statute of limitations on honor. It's never too late to do what is right. A nation that forgets or fails to honor our heroes is a nation destined for oblivion.

Respectfully Submitted,

Michael C. Eberhardt

Exhibits (12)

EXHIBIT 3

M.S.1084888

WAR DEPARTMENT,

January 8, 1906.

By direction of the President, let a medal of honor be awarded to each of the following named men, if living, for most distinguished gallantry in action at San Miguel de Mayumo, Luzon, Philippine Islands, May 13, 1899:

E. E. Lyon, private, Company B, 2d Oregon Infantry Volunteers;
Eli L. Watkins, private, Troop G, 4th United States Cavalry;
Simon Harris, private, Troop G, 4th United States Cavalry;
Peter H. Quinn, private, Troop L, 4th United States Cavalry;
Frank L. Anders, corporal, Company B, 1st North Dakota Infantry Volunteers;
James W. McIntyre, private, Company B, 1st North Dakota Infantry Volunteers;
Gottfred Jensen, private, Company D, 1st North Dakota Infantry Volunteers;
W. H. Downs, private, Company H, 1st North Dakota Infantry Volunteers;
Patrick Hussey, private, Company K, 1st North Dakota Infantry Volunteers, and
Frank W. Summerfield, private, Company K, 1st North Dakota Infantry Volunteers.

The following is a statement of the particular service rendered in that action:

On this occasion about three hundred of the enemy were drawn up in line in front of San Miguel de Mayumo, Luzon, Philippine Islands, in an advantageous position requiring a frontal attack, and, without waiting for the supporting battalion to reinforce them, or to get into a position to do so, these men, and two others (now deceased), numbering twelve in all, charged the line of the enemy, about one hundred and fifty yards distant, and completely routed them.

Robert H. Rowland

Assistant Secretary of War.

EXHIBIT 3

M.S.1084898

War Department,
The Military Secretary's Office,
January 8, 1906.

Upon a further examination of the records it also appears that the following-named men participated in the charge at San Miguel de Mayumo, Luzon, P. I., on May 13, 1899:

Eli L. Watkins, private, Troop C, 4th United States Cavalry;
Simon Harris, private, Troop G, 4th United States Cavalry;
Peter H. Quinn, private, Troop L, 4th United States Cavalry;
Frank L. Anders, corporal, Company B, 1st North Dakota Infantry Volunteers;
James W. McIntyre, private, Company B, 1st North Dakota Infantry Volunteers;
Gotfred Jensen, private, Company D, 1st North Dakota Infantry Volunteers;
W. H. Downs, private, Company H, 1st North Dakota Infantry Volunteers;
Patrick Hussey, private, Company K, 1st North Dakota Infantry Volunteers;
Frank W. Summerfield, private, Company K, 1st North Dakota Infantry Volunteers, and
James Harrington, private, Company G, 2nd Oregon Infantry Volunteers.

It is further shown by the records that each of these men was specially mentioned for distinguished gallantry in the charge of May 13, 1899, and that Captain Birkhimer and Major-General Lawton recommended, in terms almost identical with those employed in the case of E. E. Lyon, set forth hereinbefore, that each of these men (except Harrington, who died shortly thereafter) be awarded the Congressional medal of honor for distinguished gallantry on that occasion.

The board of officers in the Philippine Islands appointed to consider applications of this nature acted favorably upon the recommendation in the case of each of these men, but the War Department board of officers appointed in the orders of September 4, 1901, took the same action that it took in the case of Lyon, as set forth above, and acted adversely upon all the recommendations. Neither a medal of honor nor a certificate of merit has been awarded to any of these men.

1084898 -2

In view of the facts set forth in the preceding statement, it would appear that medals of honor should be awarded to each of these men now living who is shown to have participated in the charge of May 13, 1899.


The Military Secretary.

EXHIBIT 3

1114349 -7

War Department,

April 4, 1906.

By direction of the President, let a medal of honor be awarded to each of the following-named men, if living, for most distinguished gallantry in action near San Isidro, Philippine Islands, May 16, 1899, none of them having yet received a medal for any service:

Marcus W. Robertson, private, Company B, 2d Oregon Infantry Volunteers. _____

Frank C. High, private, Company G, 2d Oregon Infantry Volunteers. _____

Michael Glassley, private, Company A, 1st North Dakota Infantry Volunteers.

Richard M. Longfellow, private, Company A, 1st North Dakota Infantry Volunteers. _____

John B. Kinne, private, Company B, 1st North Dakota Infantry Volunteers. _____

Charles F. Davis, Company G, 1st North Dakota Infantry Volunteers. _____

Frank F. Ross, private, Company H, 1st North Dakota Infantry Volunteers. _____

Otto Boshler, private, Company I, 1st North Dakota Infantry Volunteers. _____

John F. Desmond, private, Company I, 1st North Dakota Infantry Volunteers.

William F. Thomas, private, Company K, 1st North Dakota Infantry Volunteers.

The following is a statement of the particular service rendered in that action:

On this occasion these men charged across a burning bridge, under a heavy fire, and completely routed six hundred of the enemy who were entrenched in a strongly fortified position.

Naboth Harrison

Acting Secretary of War.

¹ Major General H. W. Lawton, U.S. Volunteers Commanding. September 26, 1899 Report of an Expedition in the Provinces of Bulacan, Nueva Ecija, and Pampanga, Luzon, P.I. (San Isidiro or Northern Expedition), p.92.

² Ibid., p.95.

³ War Department Memorandum dated January 8, 1908, signed by Assistant Secretary of War, Robert Shaw Oliver. See document at Exhibit 1.

⁴ War Department Memorandum dated January 8, 1908, signed by The Military Secretary, Charles J. Bonaparte. See document at Exhibit 2.

⁵ War Department Memorandum dated April 4, 1906, signed by the Acting Secretary of War. See document at Exhibit 3.

⁶ War Department Memorandum dated January 4, 1906, Case of E.E. Lyon, application for award to him of a Medal of Honor, Document No. M.S. 1084888, page 2, citing the June 3, 1899, letter from Captain Wm. E. Birkhimer, 3rd Artillery, Acting Judge Advocate.

⁷ See documents at Exhibit 4.

⁸ See documents at Exhibit 5.

⁹ Article entitled “Gets Medal of Honor After Waiting for 27 Years” in the Army and Navy Journal, July 31, 1926, p.1158.

CHAPTER 2: DESERTERS ON THE OFFICIAL MEDAL OF HONOR ROLLS

Stunningly, and not acknowledged by many who write about the Medal of Honor, there are at least sixty deserters whose names still occupy positions on the official Medal of Honor rolls. As explained in this chapter, the number is likely higher. These include Army soldiers and Navy sailors who deserted after the award of Medals of Honor.

This circumstance, as discussed in more detail below, resulted despite some modest efforts in the late 1800s by the Navy to revoke Medals of Honor issued to some (but certainly not all) of its deserters. In contrast to the Navy which had adopted administrative regulations allowing revocation of Medals of Honor for desertion (and other dishonorable conduct), the Army had established no such authority until the early 1900s, and therefore no revocations were issued to Army Medals of Honor recipients who subsequently deserted.

Deserters who hold Medals of Honor fall into two general categories. First, there are those who deserted but returned to duty (either voluntarily or after apprehension) and then engaged in acts of gallantry for which they were awarded Medals of Honor. Secondly, there are those recipients who were awarded their Medals of Honor but who then deserted afterwards. It is this second category which is the primary focus of this Chapter (although there are other recipients who fall in the first category.)

This Chapter uses the case study of Privates John S. Donelly and Charles H. Montrose to illustrate the absence of Army action to deal with deserters awarded the Medal of Honor—despite the efforts of Colonel Nelson Miles and the Army’s Adjutant General in 1877 to “forfeit” Medals of Honor for these two deserters during The Great Sioux War. However, as detailed in this Chapter, these two deserters are hardly alone in having their names etched on today’s official Medal of Honor rolls, side-by-side with the names of so many who served with great honor and heroism.

This subject of Medal deserters is particularly relevant in 2024 as both the new National Medal of Honor Museum in Arlington, Texas, and the planned Medal of Honor Memorial (to be constructed on the National Mall near the Lincoln Monument) are confronted with decisions about how to publicly recognize Medal recipients, including deserters.

THE CASES OF JOHN S. DONELLY AND CHARLES H. MONTROSE

“The Deserters Have Forfeited their Medals”

The Army Adjutant General's Office (1877)



Nelson Miles

In the pre-WWI history of the Medal of Honor, there was perhaps no single United States military officer more inextricably woven into the Medal's history and its evolution than General Nelson A. Miles. Consider the following accomplishments of Miles:

- He was wounded four times during the Civil War; then Colonel Miles was awarded the Medal of Honor for his actions at Chancellorsville on May 2-3, 1863.
- He was one of almost six hundred Civil War soldiers who were awarded their Medals during the frenzied submission of Medal of Honor recommendations during the late 1880s and 1890s. Many “applicants” for the Medal were rejected—some because they involved self-nominations with no supporting witnesses or documentation. Nonetheless, almost 40% of all Civil War recipients of the Medal of Honor were awarded their Medals during this period, some twenty-five plus years after the end of that war.
- He served as a commanding officer in the Civil War, the Indian Wars, and the Spanish American War. These three conflicts saw approximately two thousand Medals of Honor awarded. During the Spanish American War, he served in that conflict with other general officers who had also previously received the Medal of Honor—Generals William Shafter, Henry Lawton, and Leonard Wood.

- He was personally responsible for the recommendations of Medals of Honor for thirty soldiers who served during the Great Sioux War, specifically for actions in Montana between October 1876 and January 1877 at Cedar Creek, Redwater Creek (Ash Creek), and Wolf Mountain. Those thirty soldiers, including Privates John S. Donnelly and Charles H. Montrose, are listed as Medal of Honor recipients in official records. Colonel Miles's adjutant during the Great Sioux War was Lt. Frank Baldwin, a two-time Medal of Honor awardee (three times recommended) who later served in the Spanish American War, the Philippine Insurrection and WWI, and who retired as a brigadier general.
- He was also involved in the recommendation process for a number of other Medal of Honor recipients, including twenty-one soldiers who were issued Medals on April 23, 1875, for actions at Washita River, Texas in 1874.
- As a retired Lieutenant General, Miles served as the President of the 1916 Medal of Honor Review Board ordered by Congress to review the validity of all 2,625 Medals of Honor previously issued, with the result being the rescission of 911 Medals of Honor (most of which involved the Medals of Honor dubiously issued to the 27th Maine Infantry during the Civil War). The rescissions also included twenty-nine recipients who served as President Lincoln's funeral guards, as well as several private citizens—including three recipients who were otherwise historically well-known, William "Buffalo Bill" Cody, Dr. Mary E. Walker, and Indian scout William "Billy" Dixon. The Medals for those three individuals were later reinstated.
- In his service from 1895 to 1903 as the last soldier to serve in the position of "Commanding General of the Army," General Miles oversaw the process of issuing Medals of Honor for not only the Civil War awards in the later part of the 1890s, but also 239 Medal awards during the Spanish American War, Philippine Insurrection and the Boxer Rebellion.

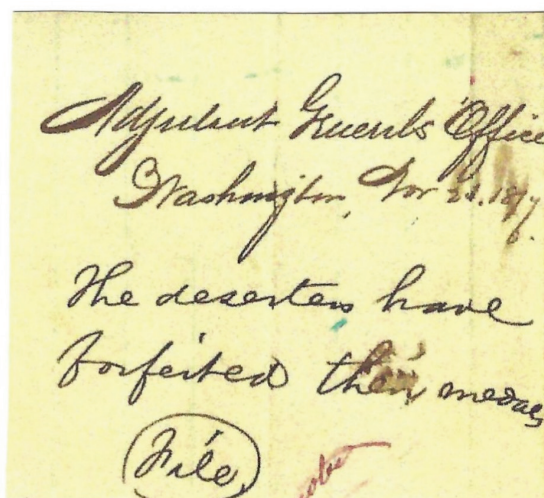
The Great Sioux War Medal of Honor Awards

It was General Miles's actions regarding two soldiers, Privates Donnelly and Montrose, who were on Miles' Medal of Honor recommendation list from the Great Sioux War, which stirs controversy—in this author's opinion—based on a review of documents recently uncovered in Medal of Honor files at the National Archives.

On February 9, 1877, Colonel Miles listed thirty soldiers, including Private John S. Donnelly (Donnelly), Company G, 5th Infantry, and Private Charles H. Montrose, Company I, 5th Infantry, in his Medal of Honor letter of recommendation to Brigadier General Edward Townsend, the Adjutant General U.S. Army, Washington, D.C. The thirty listed soldiers were cited for "conspicuously gallant and meritorious services" for actions during the October 1876 to January 1877 period.¹ Medals of Honor for all thirty soldiers, including Donnelly and Montrose, were approved on April 3, 1877. Engraving orders were issued, and the thirty Medals of Honor were delivered to the Adjutant General's Office on April 27, 1877, for shipment to Colonel Miles for presentation in the field by the Commanding General of the Army, General William T. Sherman. General Sherman's presentation occurred on July 18, 1877, at the 5th Infantry Headquarters, Cantonment Tongue River, Montana to the twenty-three recipient soldiers who were then still personally present at Tongue River. Significantly, on the very same date, a General Order issued "By Command of Col. Nelson A. Miles" listed the names of those twenty-three soldiers as having been "bestowed" Medals of Honor for "gallant" service. The General Order also lists the names of five other soldiers "awarded" Medals of Honor, describing them as one soldier "since dead" and four others "since discharged." The General Order therefore accounts for twenty-eight Medals of Honor; there is no mention of Donnelly or Montrose in the General Order.²

By the date of the General Order on July 18, 1877, Colonel Miles had determined that Donelly and Montrose had been deserters, and he returned their Medals of Honor to the Adjutant General's Office (AGO) in Washington, D.C. (He also returned the Medals of Honor of those soldiers who had been discharged and not present for Sherman's presentation. This was a customary practice for discharged soldiers whose whereabouts might be subsequently located.)

Miles sent two letters to the AGO announcing his action not to present the Medals to Donelly and Montrose because of their desertion. The second letter from Miles to General Townsend of November 5, 1877, reads in part: "I have the honor to return herewith the medals of honor awarded to Private John S. Donelly Co "G" 5 Inf and Private Charles W. Montrose Co "I" 5 Inf to whom the medals were not given because of their desertion..."³ The Donelly and Montrose Medals of Honor, upon receipt by the Adjutant General's Office, were placed in "File Room # 45" according to an AGO note. There is also a handwritten note in the file with a heading from "The Adjutant General's Office, Washington, D.C." and it reads "**The deserters have forfeited their medals.**"⁴ (Emphasis added by author)



NARA AGO File Note

Donelly and Montrose

The records show that Donelly enlisted on May 16, 1876, in Jersey City, New Jersey. His occupation was listed as a blacksmith. He deserted on May 7, 1877. There is no record of his capture, and little is known about him except that he and several relatives had previously emigrated from Ireland, arriving on June 16, 1851, on a ship named *The Mannering*. Donelly was about one year old upon his arrival in the United States. Following his desertion there is no discovered record of him in census records or other materials, although some of his relatives settled in New York City. During the late 1800s and early 1900s, there are several persons named "John Donnelly" living in the New York City area, some with similar birth years and birth places; none however can be linked directly to the deserter, John S. Donelly.

Charles H. Montrose (not his real name) is quite another story. He enlisted under his real name, Alexander D. Munson, on June 12, 1875, in New York City and was assigned to the 2nd Cavalry. Three months later, he deserted on September 28, 1875. During Munson's desertion from the 2nd Cavalry, he went to St. Louis and enlisted on June 21, 1876, under the fictitious name "Charles H. Montrose." The 1875 enlistment record for Munson and the 1876 enlistment record for Montrose

show the same age, the same birthplace (St. Paul, Minnesota), and the same physical descriptions of “Blue Eyes,” “Brown Hair” and height of “5’ 9 ½.”

Montrose was discovered by the Army as the deserter “Munson” on October 11, 1876, and he was arrested. The enlistment record for Charles H. Montrose includes a note that, because of this deception, his enlistment under that name was “cancelled.” Another document indicates this cancellation “as per Descriptive List A.G.O. June 15, 1877.”⁵

The enlistment record for Alexander D. Munson not only shows his desertion date of September 28, 1875, and his apprehension on October 11, 1876, while serving under the name of “Montrose,” but it also shows a discharge date for Munson as of January 24, 1877.

The curious circumstances that allowed the fictitiously named Montrose to participate in the Great Sioux War battles from October 21, 1876 (Cedar Creek) to January 8, 1877 (Wolf Mountain), notwithstanding his false identity, his desertion, and his apprehension on October 11, 1876, are likely explained by the letter of 2nd Lt. J.H. Whitten, Commanding Officer of Co. “I,” 5th Infantry to 1st Lt. Frank Baldwin, Acting Assistant Adjutant General, 5th Infantry. It was dated November 28, 1876, five weeks after the Battle of Cedar Creek. Lt. Whitten’s letter reads:

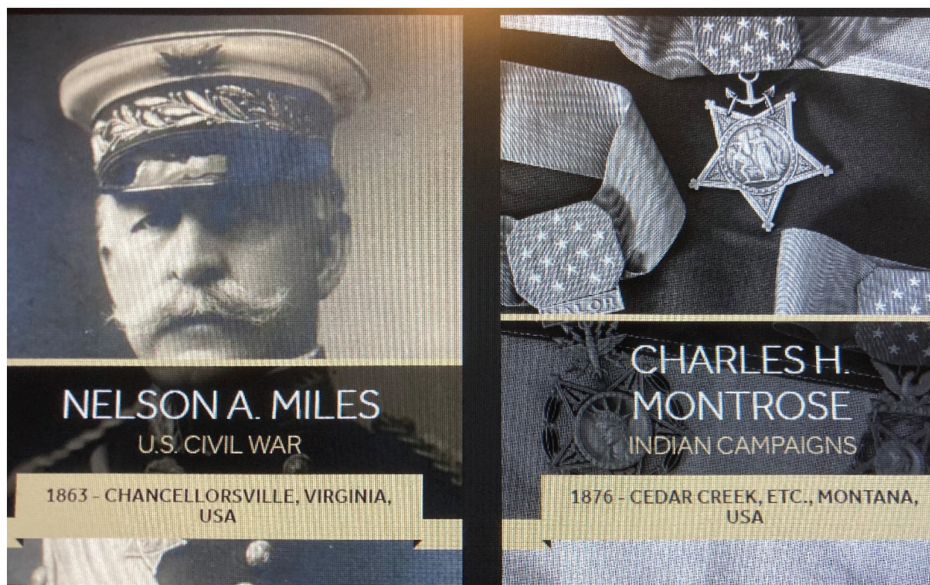
*I have the honor to request that any charges already preferred or that may be preferred against Private Charles H. Montrose, Co. “I” 5th Infantry, alias Alexander D. Munson, Co. D, 2d Cavalry, on account of desertion from the latter company, may be withdrawn because of his very meritorious conduct during ... Oct 17 and Nov. 6, 1876. Already diligent and attentive to his duties, I think if the above request is granted, he will become one of our most useful men in the Company. This Descriptive List has been forwarded to his late Commanding Officer with a request for a copy of charges, but up to date no reply has been received.*⁶

Thus, it seems because of Lt. Whitten’s intervention, with no countermanding order, Montrose (true name Munson) apparently ably served in the battles at Cedar Creek, Redwater Creek (Ash Creek) and Wolf Mountain, as cited in the February 9, 1877, letter of Colonel Miles recommending the thirty Medals of Honor. Because of Montrose’s actions in those battles, his name (its fictitious nature certainly known by February 9th by Lt. Whitten and Lt. Baldwin) nonetheless found its way onto Miles’s Medal of Honor recommendations list. Apparently, Miles was not aware until much later that Montrose—under the true name of Alexander D. Munson—had been discharged two weeks prior to Miles’s February 9, 1877, recommendation letter, and that as Munson he had deserted after his first enlistment. Miles nonetheless felt that the desertion, when he discovered it and reported it to General Townsend, was a sufficient basis not to present the Medal of Honor to Montrose.

Following his discharge, the true original enlistee, Alexander D. Munson, went on to live a public life. An 1878 city directory from his hometown of St. Paul, Minnesota shows him there working as a “hack driver.” Census records of 1900 and 1910 show him living back in New York City where he first enlisted in 1875. Those records show his profession as “house painter.” He was married with three children. Records reveal that he died in 1917 and his body was cremated with the ashes given to his family.

At some point after the return of the “Montrose” Medal of Honor by Miles to the Adjutant General’s Office (AGO) in 1877, the Medal ended up being transferred from the AGO “File Room” to the Smithsonian Museum; it is currently held there along with several other Medals of Honor, including that of Nelson Miles. Quite bizarrely, when one queries the Congressional Medal of Honor Society (CMOHS) website for the names of those recipients whose Medals of Honor are

held by the Smithsonian, the website photos of Nelson Miles and Charles H. Montrose appear side by side.



Miles/Montrose side-by-side photos on CMOHS website

The location of the Medal of Honor awarded to Donelly and returned by Miles has yet to be discovered.

The 1916 Medal of Honor Review Board

The intersection of circumstances involving Miles and the deserters Donelly and Munson (Montrose) does not end with the return of their Medals by Miles to the AGO in 1877. As noted above, then retired General Miles served as President of the 1916 Medal of Honor Review Board reviewing all Medals awarded up to 1916. As part of the review process, each Medal recipient was assigned a case number by the Recorder for the Board, Major O. J. Charles. Donelly's case number was 2260 and Montrose's case number was 2373. During the period from October 1916 to January 1917, General Miles and his Board of four other retired general officers, along with the Recorder Major Charles, met thirty-one times to review case files. These review sessions were fairly summary in nature; for example, on October 18, 1916, Miles and his Board reviewed eighty cases submitted by the Recorder. The meeting lasted two and ½ hours—which was the typical length of most case review sessions.⁷ (One commentator, who has examined the times recorded for each review session, estimates that each case file received about two minutes of consideration by the Board.)

While it does not appear from the official Board report that all the numbered cases were reviewed by the five-member Board, that report does contain a listing of all the case numbers assigned to the 2,625 recipients. For some Board sessions where there was a review of a particular action or battle involving multiple Medal recipients, the Recorder listed all the individual case numbers associated with that action to facilitate the Board's review. In some case file descriptions, the Recorder also included a list of documents that were contained in the file prepared for the Board.

In the file prepared by the Recorder for all the Medal of Honor recipients from the Great Sioux War, the list of recipients includes Donnelly (Case No. 2260) and Montrose (Case No. 2373). The list says the Medals were “approved on April 27, 1877.” A few documents are also listed as part of the case file for the thirty recipients, but the Recorder to the Board apparently failed to include several critical documents. The documents not included are those that reflected the communications between Miles and the AGO regarding the return of the Medals of the deserters Donnelly and Montrose, or the AGO note that “the deserters have forfeited their medals.” The case file also did not contain the most important document—the General Order issued by Miles on July 18, 1877, where the names of Donnelly and Montrose were conspicuously absent.⁸

While the Board reviewed a very large number of cases during sessions of short duration, it remains puzzling that Miles may not have remembered his return of the Donnelly and Montrose Medals due to desertion, or his General Order. He certainly was adamant about their cases some forty years prior.

The Requirement of “Honorable” Service

The requirement of “honorable” service (e.g., no desertion) by a recipient and its effect on the Medal of Honor process was first officially addressed by the Army in General Order No. 28, dated March 12, 1903. Issued from AGO Headquarters, it provided that “neither a Medal of Honor nor certificate of merit will be awarded in any case where the service of the person recommended, subsequent to the time when he distinguished himself, has not been honorable.”

In 1918, Congress passed legislation that provided more direction and guidance regarding eligibility for the Medal of Honor (40 Stat. 870-873). It provided that “no medal...shall be awarded or presented to any individual whose entire service subsequently to the time he distinguished himself shall not have been honorable.” (Note the distinguishing use of the words “awarded” and “presented.”) Language like the 1918 legislation still exists in 10 U.S.C. Section 3744(c).

In another Indian War period case involving disqualification for desertion, a soldier named Charles Hoover had deserted and re-enlisted under the fictitious name, John Baker. Under the “Baker” name he was included on a list of thirty-six soldiers recommended for the Medal of Honor by General Crook in 1875. This was done as part of any overall Army review of several military engagements with the Indians during 1872-1873, primarily the Apaches in Arizona. Before the list was transmitted to General Townsend as the Adjutant General for concurrence, and then to General Sherman for final approval, a clerk caught the fictitious “Baker” name, and connected it to Hoover, the deserter. Baker’s name was struck from General Crook’s list. Dutifully, it appears that the same clerk checked the remaining proposed list and found the names of two other deserters, Thomas Hanlon and Albert Bross. Both had deserted after the actions for which they had been recommended. Their names were then also struck from Crook’s Medal of Honor recommendation list.

The Hoover/Baker, Hanlon and Bross cases vary from Munson/Montrose and Donnelly cases in only one way: the disqualifying actions of Hoover, Hanlon and Bross as deserters were caught before General Sherman could approve them. However, in the case of Donnelly, he deserted on May 7, 1877, two weeks after the issuance of the April 7, 1877, Medal of Honor approval list with Donnelly’s name on it. Likewise, the desertion involving Munson/Montrose was not known by Miles until after the same April 7, 1877, approval. However, Miles caught these desertions before Sherman’s presentation of Medals on July 18, 1877, and Miles’s General Order of the same date. Is it not clear that Miles (and the AGO) were acting with admirable motivation to ensure dishonorable soldiers were not recognized as Medal of Honor recipients? This is precisely what motivated General Crook when actions were taken two years prior in 1875 to strike the names of the three deserters from his list of Medal of Honor recommendations.

Analysis of Actions Taken Against Donelly and Montrose

While the Army in 1877 had not yet issued Medal of Honor revocation regulations like the Navy, the absence of Army regulations did not diminish the practical need (as the Navy had formally addressed with its regulations) to rectify cases that involved undeserving and other than honorable soldiers. The absence of regulations also did not cancel the effect of the lawful and specifically worded General Order of July 18, 1877, where the names of Donelly and Montrose were consciously excluded. This is particularly true in the context of other well documented facts, i.e., Miles's action in returning the Medals of Donelly and Montrose thereby precluding any "presentation," and the ensuing note by Townsend's office that "the deserters have forfeited their medals."

While General Sherman was the approving military authority, there is nothing in the records that show an explicit action by him to overturn the earlier approvals of Donelly and Montrose. However, Miles's General Order was issued on the same date, July 18, 1877, as Sherman's field presentation of the other Medals. Considering what Miles had discovered prior to that date, it was no simple oversight that only two soldiers, namely Donelly and Montrose, were not included by Miles in that General Order. Even though Miles himself was not the final approving authority for the Medals in the first instance, he was the source of the recommendation for Donelly and Montrose, and he certainly had the duty and right to correct the mistakes made regarding their approvals once he was informed of their actions as deserters. That duty and right underscore the significance of the General Order he issued on July 18, 1877. It was a revocation.

In a 2021 article published by Dwight Mears in Volume 229 of the *Military Law Review* entitled *Medals Ridiculously Given? The Authority to Award, Revoke and Reinstate Decorations in Three Case Studies Involving Executive Clemency*, the author offers a critical and insightful analysis of the authority of the military to revoke awards. He notes that Army regulations regarding revocation of awards did not begin to evolve until the middle of the 20th century, and one Army regulation of that period states that "any award for meritorious service may be revoked if facts subsequently determined would have prevented original approval of the award." Clearly, these are the very types of facts that Miles confronted in 1877. Mr. Mears is also the author of the highly acclaimed 2018 book entitled *The Medal of Honor—The Evolution of America's Highest Military Decoration*, which also recounts the history of Army and Navy revocation authorities. Even though the Army regulations regarding revocation were not in existence in 1877, Mr. Mears's analysis of 20th century revocation regulations is nonetheless quite useful in any retrospective consideration of the factors that drove Miles's actions.

Also relevant in considering whether Miles's actions constituted an effective form of revocation is the fact that no "presentation" of a Medal of Honor was ever made to either Donelly or Montrose. With no written regulations in place in 1877, the revocation implications regarding the absence of a Medal "presentations" to Donelly and Montrose are best analyzed by the actual practices of the Army during that period. For example, as discussed in Chapter 1 of this book, two soldiers approved for the Medal of Honor by General Sherman in 1869 were never presented their Medals because they had been killed; they are therefore not recognized as recipients. Likewise, three soldiers (discussed in Chapter 1 of this book), who were approved by the President in 1906 for Medals of Honor for actions during the 1899 Philippine Insurrection, were never presented their Medals since the War Department never located the soldiers; the Department used incorrect mailing addresses for their Medal notification letters. These three soldiers are also not listed as Medal recipients in official records. It therefore is clear that the Army requirement of a "presentation" most certainly had a detrimental consequence for other soldiers approved for the Medal, but who have not been recognized as recipients.

Beyond the revocation effect of the 1877 General Order and the absence of any Medal presentations to Donelly and Montrose, there is also the question of how can “Charles H. Montrose” be recognized as a recipient under any circumstance when that is a fictitious name and his enlistment under that name was cancelled? CMOHS has acknowledged the duplicity between the Medal recipient recorded as “Montrose” and the real Alexander D. Munson since its published records note that Montrose was “also known as Alexander D. Munson”—implying that Munson is the fictitious name when that is not the case.

Curiously, the CMOHS records also show a “Presentation Date” of April 27, 1877, for the Medals of Honor to Donelly and Montrose. In fact, that is the date that all thirty Medals were sent to Colonel Miles by the AGO from Washington, D.C. It most certainly should not be used to indicate that there were ever “presentations” of Medals to Donelly and Montrose because there were none.

As discussed below, the case of Donelly in particular is symptomatic of a significant flaw in the Army’s ability to address and revoke those Medal of Honor recipients who deserted after their awards. As discussed below, that flaw extended to the Navy as well.

Other Army and Navy Deserters

While the Army adopted no regulations relating to the Medal of Honor until 1897, and nothing that addressed the “honorable” service requirement until the Army 1903 General Order, the Navy took a different approach. The Navy Medal of Honor statute passed in 1861 was distinct from the Army Medal of Honor statute passed in 1862, and as early as 1865 the Navy issued regulations governing the Medal, including a provision that allowed for a general order to be used for the erasure of a Medal of Honor recipient’s name from the Navy registry for acts of treason, cowardice, felony, or any infamous crime. The Navy used this general order process to rescind or “forfeit” Medals of Honor, including some for desertion. For example, by means of General Order No. 59 (June 22, 1865), the Navy ordered the forfeiture of four Medals of Honor for desertion, and two for misconduct.⁹ In addition, research performed by the Medal of Honor Historical Society of the United States (MOHHSUS) has also found documentation that at least another eight sailors had their Medals revoked due to desertion.¹⁰

A later 1914 Navy TJAG opinion—issued prior to the 1918 legislation—reinforced the implications of the effect of a desertion when it noted that “...medals of honor, **awarded but not delivered**, should be refused in cases of men who have subsequently deserted during the enlistment in which the award was made, even though they were not tried therefore by court-martial and dishonorably discharged.”¹¹ (Emphasis added by author)

However, despite the apparent focus of the Navy on deserters, recent analysis has discovered at least forty Navy personnel who deserted after award but who remain on the current Medal of Honor rolls. In collaboration with this author, the following list was compiled under the direction of Gayle Alvarez, President of the Medal of Honor Historical Society of the United States (MOHHSUS), based on a review of available records for each listed recipient. This extensive and remarkably detailed MOHHSUS research identifies the following Navy sailors and Marines as still recognized as Medal of Honor recipients despite their desertions after award:

NAVY DESERTERS

Ships Cook William Blagheen (True Name: William Blagden)

Civil War, USS *Brooklyn*. Date of Action: 5 August 1864. No recorded presentation date. Medal is in possession of the Naval Historical Center in Washington, D.C. Deserted 11 December 1864, likely from the USS *Galena*. Applied for a pension in December 1890 but was rejected due to recorded desertion.

Seaman Christopher Brennen

Civil War, USS *Mississippi/Colorado*. Date of Action: 24-25 April 1862. Acknowledged award on USS *Ino* on 10 September 1863. Deserted 23 June 1866 from the USS *Powhatan*.

Corporal Charles Brown (USMC)

1871 Korea, USS *Colorado*. Date of Action: 11 June 1871. Medal never presented; it was "sent" 21 March 1872 but returned as he had deserted. Medal is in possession of the Naval Historical Center in Washington, D.C. Deserted 12 October 1871 from the USS *Ashuelot* in Shanghai, China.

Seaman Albert Burton

Civil War, USS *Wabash*. Date of Action: 15 January 1865. Promoted to Captain of the Top December 1864. No recorded presentation date. Medal is in possession of the Naval Historical Center in Washington, D.C. Deserted USS *Wabash* on 11 February 1865, likely at Boston Navy Yard.

Private Albert Campbell (USMC)

China. Date of Action: 21 June 1900. No presentation information. Medal likely sent to Commandant of USMC. Deserted 20 December 1904, possibly in St. Louis, MO.

Seaman Thomas Connor

Civil War, USS *Minnesota*. Date of Action: 15 January 1865. Medal engraved with December 1864 and January 1865 dates. No recorded presentation date. Medal is in possession of the Naval Historical Center in Washington, D.C. Deserted 20 August 1865.

Boatswain's Mate William Farley

Civil War, USS *Marblehead*. Date of Action: 25 December 1863. No recorded presentation date. Medal is in possession of the Naval Historical Center in Washington, D.C. Promoted to Acting

Quartermaster Edward Farrell

Civil War, USS *Owasco*. Date of Action: 24 April 1862. Presented 26 June 1863 with notation that "Medal handed to him with letter." Deserted 20 July 1864 from Chelsea Naval Hosp. Also deserted 20 Aug 1864. Reenlisted 11 May 1867 but failed to appear.

Seaman Isaac L. Fasseur

Peacetime 1871-1898, USS *Lackawanna*. Date of Action: 13 June 1884. Medal presented aboard the USS *Lackawanna* on 4 January 1885. Deserted 17 February 1902 from the USS *Oregon*.

Seaman Charles Giddings

Interim Period, USS *Plymouth*. Date of Action: 26 July 1876. Medal sent 5 September 1876 but was returned to Dept. of Navy as he had deserted. Deserted 17 August 1876 from USS *Plymouth* at Boston, MA.

Landsman Robert Graham aka Frederick Hall

Civil War, US Steamer *Tacony*. Date of Action: 31 October 1864. No evidence of presentation. Navy MoH Logbook notes that it is “on hand.” Deserted 22 April 1865 from USS *Mahopac*, possibly in Washington D.C. Joined the USMC on 5 November 1881 as Frederick Hall, discharged 19 August 1882. Pension denied due to desertion.

Captain of the Forecastle John Greene aka John Green

Civil War, USS *Varuna*. Date of Action: 24 April 1862. Acknowledged receipt of the Medal on 19 September 1863 aboard the US Steamer *Essex*. Deserted 27 June 1865, likely from the USS *Connecticut*.

Seaman Thomas Harcourt

Civil War, USS *Minnesota*. Date of Action: 15 January 1865. No recorded presentation date. Medal is in possession of the Naval Historical Center in Washington, D.C. Deserted 4 April 1865 from either USS *Minnesota* or USS *Fort Donelson*.

Landsman Martin Howard aka Michael Horgan

Civil War, US Steamer *Tacony*. Date of Action: 31 October 1864. Medal mailed on 2 June 1865, but never received. Resent 15 February 1886. Deserted 16 November 1865, possibly from USS *St. Mary*. Denied pension because of desertion.

Private Thomas Kates (USMC)

China. Date of Action: 21 June 1900. No presentation information. Medal likely sent to Commandant USMC September 1901. Deserted 19 May 1903 likely at Brooklyn Navy Yard.

Apprentice First Class William Levery

Spanish American War, USS *Marblehead*. Date of Action: 11 May 1898. No evidence of presentation. Navy MoH logbook notes that Medal is “on hand.” Second page of Navy MoH logbook notes his MoH was ‘cannibalized’ in 1906 to repair another Medal as he was listed as a deserter at large.

Seaman Charles Read of USS *Magnolia* (2 MoH men by this name)

Civil War, USS *Magnolia*. Date of Action: 5-6 March 1865. No recorded presentation date. Deserted 29 June 1865, possibly from Receiving Ship *Vermont*.

Quartermaster Jeremiah Regan

Civil War, USS *Galena*. Date of Action: 15 May 1862. Appointed Mate 25 October 1862. No presentation information. Deserted 8 November 1862, likely from the USS *Delaware*. Notice in NY paper w/ \$50 bounty.

Coal Heaver Charles Rice

Civil War, USS *Agawam*. Date of Action: 24 December 1864. Acknowledged receiving Medal aboard the USS *Agawam* on 12 May 1865. Deserted 25 June 1865 as per State of Maine index card. USS *Agawam* ship muster roll listed him as a straggler.

Seaman John Russell

Interim, USS *Trenton*. Date of Action: 21 September 1880. Acknowledged receiving Medal 3 April 1881. Deserted 29 May 1882, possibly from USS *New Hampshire*.

Master-at -Arms James Seanor

Civil War, USS *Vincennes* but accredited to USS *Chickasaw*. Date of Action: 5 August 1864. Medal “Delivered to him by Captain Powell January 8, 1866.” Promoted Captain of the Top circa October 1867. Deserted USS *Guerriere* 3 January 1869, Montevideo, Uruguay. May have reenlisted in August 1872 but deserted again in January 1873, no ship listed.

Coxswain George Schutt

Civil War, US Steamer *Hendrick Hudson*. Date of Action: 5-6 March 1865. No presentation information. Failed to report to new assignment USS *Princeton* on 10 August 1865.

Private John Shivers (USMC)

Civil War, USS *Minnesota*. Date of Action: 15 January 1865. Promoted to Corporal 15 February 1865, reduced back to Private 14 June 1865. Deserted 27 October 1865 at Philadelphia.

Seaman Edwin V.B. Smith

Civil War, USS *Whitehead*. Date of Action: 3 October 1862. Medal presented 1 November 1863 aboard the US Steamer *Seymour*. Appointed Mate 25 October 1862. Revoked 21 March 1865. Reappointed 31 May 1866. Deserted 8 December 1866 from USS *De Soto*. Medal returned to Navy, likely by Captain of USS *De Soto*. Court-martialed and sentenced to two years prison and dishonorable discharge. Prison sentence remitted, dishonorable discharge 30 April 1867. Medal sent to his father in New York 21 September 1868.

Captain of the Top Robert Strahan

Civil War, USS *Kearsarge*. Date of Action: 19 June 1864. No recorded presentation date. Medal is in possession of the Naval Historical Center in Washington, D.C. Deserted USS *Kearsarge* 7 April 1868 in Rio de Janeiro, Brazil.

Private Edward Sullivan (USMC)

Spanish American War, USS *Marblehead*. Date of Action: 11 May 1898. No presentation information, just a note indicating it was likely sent to the USMC Commandant. Deserted 16 November 1901 at Marine Barracks at Boston, MA Navy Yard.

Seaman Edward Swatton

Civil War, USS *Santiago De Cuba*. Date of Action: 15 January 1865. No recorded presentation date. Medal is in possession of the Naval Historical Center in Washington, D.C. Navy logbook states "not delivered." Deserted USS *Santiago De Cuba* February 1865 in Norfolk.

Landsman William Sweeney

Interim, USS *Jean Sands*. Date of Action: 15 June 1880. Medal sent October 16, 1880, but no acknowledgment recorded. Deserted USS *Chicago* 28 February 1893 in New York.

Seaman Henry Thompson

Interim, Mare Island, California. Date of Action: 27 June 1878. Acknowledged receiving Medal on 19 August 1878. Two desertions: 13 June 1881 from USS *Jamestown* and circa 30 November 1883 from USS *Wachs*. Concealed desertions when applying to Snug Harbor where he died 8 February 1948.

Chief Boatswain Mate Othniel Tripp

Civil War, USS *Seneca*. Date of Action: 15 January 1865.

Acknowledged receiving Medal 24 February 1866 aboard the USS *J.C. Kuhn*.

Deserted 28 March 1866 likely from the USS *J.C. Kuhn*. Reenlisted several times, deserted 22 June 1875 from USS *Saranac* at British Columbia. Reenlisted 14 January 1877, discharged 28 June 1877 in Peru.

Seaman Robert Volz

Spanish American War, USS *Nashville*. Date of Action: 11 May 1898. Medal presented 16 August 1899 aboard the USS *Nashville* in the Charlestown Navy Yard. Promoted Gunners Mate in October 1899. On 11 October 1904 while aboard the USS *Atlanta*, awaiting general court-martial, assaulted sentry and escaped in Buenos Aires, Argentina. Died there in 1939.

(Note: In some cases, missing ship logs were not able to confirm where certain desertions occurred, although the desertions themselves are documented as part of the MOHHSUS research.)

ARMY DESERTERS

The revocation actions of the Navy, while certainly not completely effective as evidenced by the foregoing list, stand in stark contrast to the Army which undertook **no** revocations during the same period. The lack of any legal authority until the 1903 Army General Order explains part of the absence of Army revocations, but the Donelly and Montrose cases reflect a clear “head in the sand” attitude by the Army despite what Miles sought to accomplish by his refusal to present Medals to those two soldiers.

Based on a review of Congressional Medal of Honor Society records and actual Army enlistment records, the following list has been compiled of fourteen Army Medal of Honor recipients who deserted after the recognized action or presentation date, yet no revocation ever occurred, including by the 1916 Medal of Honor Review Board.

ARMY MEDAL OF HONOR RECIPIENTS WHERE ENLISTMENT RECORDS SHOW DESERTER STATUS AFTER ACTION DATE OR AWARD PRESENTATION DATE

Name	Unit/ War	Action Date	Presentation Date	Desertion Date
Pvt Charles Daily	8 th Cav/Indian War	8/13-10/31/68	7/24/69	12/68
Pvt Danial Farren	8 th Cav/Indian War	8/13/68	7/24/69	Note 1
Pvt John Hall	8 th Cav/Indian War	8/22-10/19/68	7/24/69	9/27/69
Pvt Martin Hillock	7 th Cav/Indian War	12/29/90	4/16/91	1/11/94
Pvt Herbert Mahers	8 th Cav/Indian War	8/25/69	3/3/70	6/1/71
Pvt Bernard McBride	8 th Cav/Indian War	8/13/68	7/24/69	12/3/68
Pvt Franklin McDonald	11 th Cav/Indian War	8/5/72	8/31/72	12/4/73
Cpl George Moquin	5 th Cav/Indian War	9/29/79	1/27/80	4/7/81
Pvt Samuel Richman	8 th Cav/Indian War	8/22/68	9/6/69	7/24/69
Pvt Otto Smith	8 th Cav/Indian War	8/68-69	9/6/69	7/24/69
Cpl Edward Stanley	8 th Cav/Indian War	8/26/69	3/3/70	7/6/70
Pvt Joseph Watson	8 th Cav/Indian War	6/4/69	3/3/70	3/16/70
Pvt John Donelly	5 th Cav/Indian War	10/76-1/77	Note 2	5/17/77
Cpl Andrew Bringle	NY Cav/Civil War	4/6/65	7/3/65	2/7/66

Note 1: Farren’s records show four desertions on 4/9/67, 1/2/69, 5/15/70, and 10/5/70.

Note 2: Donelly’s Medal was engraved but never presented to him per Col. Nelson Miles due to his desertion.

(Note: Desertion Date compiled from enlistment records; Action Date and Presentation Date compiled from CMOHS Recipients list.)

The records indicate that the fourteen recipients listed above deserted and did not return to service, voluntarily or otherwise. However, there is another substantial list of Medal of Honor recipients who deserted after their awards but either subsequently surrendered or were apprehended. None of these recipients faced any revocation actions because of their desertions. Consider, by example only, the following recipients who deserted and fall into that category:

Pvt Charles Crandall, Indian Wars (deserted five times, last on 1/14/74 then surrendered)

Pvt Pompey Factor, Indian Wars (deserted 1/1/77, surrendered 5/25/79)

Sgt James Howard, Civil War (deserted 7/5/71, surrendered 7/18/71)

Pvt Daniel McKinley, Indian Wars (deserted 10/2/74, apprehended 11/11/75)

Pvt John Moran, Indian Wars (deserted 7/6/70, surrendered 12/17/70)

Sgt John Moriarity, Indian Wars (deserted 4/4/77, apprehended 3/15/82)

Sgt John Poppe, Indian Wars (deserted 11/81, surrendered 6/6/87)

Pvt William Shaffer, Indian Wars (deserted 5/13/71, apprehended 4/27/72)

Pvt Charles Sheppard, Indian Wars (deserted 5/31/83, surrendered 2/11/85)

Saddler Julius Stickoffer, Indian Wars (Deserted 9/14/72, surrendered 12/19/83)

Pvt George Thompson, Indian Wars (deserted 5/18/72, apprehended 5/15/72, deserted again)

Sgt John Thompson, Indian Wars (deserted 7/20/72, surrendered 8/11/72)

(In at least one case—that involving Private Pompey Factor—a pardon was issued. Nonetheless he was a deserter for over two years.)

In addition, there were two Civil War soldiers who deserted, but they subsequently received Medals of Honor as part of the wave of applications made in the 1880s and 1890s:

Pvt James Luther deserted on 7/10/63 but was presented the Medal of Honor on 6/28/90 for his action on 5/3/63.

Sgt Martin Schwenck deserted twice on 1/7/68 and 1/10/69 but was presented the Medal of Honor on 4/23/89 for his action on 7/3/63.

Conclusion

Given the difficulty of recovering complete records for Medal of Honor recipients prior to 1900, the foregoing lists are probably not complete. Accordingly, the number of soldiers and sailors who deserted after the award of their Medals of Honor is likely greater. However, the sheer number of Medal of Honor recipients (68 listed above) who deserted after award is troublesome and raises serious concerns as to whether they should remain on the current Medal of Honor rolls regardless of whether some may have returned to service after desertion.

It is also interesting—and perplexing—to note that the Medal of Honor Review Board in 1916 did not seek to review cases involving deserters, particularly since by that date both the Army and Navy had established procedures for revocation. Perhaps General Miles and the Board felt a review of deserters for revocation would have been an *ex post facto* type of exercise. However, the Board exhibited no such hesitancy in undertaking an *ex post facto* approach, as discussed in the next chapter of this book, when it revoked the Medals of Honor of John Hesse, Joseph Wilson, Thomas Gilbert, and John Lynch.

What should happen now? The Department of Defense should conduct a comprehensive review of all deserters who remain on the rolls of the Medal of Honor and revoke those names where appropriate; they have certainly dishonored the Medal. The Department might also review those cases of Medal of Honor recipients who were subsequently court-martialed for offenses other than desertion.

The Department's authorities regarding revocation have recently been thoroughly discussed in Dwight Mears' article in the *American Indian Review*, *Revoking the Stain Without Undermining Military Awards Earned at Wounded Knee in 1890*, Vol. 48, No.1, (2024) pp. 179-216. While Mr. Mears focuses factually and circumstantially on Wounded Knee Medals of Honor, much of his analysis regarding revocation authorities is relevant to how the Department should review the status of deserters.

NOTES

¹ See Exhibit 1.

² See Exhibit 2.

³ See Exhibit 3.

⁴ See Exhibit 4.

⁵ NARA, Principal Records Division File, Record Group 94, Entry, 25, Box 78, Letter dated May 23, 1890, from Lt. James Partello, Commanding Officer, Co. I, 5th Infantry, to the Regimental Adjutant, 5th U.S. Infantry.

⁶ Ibid., Letter dated November 28, 1876, from 2d Lt. J.H. Whitten, 5th Infantry to 1st Lt. F.D. Baldwin, 5th Infantry.

⁷ Letter from the Secretary of War, July 23, 1917, General Staff Corps and Medals of Honor, found in 66th Congress, 1st Session, May 19-November 19, 1919, pp. 121-127.

⁸ Ibid., pp. 461-62.

⁹ See Exhibit 5.

¹⁰ The MOHHSUS research identifies these eight Navy cases where Medals of Honor were revoked for desertion: Quartermaster Joseph Brown, Seaman Clement Dees, Boatswain's Mate Charles Florence, Boatswain's Mate Thomas Gehegan, Seaman William Higgins, Ship's Cpl John Jackson, Coxswain Frank Lucas, and Boatswain's Mate John Martin

¹¹ See Exhibit 6.

EXHIBIT 1a

HDQRS. YELLOWSTONE COMMAND,

Cantonment on Tongue River, M.T.

February 9th, 1877.

The Adjutant General, U. S. Army,

Washington, D. C.

(Thro' intermediate Headquarters).

General:-

I have the honor to recommend that a "Medal of Honor" be bestowed by the Congress upon each of the following named enlisted men of this command, for conspicuously gallant and meritorious services, performed in engagements with hostile Indians at Cedar Creek, Montana, October 21st, - Redwater Creek, Montana, December 18th, 1876, and Wolf Mountain, Montana, January 8th, 1877.

These services were performed under the eyes of the immediate Commanding Officers of these men, who have reported them specifically to these Headquarters, with recommendations that they be appropriately recognized and rewarded, and knowing the facts, I most cheerfully and earnestly endorse the recommendations:

* * * * *

1st Sergt. David Roache, Sergt. Michael McLoughlin, Corporal David Holland, Privates Henry Rodenburgh, Charles Sheppard, Company A, 5th Infantry.

Corporal John Haddo, Company B, 5th Infantry.

1st Sergt. Wendelin Kreher, Sergeants Aquila Coonrod, and William Wallace, Corporal Edward Johnston, Privates Owan McGar, Patton G. Whithead, James S. Calvert, Phillip Kennedy, Company C, 5th Infantry.

EXHIBIT 1b

2

Musician John Baker, Privates Christopher Freemeyer and Edward Rooney, Company D, 5th Infantry.

Sergeant Robert McPhelan, Company E, 5th Infantry.

1st Sergt. Henry Hogan, Sergt. Dennio Byrne, Privates John S. Donnelly, Richard Burke, David Ryan, John McCormick, Company G, 5th Infantry.

Corporals George Miller and George W. Wilson, Private John McHugh, Company H, 5th Infantry.

Privates Joseph A. Cable and Charles H. Montrose, Company I, 5th Infantry.

Very respectfully,

Your obedient servant,

Sgd: Nelson A. Miles,

Colonel 5th Infantry,

Bvt. Maj. Genl., U.S.A.,

Commanding.

EXHIBIT 2

The 5th U. S. Infantry, which so successful last winter under its Col., Gen. N. A. Miles, was reviewed by Generals Sherman and Terry on the occasion of their late visit to the Cantonment on Yellowstone and Tongue Rivers. The review took place on the 18th of July. The regiment was formed in two battalions—one under Major Gibson, the other, mounted on captured Indian ponies, under Capt. Snyder—Col. Miles commanded the regiment. After the review Gen. Sherman presented the medals awarded by Congress to men of the regiment for conspicuous gallantry in the engagements with Sitting Bull, both at Cedar Creek and Red Water, and with Crazy Horse in the Wolf Mountains. Gens. Sherman and Terry left the same evening for the Big Horn on the new steamer Rosebud, Capt. Grant Marsh, commanding.

HEADQUARTERS 5th INFANTRY,
Cantonment Tongue River, M. T. }
July 18th, 1877.

General Orders—No. 18. The Congress having bestowed upon the following named enlisted men of this Regiment, "Medals of Honor" for conspicuously gallant and meritorious services performed in engagements with hostile Indians at Cedar Creek, M. T., Oct. 21, '76; Red Water, Dec. 18th, '76, and Wolf Mountains, M. T., January 8th, '77, the medals will be distributed by the General of the Army, at parade, at 6:30 p. m. this day.

Co. A. 5th Infantry—1st Serg't David Roche, Serg't Michael McLaughlin, Corp. David Holland, Private Frederick O. Hunt, Private Henry Wodenberg.

Co. B.—Corp. John Hadds.

Co. C.—1st Serg't Aquila Coonrod, Serg't William Wallace, Corp. Edward Johnston, Private Phillip Kennedy, Private P. G. Whithead.

Co. D.—Musician John Beker, Private Christopher Freemaper, Private Edw'd Rooney.

Company E.—Serg't Robert McPhelan.

Company G.—1st Serg't Henry Hogan, Serg't Denis Byrne, Privates Richard Burke and David Ryan.

Company H.—Corp's George Miller and George W. Wilson, Private John McHugh.

Co. I.—Corp'l Joseph A. Cable.

Like medals of honor were awarded to 1st Serg't Wendelin Kreher, Co. C, 5th Infantry—since dead,—also to Privates Charles Sheppard, Co. A, James S. Calvert and Owen McGar, Co. C, and Michael McCormick, Co. G,—since discharged.

By command of Col. Nelson A. Miles.
Signed, G. W. BAIRD,
1st Lieut. 5th Inf'y, Adj.

Adj Gen Fifth Infantry -
 Cantonment Tongue River
 November 5th 1877.

Assistant General M. A. Camp,
 Washington D.C.
 General.

I have the honor to return herewith medals of honor awarded to Privates John S. Donnelly Co "G" 5 Inf and Charles W. Montrose Co "I" 5 Inf to whom the medals were not given because of their desertion also the portion of the medals awarded 1st Sergt Henry Hogan Co "G" 5 Inf. returned per letter of instructions from Assistant General's Office dated Oct 12th 1877.

For and in the absence of
 Col Nelson A. Miles
 J. W. Davis.

1st Lt + Capt 5 Infantry -

7246 also 1877

E. B.
 2269 ADJUTANT 1877
 Cantonment Tongue River

Nov. 5. 1877

G. W. Baird

Lieut & Adj. 5th Inf.
 Alimth 17/9 also 1877

Returns "Medals of Honor"

awarded Pts. John S.Donnelly and Chas. H.

Montrose, 5th Inf, who
 are deserted (3rd),

Also remnant of the
 medal awarded 1st.
 Sergt. Henry Hogan, Co. E
 5th Inf.

Recd also Nov 22 1877

Adjutant General's Office
 Washington, Nov 22. 1877.

The deserters have
 forfeited their medals

(File) note

Medals in safe
 Room 5 also.

EXHIBIT 5

GENERAL ORDER, No. 59.

June 22, 1865.

Awarding medals of honor to—

John Saunders, signal quartermaster, Kearsarge.
 James Horton, gunner's mate, Montauk.
 John Rountry, first-class fireman, Montauk.
 John H. Ferrell, pilot, Neosho.
 John Ditzenbach, quartermaster, Neosho.
 Thos. Taylor, cockswain, Metacomet.
 Patrick Mullen, boatswain's mate, Wyandank.
 Aaron Anderson (colored), landsman, Wyandank.
 Charles H. Smith, cockswain, Rhode Island.
 Hugh Logan, captain of the after guard, Rhode Island.
 Lewis A. Horton, seaman, Rhode Island.
 George Moore, seaman, Rhode Island.
 Luke M. Griswold, ordinary seaman, Rhode Island.
 John Jones, landsman, Rhode Island.
 George Pyne, seaman, Magnolia.
 Thomas Smith, seaman, Magnolia.
 Charles Reed, ordinary seaman, Magnolia.
 John S. Lann, landsman, Magnolia.
 George Schutt, cockswain, Hendrick Hudson.
 John Mack, seaman, Hendrick Hudson.
 John H. Nibbe, quartermaster, Petrel.
 Othniel Tripp, chief boatswain's mate, Seneca.
 John Griffiths, captain of the forecandle, Santiago de Cuba.
 Edward Swatton, seaman, Santiago de Cuba.
 John Swanson, seaman, Santiago de Cuba.
 Phillip Bazaar, ordinary seaman, Santiago de Cuba.
 George Province, ordinary seaman, Santiago de Cuba.
 Augustus Williams, seaman, Santiago de Cuba.
 Anzella Savage, ordinary seaman, Santiago de Cuba.
 * John Jackson, ship's corporal, Pontoosuc.
 Robert M. Blair, boatswain's mate, Pontoosuc.
 Anthony Williams, sailmaker's mate, Pontoosuc.
 James W. Verney, chief quartermaster, Pontoosuc.
 Asa Betham, cockswain, Pontoosuc.
 John P. Erickson, captain of the forecandle, Pontoosuc.
 * Clement Dees, seaman (colored), Pontoosuc.
 George W. McWilliams, landsman, Pontoosuc.
 John Angling, boy, Pontoosuc.
 William Dunn, quartermaster, Monadnock.
 Robert Summers, chief quartermaster, Ticonderoga.
 Jos. B. Hayden, quartermaster, Ticonderoga.
 Isaac N. Fry, orderly sergeant Marines, Ticonderoga.
 Ed. E. Bowman, quartermaster, Ticonderoga.
 William Shipman, cockswain, Ticonderoga.
 Wm. G. Taylor, Captain forecandle, Ticonderoga.
 George Prance, captain main top, Ticonderoga.
 Thomas Jones, cockswain, Ticonderoga.
 William Campbell, boatswain's mate, Ticonderoga.
 Charles Mills, seaman, Minnesota.
 Thomas Connor, ordinary seaman, Minnesota.
 David L. Bass, seaman, Minnesota.
 Franklin L. Wilcox, ordinary seaman, Minnesota.
 Thomas Harcourt, ordinary seaman, Minnesota.
 Gurdon H. Barter, landsman, Minnesota.
 John Rannahan, corporal of Marines, Minnesota.
 John Shivers, private marine, Minnesota.
 Henry Thompson, private marine, Minnesota.
 Henry S. Webster, landsman, Susquehanna.
 A. J. Tomlin, corporal Marines, Wabash.
 Albert Burton, seaman, Wabash.
 L. C. Shepard, ordinary seaman, Wabash.
 Chas. H. Foy, signal quartermaster, Rhode Island.
 James Barnum, boatswain's mate, New Ironsides.
 John Dempster, cockswain, New Ironsides.
 Edmund Haffee, quarter gunner, New Ironsides.
 Nicholas Lear, quartermaster, New Ironsides.
 Daniel S. Milliken, quarter gunner, New Ironsides.
 Richard Willis, cockswain, New Ironsides.
 Joseph White, cockswain, New Ironsides.
 Thomas English, signal quartermaster, New Ironsides.
 * Charles Robinson, chief boatswain's mate, Galena.
 * John Martin, boatswain's mate, Galena.
 Thomas Jordan, quartermaster, Galena.
 Edward B. Young, cockswain, Galena.
 Edward Martin, quartermaster, Galena.
 John G. Morrison, cockswain, Carondelet.

* Medal forfeited by his desertion.

CIRCULAR LETTER.

June 24, 1865.

The North and South Atlantic Squadrons have been consolidated, and hereafter will be known as the Atlantic Squadron, under the command of Acting Rear Admiral Wm. Radford.

Respectfully,

GIDEON WELLES,
 Secretary of the Navy.

Chiefs of Bureaus, Navy Department.

EXHIBIT 6

The Navy.

Pl. 2. REVISED STATUTES.

Sec. 1408.

service"; construing sections 1216 and 1235, Revised Statutes, as amended; see also, 8 Comp. Dec., 875; 9 Comp. Dec., 160.]

Amendment of 1901 held to be retroactive.—Neither section 1407 nor the law on which it was based included the Marine Corps; the term "seamen" has a limited application in the Navy and applies only to a certain class of enlisted men. The words of the act of 1864 and section 1407, "seamen distinguishing themselves" are prospective. Congress changed the language in the act of March 3, 1901, above quoted, to embrace any enlisted man of the Navy or Marine Corps, "who shall have distinguished himself," and provided that he should receive the benefits of gratuity and medal of honor authorized for seamen in section 1407. The act of 1901 is a beneficial statute and should be liberally construed. The words quoted, when taken in connection with the subject matter with which Congress was legislating, and the other language of the act, render the act retrospective in its operation and give to the act the same effect as if it had been a part of section 1407 when it was enacted. The Judge Advocate General of the Navy, in an opinion construing the act of 1901, held that said act is retroactive to the date of the enactment of section 1407 of the Revised Statutes; that had Congress intended that the act of 1901 should be limited in its benefits to the future only, it is not unreasonable to suppose that it would have employed the language used in previous acts, instead of changing the language so as to be susceptible of both past and future application. (7 Comp. Dec., 844. Compare cases noted in Introduction, under "Statutory Construction," VI, C, 7; and compare, file 8627-189, May 12, 1915.)

Jurisdiction to determine merits of case.—By the act of 1901 it devolves upon the commanding officer, the flag officer, and the Secretary of the Navy to determine when an enlisted man of the Navy or Marine Corps shall have so distinguished himself in battle or displayed extraordinary heroism in the line of his profession as to entitle him to a medal of honor by virtue of said act, and if he is so entitled, and has received a medal of honor as provided for in said act, but has not received the gratuity of \$100, he is entitled to receive same. (7 Comp. Dec., 844.)

Appropriation available for payment of gratuity.—The gratuity of \$100 allowed seamen in the Navy by section 1407, Revised Statutes, is in the nature of extra compensation or extra pay, and is properly payable from the appropriation "Pay of the Navy." The act of June 19, 1878 (20 Stat., 167), which established a "General account of advances" in the Navy, and provided "that 'Pay of the Navy' shall hereafter be used only for its legitimate purpose, as provided by law," was intended to prohibit the use of the appropriation "Pay of the

Navy" for the purpose of paying in the first instance items properly chargeable to other appropriations, subject to transfer upon settlement by the accounting officers to the appropriation properly chargeable with such items, as had theretofore been the practice, and not to change the purposes for which the appropriation "Pay of the Navy" could be properly used. (3 Comp. Dec., 736.)

Medal is personal property of man to whom awarded.—A medal of honor is the personal property of the man to whom awarded, and the naval authorities can not prevent him from wearing same after his discharge for bad conduct or undesirability, and when he is not under naval jurisdiction. Buttons, cap ornaments, figures, letters, and chevrons, etc., are part of a marine's uniform, furnished to him under a clothing allowance, and may properly be removed and retained when he is so discharged; but medals of honor, campaign badges, and insignia received because of past meritorious services do not come under the same category. (File 26519-3-1, Dec. 19, 1914, and Jan. 13, 1915; see also 25 Op. Atty. Gen., 529, and act June 3, 1916, sec. 125, 39 Stat., 216, forbidding unauthorized wearing of uniform.)

Withholding medal after award but prior to delivery.—By desertion, an enlisted man forfeits his right to pay and allowances earned but not received, and the term "allowances," as defined in *United States v. Landers* (92 U. S., 77), includes medals of honor, good conduct medals, and campaign badges. Accordingly, medals of honor, awarded but not delivered, should be refused in cases of men who have subsequently deserted during the enlistment in which the award was made, even though they were not tried therefor by court-martial and dishonorably discharged. However, if the desertion occurs in a subsequent enlistment, the man does not thereby forfeit any medal or badge earned but not delivered in a previous enlistment. (File 26519-3, Dec. 1, 1914.)

"If the man is not a deserter, but his service for other reasons has not been honorable, he must, nevertheless, be given any medal of honor to which he would otherwise be entitled, his right thereto being absolute under the law." (File 26519-3, Dec. 1, 1914.)

Whether section 1407 has been repealed as to medals.—While the act of February 4, 1919 (40 Stat., 1056) authorizing the presentation of medals of honor, etc., to persons in the naval service does not expressly repeal the provisions of section 1407, Revised Statutes, as enlarged by the act of March 3, 1901 (31 Stat., 1099), yet as the scope of the later legislation indicates that Congress was dealing with the entire subject involved, the subsequent provision is to be regarded as a complete substitute for the earlier law. (26 Comp. Dec., 464; but see file 9644-489.)

Sec. 1408. [Mates; rating of enlisted men as.] Mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years.— (17 May, 1864, c. 89, s. 3, v. 13, p. 79. 3 Mar., 1865, c. 124, s. 3, v. 13, p. 539.)

CHAPTER 3: THE 1916 MEDAL OF HONOR REVIEW BOARD AND ITS UNJUST REVOCATIONS

This Chapter examines the cases of four soldiers whose Medals of Honor were revoked by the 1916 Medal of Honor Review Board. The complex history, circumstances, conflicts of interest, and incongruities surrounding the 1916 Review Board are not examined in this book, but rather readers are directed to the detailed and exceptional treatment of the Review Board by Dwight Mears in his book *The Medal of Honor, The Evolution of America's Highest Decoration*. His Chapter 4 is aptly titled “The Purge of 1917: The Army Rewrites Its Award History.” The cited authorities therein provide the backdrop to the four cases that are discussed below.

Readers of Mr. Mears’ book will also be interested in reviewing the controversies—and perplexities—of other cases more carefully recounted by him, most notably the Medals of Honor awarded to famous civilian Indian Scouts William “Wild Bill” Cody and Billy Dixon, as well as the Medal awarded to the Civil War doctor, Mary Walker—all of whom had their Medals revoked by the Medal of Honor Review Board but later restored.

A fair interpretation of Mr. Mears’ examination of the 1916 Medal of Honor Review Board suggests that the Board was given incomplete guidance by Congress when the Board was authorized. This was compounded by the absence of a response from Congress when the Board subsequently sought clarification to avoid injustices. From this author’s research, the Board was also insufficiently staffed, provided with summarily researched materials and, in the end, quite flawed in some of its conclusions.

PART 1 of this Chapter deals extensively with the “unjust” revocation of the Medal of Honor of John C. Hesse by the 1916 Medal of Honor Review Board.

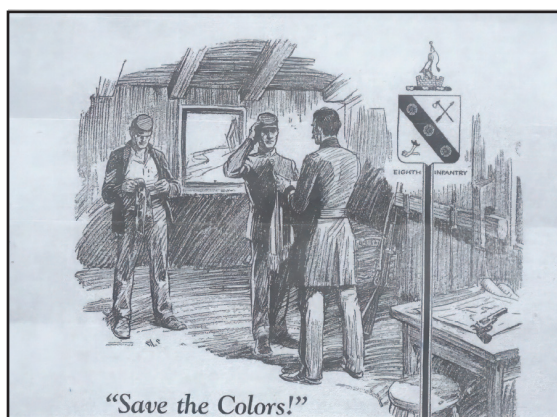
PART 2 of this Chapter addresses the flawed conclusions of the Review Board regarding the Medal of Honor revocations of Joseph Wilson, Thomas Gilbert, and John Lynch.

PART 1

THE AWARD AND REVOCATION OF THE MEDAL OF HONOR OF RECIPIENT JOHN C. HESSE

“An injustice has been done.”

Secretary of War Newton D. Baker May 14, 1917



(U.S. Army Historical Sketch of John C. Hesse, Courtesy U.S. Army Heritage and Education Center)

When the 1916 Medal of Honor Review Board (“Board” or “Review Board”), headed by retired General Nelson A. Miles, revoked 911 Medals of Honor, it did so with a primary focus on three groups of recipients. These included the 864 recipients from the 27th Maine Infantry where Medals were issued to induce reenlistments, and the twenty-nine soldiers who served as funeral guards for President Lincoln. In addition, the Board focused on a third group of recipients who, as private citizens, were not eligible under the Medal of Honor statutes which recognized only military members. As a result, several private citizens had their Medals revoked by the Board; these included the famous Indian scouts William “Wild Bill” Hickock and William “Billy” Dixon, and the famous Civil War doctor, Mary Walker.

In addition, the Board also focused on a small number of soldier and sailor Medal of Honor recipients where the Board determined there was insufficient evidence of distinction “in an action involving actual conflict with the enemy.”¹ One of those recipients whose Medal of Honor was revoked because of this determination by the Board was a Civil War soldier named John C. Hesse.

There already exists more than ample explanation and criticism of how the Medal of Honor Review Board functioned, and the very need for its creation by the Congress. Dwight Mears, in his exceptionally thorough book, *The Medal of Honor, The Evolution of America’s Highest Military*

Decoration, at pages 51-61, provides such a critical review. This chapter does not re-visit what Mr. Mears so carefully documents. But certainly, there is a credible view that no element of due process was afforded recipients during the Board's revocation review process.

John C. Hesse's case offers a keen insight into the Medal of Honor award process during the Civil War. It also demonstrates how one recipient persistently and successfully sought—and obtained—further recognition of his initial award. Hesse's case also exposes the Board's own legal concerns about its revocation authority and its impact on Medal of Honor award decisions that were made decades prior—in reliance on the laws then in effect. Finally, Hesse's case reveals how, in 1917, the Adjutant General, the Secretary of War, and members of the House and Senate sought to characterize the Board's revocation of Hesse's Medal as a clear case of “injustice,” and how they mounted a challenge to the Board's action. In the end, the revocation unfairly stood. His “recalled” Medal of Honor is held by the Congressional Medal of Honor Society. But his unique story is worth remembering as the history of the Medal of Honor is told, and as revocation injustices are now documented.



(John C. Hesse Courtesy CMOHS)

The Civil War Experience of John C. Hesse and His Medal of Honor Award

John C. Hesse was born in 1835 in Bremen, Germany to Johann and Engle Hesse. At the age of twenty-two, on November 11, 1857, he enlisted in New York City to serve five years in the regular Army and was assigned to the 8th Infantry, a unit that had previously earned acclaim during the Mexican War. In his September 6, 1864, letter of application for a Medal of Honor, Hesse explained:

At the outbreak of the rebellion the headquarters of the 8th Infantry were stationed at San Antonio, Texas. I was a corporal of Company A of that regiment and detailed as clerk at its headquarters. On the 23rd of April, 1861, the officers and a few enlisted men at the time present at San Antonio were taken prisoners of rebel troops under the command of Colonel Van Dorn. All the officers with the exception Lieut. Ed. L. Harris left a few days afterwards for the States. A few days subsequent going to the former office of the regimental headquarters, the building then in the possession and under the control of the rebels, I met there Lt. Hartz and Sergeant Major Joseph K. Wilson, 8th Infantry (now 2 lieut.) 8th Infantry.

Our regimental colors being in the office, Lieut. Hartz proposed to us to take colors from the staffs, conceal them beneath our clothes and try to carry them off. We did so. I took the torn color the regiment had carried through the Mexican War, put it around my body under my shirt and blouse and passed out of the building, which was strongly guarded by the rebels, our good luck would have that the rebels did not suspect what a precious load we carried with us, if they had our lives would not have been worth much. We put the colors in one of Lieut. Hartz's trunks.

And next day we left San Antonio for the north. On the route we guarded the colors with our lives always fearing that the rebels find out what we have taken away and come after us, but they did not. We arrived safe with our colors on the 26th of May, 1861, in Washington, and turned them over to the regiment.

*Under these circumstances I think I am entitled to the honor of receiving a Medal, as I believe that Congress intended to award them **to enlisted men who have done acts similar to mine**. I therefore very respectfully request that I may receive one, believing that **I have performed one of the highest duties of a soldier, 'having saved the colors of my regiment,'** and it will always be a happy day for me if I can see my regiment marching with their colors flying and can say, that color I have carried on my body and have rescued it from the hands of the rebels.² (Emphasis added by this author.)*

It is clear that Hesse's application for a Medal of Honor recognized that other Civil War soldiers had already been awarded a Medal for "similar" acts that "saved the colors." These similar acts are well documented, as discussed later in this chapter.

Only four days after Hesse's application, on September 10, 1864, Secretary of War Edwin M. Stanton approved his Medal of Honor. The approval states that it was issued "for good conduct in saving the colors of his regiment from capture by the rebels in Texas in 1861."³ Secretary Stanton personally presented Hesse with his Medal of Honor.

Following his discharge from the Army on January 21, 1863, John Hesse began his post-Civil War career on January 24, 1863, in the War Department's Pension Office, first as a clerk, and thereafter rising in rank to become the Chief of the Pension Office. In that capacity, he reported to the Army Adjutant General, and he dealt with prominent issues relating to Civil War veterans, as well as with unfolding pension issues relating to Indian War veterans. He retired in 1920, but the personal relationship that he developed with the Adjutant General during his career would become highly relevant and meaningful when the Board of Review undertook the revocation of his Medal of Honor in 1917.

The relevance of this relationship with the Adjutant General first manifested itself in 1897, when Hesse, as a War Department employee, initiated two Medal of Honor related petitions on his own behalf. First, he requested that he be issued a "knot to be worn in lieu of the medal of honor and a ribbon to be worn with the medal" as "prescribed and established by the President under the provisions of the Joint Resolution of Congress, approved May 2, 1896."⁴ That request was promptly granted, and Hesse acknowledged receipt of the knot and ribbon in a letter to the Army Adjutant General on March 10, 1897.

Shortly thereafter, Hesse undertook another petition, which was somewhat unusual but also successful. On May 10, 1897, he cited a Secretary of War decision of July 8, 1890, which stated that "[h]ereafter all medals of honor will be engraved showing the action and the date thereof for which the medal was issued."⁵ Even though this decision was meant for prospective application for awards after 1890, the Secretary of War issued a replacement Medal of Honor to Hesse with the inscription "Preserving and bringing away the colors of the 8th Infantry after capture of

the regiment on April 27, 1861.” Once again, the War Department displayed its respect for Hesse who, in turn, returned his original 1864 Medal of Honor to the Secretary of War.

However, in a letter dated January 20, 1902, John Hesse reconsidered his earlier decision to surrender his original 1864 Medal of Honor. In a letter to the Army Adjutant General, he stated:

*I was granted a Medal of Honor in September 1864, which was handed to me by Secretary Stanton in the presence of General Townsend. This Medal was replaced by another in May, 1897, the engraving thereon showing the act for which it was granted, which the first one did not. As a relic, I prize the original medal very much—as the same was given to me by Secretary Stanton and General Townsend—and for this reason I would like to possess it, and respectfully request that it be returned to me.*⁶

Once again, likely in deference to Hesse’s senior position in the War Department, his request was promptly granted, and his initial Medal was returned seven days later on January 27, 1902.⁷

When the newly designed Medal of Honor was authorized by Congress in 1904 to replace the original design, John Hesse received the new version, and acknowledged receipt on April 10, 1904. While the War Department originally planned to have recipients surrender their original design medals in return for the 1904 replacement version, the Department ultimately capitulated to an outcry of protest from recipients who demanded that they be allowed to keep their original issues. This successful protest was led by General John Charles Black, a Civil Medal of Honor recipient, who also served as National Commander of the Grand Army of the Republic and was a former Congressman.

Thus, it appears that by 1904 John Hesse had been issued three Medals of Honor—all in one fashion or another recognizing him for the same distinguished act of protecting the colors of the 8th Infantry in the Civil War.



(John Hesse recalled Medal of Honor and Pin. Courtesy CMOHS)

The Congressional Medal of Honor Roll

In 1916, Congress passed legislation creating the Medal of Honor Roll which enabled a nominal gratuity or pension for any recipient enrolled. As Dwight Mears states at page 51 in his book:

An important caveat to the Medal of Honor Roll act was that it left the awarding of the gratuity to the subjective judgment of the relevant service secretaries. According to the Army, it was the Secretary’s duty “to decide whether each applicant would be entitled to the benefits of the act,

which depended on whether the original award “appeared to ... [c]onform to the criteria established by the statute. ***If the secretary deemed the applicant qualified, this was sufficient to entitle the applicant to [the gratuity] without further investigation.***” (Emphasis added by author.)

With that determination by the Secretary of War in 1916—obviously reinforcing Secretary of War Stanton’s original award determination some 52 years prior—John C. Hesse was added to the Medal of Honor Roll on April 29, 1916. His application for the Medal of Honor Roll recites the language engraved on his Medal issued in 1897 explaining his action in protecting the colors of the 8th Infantry in 1861.⁸

Civil War Flag Protectors and Capturers as Medal of Honor Recipients

During the Civil War, there were numerous heralded incidents where Union soldiers engaged in acts of either protecting their own unit flags (“colors”) or capturing Confederate flags. A number of these “colors” related incidents resulted in awards of Medals of Honor. The list of such incidents is quite extensive but, by example only, consider the following involving Medal recipients:

1. Hiram W. Purcell (Citation: “While carrying the regimental colors on the retreat he returned to face the advancing enemies, flag in hand, and saved the other color, which would have been otherwise captured.” May 31, 1862)
2. Benjamin B. Levy (Citation: “This soldier, a drummer boy, took the gun of a sick comrade, went into the fight, and when the color bearers were shot down, carried the colors and saved them from capture.” June 30, 1862)
3. William H. Paul (Citation: “Under a most withering and concentrated fire, voluntarily picked up the colors of his regiment, when the bearer and two of the color guard had been killed, and bore them aloft throughout the entire battle.” September 17, 1862)
4. John J. Nolan (Citation: “Although prostrated by a canon shot, refused to give up the flag which he was carrying as color bearer of his regiment and continued to carry it at the head of the regiment throughout the engagement.” October 27, 1862)
5. Henry H. Taylor (Citation: “Was the first to plant the Union colors upon the enemy’s works.” Vicksburg June 25, 1863)
6. Jacob G. Orth (Citation: “Capture of flag of 7th South Carolina Infantry in hand-to-hand encounter, although he was wounded in the shoulder.” September 17, 1862)
7. Theodore W. Grieg (Citation: “A Confederate regiment...having planted its flag slightly in advance of the regiment, this officer rushed forward and seized it, and, although shot through the neck, retained the flag and brought it to the Union of lines.” September 17, 1862)

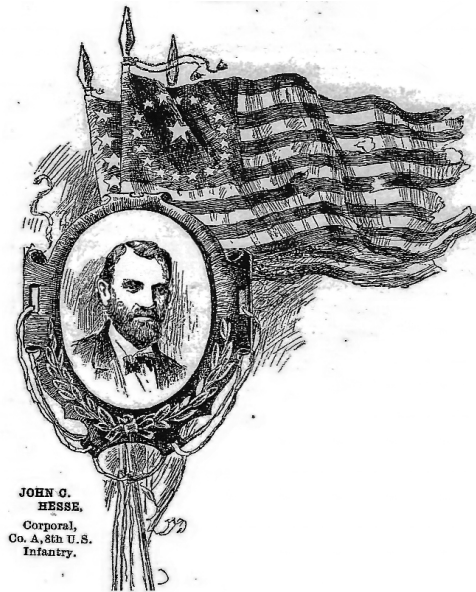
The report of the Medal of Honor Review Board references over fifty soldiers who received the Medal of Honor involving “flag” related actions.⁹

Other recipients received their Medals of Honor for similar acts of protection and recovery involving items other than colors. For example, the Medal of Honor citation of George Uhl for action on June 30, 1862, reads: “Was one of a party of three who, under heavy fire of advancing enemy, voluntarily secured and saved from capture a field gun belonging to another battery and which had been deserted by its officers and men.”

(Note: All above quoted “Citations” are from *Medal of Honor Recipients, 1863 -1994*, by George Lang, Raymond Collins, and Gerard White.)

As stated above, John Hesse's Medal of Honor application in 1864 was obviously mindful of some of these types of acts when he described his role in the protection of the 8th Infantry colors and stated that he believed Congress intended to award Medals of Honor "to soldiers who have done acts similar to mine."

The 568-page book written in 1907 by W.F. Beyer and O.F. Keydel, entitled *Deeds of Valor, How American Heroes Won the Medal of Honor*, profiled over two hundred individual Medal of Honor recipients from 1862 to 1907 (often using firsthand accounts). Interestingly, the very first recipient profiled in the book was John C. Hesse for his "colors" action in 1861, with the following drawing of him.



Action by the 1916 Medal of Honor Review Board

While the Medal of Honor Roll Act was passed in April 1916 to certify recipients for pensions, there was also a move in Congress to look more critically at the justifications for Medal of Honor awards up to that date. This was encouraged by prior Medal of Honor recipients who were concerned primarily about the basis for Civil War era awards, like those to the 27th Maine Infantry. As a result, Congress established the Medal of Honor Review Board, which had the authority in Section 122 of the enabling law to rescind Medals "for any cause other than distinguished conduct by an officer or an enlisted man in action involving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of such action."¹⁰

As Dwight Mears further elaborates in his book at page 53:

Certainly, implementing the 1916 law was a form of ex post facto legislation Nevertheless, it would be problematic for the War Department to apply a double standard by imposing criteria that had not existed when many of the medals were originally awarded. Further, there had been "no high judicial interpretation of the medal of honor laws," meaning that there was virtually no case law to guide the board's decisions. This set a tone of caution, as the board wanted to avoid, "as far as practicable, retroactive judgment on the course of the War Department in a matter lawfully within its discretion."

Mears continues in his book at page 53-54 to recite the state of the Army's award criteria from 1862 through 1916.

*In terms of evaluating the meaning of distinguished conduct, the Army's 1862 act had merely stated that the medal was intended for soldiers who "shall most distinguish themselves by their gallantry in action, **and other soldierlike qualities.**" Similarly, the 1863 act expanded the medal to Army officers and specified that it was intended for soldiers who "**have most distinguished** or who may hereafter most distinguish themselves in action." Thus, although all the laws included the word "distinguish" or "distinguished," they conveyed little legislative intent, and meaning of the word itself was highly subjective. (Emphasis added by this author.)*

Indeed, confronted with the wording of Section 122, General Miles and his Board were themselves concerned about the clarity of that Section and a possible conflict with the original Medal of Honor Acts of 1862 and 1863. In a letter dated July 19, 1916, to the Secretary of War, Miles expressed the need for clarification "in the interests of justice" and further wrote:

*While some medals of honor have been given to officers and soldiers not in accordance with law, and to civilians for heroic acts, without authority of law, it is assumed it is not the intention of Congress to deprive anyone of this distinguished honor where it has been worthily bestowed for most extraordinary, hazardous and dangerous service. Section 122 of the act of Congress makes no mention of the acts of 1862 and 1863, and would seem to repeal, or at least, annul those acts that that have been on the statute books for more than 50 years. The board is informed that said paragraph, or Section 122, was not in either of the House or Senate bills, but was inserted for some purpose in conference. **If the provisions of section 122 are strictly complied with, the board is of the opinion that grave injustice would be done to a class of public servants who have rendered most conspicuous acts of heroism that would be recognized in any army in the world. It leaves the Board and the honorable Secretary of War with no discretion, and would be a cruel act toward a class that the Government has manifestly desired to honor.** The board, therefore, respectfully requests that the honorable Secretary of War will ask that the Army appropriations bill, now pending in Congress be amended by adding the following paragraph, to wit:*

***"Section 122 of the act of Congress approved June 3, 1916 shall not apply to persons who have lawfully received their medals of honor, nor to anyone who has rendered extraordinary, hazardous, and dangerous service to the Government."**¹¹ (Emphasis added by this author.)*

On July 24, 1916, the Secretary of War, Newton D. Baker, referred Miles's letter to the respective Chairmen of the Senate and House Committees on Military Affairs. The amendment as proposed by General Miles was offered in the Senate two days later on July 26, 1916. However, given the "advanced stage of the session" of Congress, no action was taken. The Review Board's final report noted that no action on the amendment had been taken since it was "impracticable to secure modification of the act at that time." Significantly, however, the Board proceeded in its report to note that it "begs leave to express the hope that the War Department will defer action, in certain cases to be specified hereafter, until the matter can receive careful consideration of Congress."¹²

Action by the Secretary of War on Behalf of John Hesse

With no action by Congress to amend and clarify Section 122, the matter of John C. Hesse's Medal of Honor and its revocation became a matter of personal concern to his immediate superior, General Henry P. McCain, the Adjutant General of the Army. In a February 2, 1917, memorandum to the Judge Advocate General of the Army, the Adjutant General recited the concerns in General Miles' July 19, 1916, letter to the Secretary of War, and repeated the concerns that an "injustice will certainly result" if "strict construction" of the terms of Section 122 is followed. In his memorandum, Adjutant General McCain then launched into a series of questions requiring legal

interpretation by the Judge Advocate General. Remarkably and pointedly, in order to frame those questions, McCain cited the perceived injustice to John C. Hesse and the facts of his case. In doing so, Adjutant General McCain's memorandum quotes extensively from the 1864 Medal of Honor application of Hesse and includes the 1864 directive of General Townsend to engrave the Medal of Honor which was issued to Hesse.

Quite directly, the Adjutant General also then stated, referring to the Hesse case:

In view of the facts recited, the question may well be raised as to whether Mr. Hesse can, with justice, be deprived of the honor of holding the medal of honor, and involved in this question is the more important one as to whether the War Department has any authority to review or change in any respect the findings of the board.

McCain further pointed out to the Judge Advocate General that since the Board recommended that the War Department defer certain actions, it therefore followed that the Department "has some discretion in the matter" and

*[p]erhaps it would not be an unwarranted construction of the law to go even further and hold that it [the War Department] is not restricted in the action of the report of the board but can refuse to carry out such of its findings as may seem contrary to the views of the department.*¹³

Five days later, on February 7, 1917, the Judge Advocate General responded to Adjutant General McCain and advised that, considering the language of Section 122:

*In the opinion of this office, the act confers no authority upon the Secretary of War to review the report of the board...and refus[e] to carry out [its findings]....I am clearly of the opinion that the Secretary of War is bound by the report of the board in terms of executing the law.*¹⁴

At this point, the Secretary of War and the Adjutant General were thoroughly frustrated in their attempts to obtain justice for John Hesse. There had been no action by Congress to clarify Section 122, and the Judge Advocate General failed to provide an opinion that would support discretion by the Secretary of War, Newton Baker.

Dutifully, on May 4, 1917, Adjutant General McCain issued his official report to the Secretary of War and advised that the Board of Review determined that Hesse's Medal of Honor

was not issued for the cause specified by law, viz: "distinguished conduct by an officer or enlisted man in an action involving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of the action."

General McCain continued by noting:

In its official report, the board... recognizing the fact that the measure would result in injustice in certain cases ... recommends that the War Department defer action in certain cases until the matter can receive the careful consideration of Congress....

Following the Army Judge Advocate adverse opinion, McCain advised Secretary of War Baker that, absent favorable Congressional consideration, and considering the Judge Advocate General's opinion of February 7th, the Secretary of the War would have "no authority to further review" the Board's decision and would be "compelled to carry out the adverse recommendations" of the Board.

But General McCain, to his credit, was not done. He then bluntly stated the case for John Hesse:

*In considering the circumstances attending the act for which the Congressional Medal of Honor was awarded to Mr. Hesse, it is well to bear in mind that it was not performed in the heat and excitement of battle or under the inspiration of the presence of comrades or the leadership of commanding officers. It was a cool, deliberate act, with ample opportunity to forsee and weigh the consequence of failure. These elements should, it is thought, be viewed as very important factors in reaching any conclusion as to the merits of the proposed legislation. Furthermore, the act was a noteworthy exhibition of loyalty to the flag which is itself entitled to great consideration, especially when it is remembered that strenuous efforts were being made at the time to capture ALL United States flags that could be secured, at whatever cost, not to speak of alluring inducements held out to United States soldiers to join the Confederacy.*¹⁵

General McCain's report to Secretary of War Baker then concluded:

It seems evident from the foregoing that an injustice has been done to Mr. Hesse in the operation of the law ... and in view of the facts presented and of the fact that no special appropriation is involved, it is recommended that the proposed measure [to restore John C. Hesse to the official Medal of Honor list] be enacted into law.

General McCain's petition on behalf of John Hesse was persuasive. On the same day of his report and recommendation to Secretary of War Baker, a letter was sent by Baker (then presiding over the United States' participation in WWI), to the House Committee of Military Affairs. It read:

Referring to your examination of recent date in which you request that the House Committee on Military Affairs be furnished with the views of the War Department relative to...the relief of John C. Hesse, I have the honor to invite your attention to the accompanying report of The Adjutant General of the Army which sets forth the facts pertaining to the proposed legislation.

From a consideration of the facts presented I feel satisfied that an injustice has been done to Mr. Hesse in depriving him of the honor and distinction conferred upon him by the award of the Congressional Medal of Honor and I therefore concur in the recommendation that the proposed measure for his relief be enacted into law.¹⁶ (Emphasis added by author.)

Thereafter, in 1918, Reports by the Committees on Military Affairs for both the House of Representatives and the Senate were issued and both recommended "relief for John C. Hesse." Senate Bill 1879 was passed by the Senate and is reported in the Congressional Record of May 20, 1918, as follows:

This bill (S.1879) for the relief of John S. Hesse was considered as in the Committee of the Whole. It authorizes the Secretary of War to restore the name of John C. Hesse to the official medal of honor list and to the Army and Navy medal of honor roll, with all the rights, privileges, and benefits thereof, in view of the fact that the congressional medal of honor authorized by the act of Congress approved March 3, 1863, was presented to him in person by Secretary of War Stanton on September 10, 1864, for distinguished gallantry and great personal bravery in preserving and bringing away the colors of the Eight Regiment United States Infantry after the capture of the regiment at San Antonio, Tex., in the month of April, 1861, at which time he was a sergeant in Company A of that regiment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. (Emphasis added by author.)

While several similar bills for the restoration of John Hesse's Medal were introduced in the House of Representatives, there is no record that the full House ever had the opportunity to vote for the restoration. There is also no record of objections.

Hesse's Death

Twelve years after his Medal of Honor revocation, John Hesse died in the District of Columbia on November 14, 1929, at the age of ninety-five. He was preceded in death by his wife and one son. Two sons survived him; one was the former Chief of Police for the District and the other worked for the Civil Service Commission. John Hesse had served his country with distinction for 63 years, first as a soldier and then as a civilian within the War Department. His obituary read:

Long active in the Masonic fraternity, Mr. Hesse before his death was believed to be, in point of age, perhaps the oldest living Shriner in the United States. Besides belonging to Almas Temple of the Mystic Shrine, he was past master of Arminius Lodge, No. 25, F.A.A.M.; a member of the Mount Vernon Chapter, Royal Arch Masons, and a member of the Columbia Commandery, Knights Templar.¹⁷

Analysis of the Hesse Revocation and the Leonard Wood "Standard"

The Medal of Honor Review Board decision did not analyze John Hesse's actions in protecting his unit's colors under the precise language of the 1862 and 1863 statutes which governed his award. It did not explain why his conduct was not within the then statutory qualifiers of being "distinguished" or involving "soldierlike qualities." Under either standard, no action "involving actual conflict with the enemy" was required, as Section 122 provided when the Review Board was authorized by law in 1916—55 years after Hesse's actions. Even so, it seems irrational for the Board to have interpreted "action" and "actual conflict with the enemy" to exclude the perilous protection of colors by a prisoner of war whose discovery by the enemy of that protection was fraught with real and serious personal endangerment, perhaps death. When he left San Antonio, Texas with the concealed colors in 1861, John Hesse travelled four weeks over a distance of some 1600 miles to Washington, D.C. to present the flag to the War Department—crossing a number of Confederate-held states to do so, and certainly during a period of active hostilities.

John Hesse did not retire from his War Department Chief of Pensions position until 1920 so he was the only known Medal of Honor recipient who was subject of a Review Board revocation and was then in the employment of the federal government—and in a prominent position in the War Department. Nonetheless, when the Board made its decision to revoke his Medal on May 4, 1917, as a War Department employee of over 50 years at the time, Hesse was provided no opportunity to appear before the Board which met in person over thirty separate times to review case files. Only twelve months prior John Hesse had received his official certificate entering his name on the Army Medal of Honor Roll which confirmed the Secretary of War determination that his Medal was properly awarded and that he was eligible for continued entitlement to a pension.

Stunned to be sure by the Board's revocation of his Medal of Honor, and with all his years of service reporting to the Army Adjutant General, John Hesse must have wondered how, out of the 2625 cases reviewed by the Board, his case had been so critically and unfairly reviewed.

There are compelling factors which demonstrate that the 1916 Medal of Honor Review Board acted incorrectly in the case of John Hesse, as detailed above. Certainly, John Hesse had

powerful men who clearly perceived the injustice. Furthermore, General Miles and the Board explicitly recognized the likely injustice to literal application of Section 122. Miles and the Secretary of War sought Congressional clarification, but the proposed amendment to Section 122 was never considered due to insufficient time for final full Congressional consideration. Thereafter, the Adjutant General's arguments regarding the injustice to Hesse were rejected by the Judge Advocate General. Not to be deterred, Secretary of War Baker expressed his view that an injustice had been done to the House and Senate Military Affairs Committees which concurred in the legislative relief recommended by Secretary Baker, and the full Senate actually passed the relief bill for Hesse.

In sum, the case for reconsidering John Hesse's revocation turns on the nature of the conduct for which he was actually recognized, i.e., the otherwise acknowledged, valued, and "distinguished" conduct of "protecting colors." This conduct was well within the concept of "soldierlike qualities"—using the words in the Army's original Medal of Honor Act. Hesse's protection of the colors of a famous Army infantry unit was a highly revered act; it was undertaken in a setting where there was direct interaction with the enemy and involved serious personal peril. The revocation of his Medal was "ex post facto" to be sure.

In contrast to the action taken by the Review Board against John Hesse, there are other cases "not involving actual conflict with the enemy"—but with starkly different conclusions by the Review Board. For example, consider the circumstances leading to the Medal of Honor awarded to Lieutenant Leonard Wood in 1898. His award was not revoked by the Review Board.

Lieutenant Wood, who would later have a distinguished career over four decades and retire as a Major General, began his career as an Army doctor on the frontier. As such, Wood was under the command of Army Captain Henry S. Lawton (a Medal of Honor recipient from the Civil War and later a Major General killed in action in the Philippines.) The Department of Defense has characterized the actions of Lawton and Wood as they sought the capture of Geronimo in 1886 as follows:

On one occasion, Wood was with Lawton...when Geronimo escaped and ... Lawton needed someone to travel immediately north to a telegraph station to wire...Nelson Miles for their next orders.

Wood...volunteered to go on the treacherous journey...and [b]y the time Wood made it to the telegraph station, received the orders and got back to Lawton's camp, he had ridden 70 miles.

Wood eventually received the Medal of Honor for that exhausting mission, as well as for taking over command of an 8th Infantry detachment after all officers were lost. The detachment didn't capture Geronimo during the weeks the Army pursued him, but it was part of the expedition that wore him down.¹⁸

There is no record of Wood encountering Apaches during his two-day ride of "70 miles." Contrast that to Hesse's four-week 1200-mile journey through Confederate-held states in 1861.

The actual wording in Wood's citation for the Medal cites two reasons to justify the Medal—the 70-mile dispatch journey and his subsequent temporary and brief command of a leaderless Army detachment. His 1898 citation reads:

*Voluntarily carried dispatches through a region infested with hostile Indians, making a journey of 70 miles in one night, and walking 30 miles the next day. **Also** for several weeks, while in close pursuit of Geronimo's band, and constantly expecting an encounter, commanded a detachment of*

infantry, which was then without an officer, and to the command of which he was assigned upon his request. (Emphasis added by author.)

Historian and author Bill Cavaliere has researched extensively the September 1886 surrender of Geronimo and the events during the months leading to that surrender, including the period for which Wood is cited for his Medal of Honor. Mr. Cavaliere's 2021 book, *The Chiricahua Apaches: A Concise History* is an authoritative and very well-researched account. According to this author's discussions with Cavaliere, his research indicates that, during the months leading up to Geronimo's surrender in September 1886, there were only about 40 Chiricahua Apaches (Geronimo, his warriors, and some women and children) who were not on the reservation at Fort Apache where another 383 Apaches peacefully remained under Army control and awaited a decision about their future. Of those roughly 40 Apaches not on the reservation during the months leading up to the September 1886 surrender of Geronimo, most of the few Apache warriors were in hiding in Mexico avoiding Army pursuits.¹⁹

While the Army should have been concerned about any soldier travelling north from near the Mexico border into Southern Arizona in 1886, it seems a bit of an overstatement that Wood travelled through an area "infested with hostile Indians" when he carried the dispatches on May 29, 1886, to the telegraph at Willcox, Arizona. Willcox is slightly more than 70 miles north of the Mexican border. Nonetheless, it is accepted that Wood volunteered for an important mission at a significant point in the pursuit of Geronimo.

In July 1894, General Lawton was requested to write an account of Wood's activities eight years earlier in 1886, as part of the efforts to have the Medal of Honor awarded to Wood. Interestingly, before Lawton recounted the details of his recollection, he stated that

*Assistant Surgeon Wood is entitled for consideration for his energy, courage and **soldierly** example, exhibited through the whole campaign.* (Emphasis added by this author.)²⁰

The use by Lawton of the word "soldierly" is strikingly similar to the "and other soldier-like qualities" wording which would qualify an award under the 1862 Medal of Honor statute, as well as Hesse's own words in his Medal application where he said he had "performed one of the highest duties of a soldier"—a description with which Secretary of War Stanton obviously agreed.

General Lawton's 1894 report regarding Wood described the 70-mile dispatch assignment of Wood on May 29, 1886 (and his 30-mile follow-on trip). General Lawton's report also addresses the second reason offered for Wood's Medal of Honor and describes his "command assignment" as one that lasted about 28 days in July 1886. However, Wood's only encounter with Indians during this period of command occurred when his detachment, joined by another Army detachment, came upon a "camp of the hostiles" who were fired upon by the soldiers causing the Apaches to flee. No Apaches were killed, and the only fire received by the Army detachments was from Army scouts in a case of mistaken "friendly fire." Lawton reports that Wood shortly thereafter caught a fever making him delirious and, before Wood made somewhat of a recovery, Lawton had considered looking for a nearby ranch to leave him behind to get well.²¹

Lawton's 1894 report in support of a Medal of Honor for Wood was necessary because the initial recommendation in 1892 that Wood receive a Medal had failed. It was determined, supported by an Army Judge Advocate General opinion, that Wood was not eligible for a Medal of Honor given his status as a "contract" surgeon with the Army in 1886, and therefore not a commissioned officer.²² While some soldiers, like John Hesse, received almost immediate approval of their Medals upon application, Wood did not finally receive his

Medal until 1898—twelve years after his cited actions in 1886. This occurred only after a decade of lobbying by Miles and Lawton who were able to overcome the original Judge Advocate negative ruling.

The eventual inclusion in Wood's Medal of Honor citation of his "command" role in July 1886, as a justification for his Medal, is a not-too-well disguised effort to cast him in a more "combat-like" soldier role, and not just as a contract surgeon acting as a volunteer dispatch rider. Nonetheless, as one fairly considers the accounts of the hundreds of Army encounters with Indians during the of Indian War period, the flight of a small band of Apaches in July 1886—who were fired upon by Wood's detachment and the other detachment that had joined him—would hardly be characterized as perilous or consequential event.

While it is important to recognize the great many contributions of Leonard Wood throughout his career, one should nonetheless focus on the precise basis for his actual award when contrasting that basis with other Medal recipients, like John Hesse whose award was revoked. Whose journey was more perilous—Hesse's 1200 miles over three weeks through Confederate held states or Wood's 100-mile two-day trip through an area of scattered Apaches? Whose conduct was more "soldier-like"—Hesse's protection of his unit's colors or Wood's scattering of a few Apaches? Regardless of those answers, it can be said that both soldiers volunteered during periods of active hostilities and in areas proximate to an enemy.

Is there an argument that John Hesse was simply not as prominent as a Medal of Honor recipient as someone like Wood when the Board undertook its review looking for Medals that required revocation? Did Miles's prior role in lobbying for Wood's Medal constitute a conflict for Miles on the Review Board? (Indeed, in light of the large number of Medals of Honor recommended or awarded by Miles, was it appropriate for him to serve on the Review Board?) Furthermore, were the following factors influential at the time when Miles convened the Medal of Honor Board review in 1916-17?

- Wood was Chief of Staff of the Army from 1910-1914
- Wood was Governor General of Cuba 1899-1902 after the Spanish American War and awarded, as the very first recipient, the Army of Cuban Occupation Medal
- Wood was President of the Sons of the American Revolution from 1910-1911
- Wood was Governor General of the Mayflower Society from 1915-1921
- Wood was the recipient of honorary degrees from fifteen institutions including Harvard (1899), Williams, (1902), Pennsylvania (1903) and Princeton (1916)

Following the 1916 Board Review actions which did not revoke his Medal of Honor, Wood would go on to earn the Distinguished Service Cross and the Legion of Honor, become a candidate for President of the United States in 1920, and serve as Governor General in the Philippines.

Leonard Wood was unquestionably a remarkable military figure. The foregoing analysis is not meant to suggest his Medal should have been revoked. However, just as Miles and Lawton offered justifications for the award of Wood's Medal of Honor at a time in the late 1800s when the Army command had some discretion in light of the absence of well-defined Medal of Honor standards, so should have the Medal of Honor Review Board respected the judgments regarding Hesse's conduct made in 1864 by Secretary of War Edwin Stanton—a leader of great consequence who otherwise guided the Union war effort through the Civil War.

When it comes to assessing what exact actions justified Wood's Medal of Honor, is there really a meaningful distinction from the actions of John C. Hesse? Yet, Hesse's Medal of Honor remains revoked.

Conclusion

The revocation of the Medal of Honor of John C. Hesse was a clear injustice—that being the conclusion of the Secretary of War, the Adjutant General, two Congressional Committees and the full Senate in 1917. His Medal should be restored.

¹ 66th Congress, 1st Session, May 19-November 19, 1919, Senate Documents, Vol. 14, General Staff Corps and Medal of Honor, Letter from Secretary of War, July 22, 1919, Document No. 58. P. 134 (hereinafter this document will be cited in footnotes as “Document No. 58.”)

² NARA Adjutant General Office Document File, RG 94, Entry 25, AGO 55217, A.G. 2561570-A (hereinafter this document will be cited in footnotes as “Hesse NARA file.”)

³ Hesse NARA file, 2561570-A2.

⁴ Hesse NARA file, AGO 51248.

⁵ Hesse NARA file, AGO 55217.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Document No. 58, 474-475

¹⁰ Ibid., p. 110.

¹¹ Ibid., p. 111.

¹² Ibid., p. 112.

¹³ Ibid., pp.136-137.

¹⁴ Ibid., pp. 137-140.

¹⁵ Hesse NARA file, A.G. 2581570-5.

¹⁶ Ibid., A.G. 2581570-A.

¹⁷ Washington Evening Star, page 9, Civil War Hero Dies (November 15, 1929).

¹⁸ U.S. Department of Defense Medal of Honor Monday: Major General Leonard Wood, by Katie Land, DOD News, June 21, 2021.

¹⁹ September 7, 2023, email explanation from Bill Cavaliere, author of *The Chiricahua Apaches, A Concise History* (2020)

²⁰ Report of H. W. Lawton, Lt. Colonel and Inspector General to Major J.G. Gilmore, Assistant Inspector General, July 22, 1894, p. 2.

²¹ Ibid., p. 4.

²² Opinion 1656, *A Digest of Opinions, Judge-Advocates General of the Army, Compiled by Colonel W. Winthrop* (1901), General Printing Office, Washington, D.C., p. 455.

PART 2

OTHER HIGHLY QUESTIONABLE REVOCATIONS BY THE 1916 MEDAL OF HONOR REVIEW BOARD

In addition to the Medal of Honor Review Board's act of "injustice" to John C. Hesse (so characterized by the Secretary of War in 1917) and discussed in **PART 1** of this Chapter, there were other revocations with facts that certainly deserve analysis, particularly since the Board undertook its review without the legal clarity it sought from Congress and by utilizing standards for the Medal of Honor not in existence prior to its review.

The following are three cases that pose some of the more serious concerns about the fairness of the Board's review, and they also illustrate the inequities and inconsistencies when the "Leonard Wood standard" is applied.

The Case of Sergeant Major Joseph K. Wilson, 8th Infantry

In the records cited in Part 1 of this Chapter relating to the award of the Medal of Honor to Corporal John B. Hesse, there is reference to the fact that Hesse was assisted in the concealment and transportation of 8th Infantry colors through Confederate lines by Sergeant Major Joseph K. Wilson. In addition, Wilson's Medal of Honor file includes a document dated December 2, 1864, in which Wilson (then recently promoted to Lieutenant and stationed in New York) wrote to the Adjutant General stating:

Noting in the Army & Navy Gazette, November 29, 1864 that a medal of honor had been awarded to Cpl. John Hesse for bringing one of the stand of colors of my regiment in April 1861, and I having been fortunate enough to bring out another stand...I respectfully request that I may be awarded a similar medal.¹

Shortly thereafter, John Hesse, then a pension clerk in the Adjutant General's Office, wrote a note on December 7, 1864, to the Adjutant General stating:

The written statement of Lieutenant Joseph K. Wilson, 8th Infantry, formerly Sergeant Major of that regiment, is true. He concealed one of the colors of the regiment taken by the rebels under his clothes and brought it away for the particulars of the rescue of said colors.²

Promptly, on December 9, 1864, Assistant Adjutant General Edward Townsend addressed a letter to Wilson stating:

*Herewith I enclose the Medal of Honor which has been awarded to you by the Secretary of War, under the Resolution of Congress approved July 2, 1862 "To provide for the presentation of Medals of Honor to the enlisted men of the army and volunteers who have distinguished themselves or may distinguish themselves **in battle** during the present rebellion."³ (Emphasis added by this author.)*

While Wilson's official files do not contain the same type of detailed documentation reflecting the "injustice" characterizations offered in John Hesse's case by the Secretary of War, the Adjutant General and Congressional members, the underlying facts relating to the conduct of both soldiers are virtually identical. The account provided at pages 4-5 in *Deeds of Valor* by W. F. Beyer and O.F. Keydel states:

At the suggestion of an officer, Lieutenant Hartz, two non-commissioned officers, Sergeant-Major Joseph K. Wilson and Corporal John C. Hesse, secured in the former headquarters office the flag which the regiment had earned through the Mexican War, took the colors from the staff, and Hesse concealed it by winding it around his bare body. They passed unmolested through the dense line of Secessionist sentinels and left San Antonio the next day for the North. On the 20th of May they turned the flag over to the regiment in Washington, D.C.

It is useful to note that in Assistant Adjutant General Townsend's Medal of Honor award notification to Wilson in 1864, Townsend recited the "in battle" language from the Congressional Resolution supporting the 1862 Act. The use of the "in battle" reference in the 1864 award should have been a red flag in the analysis by the 1916 Medal of Honor Review Board. However, 53 years

later those words “in battle” were obviously ignored by the Board. As with the Corporal Hesse revocation, the Board’s revocation of Sergeant Major Wilson’s Medal of Honor ignores the factual circumstances that Secretary of War Stanton and Adjutant General Townsend acknowledged in 1864 in recognizing the distinguished conduct of both soldiers.

The Board’s revocation of Wilson’s Medal of Honor was just as wrong as their revocation of Hesse’s Medal.

¹ NARA M619, Letters Received by the Adjutant General’s Office, 1861-1870, Joseph K. Wilson files, p.2.

² Ibid., p.1.

³ Ibid., p.4.

The Case of Private Thomas Gilbert, Eighteenth Independent Battery New York Artillery



THOMAS GILBERT,

Private, 18th Ind. Battery, N. Y.
Born in Scotland, 1835.

The 1916 Medal of Honor Review Board cryptically characterized the actions of Private Thomas Gilbert as conduct other than “distinguished” when he was originally awarded the Medal of Honor “for picking up shells and extinguishing burning fuse” in 1864 while his artillery unit was in a defensive position against Confederate forces near Baton Rouge. However, consider the witnessed and verified accounts of Captain A.G. Mack, Eighteenth Independent Battery, New York Artillery, regarding Thomas Gilbert’s actions:

*Robert Morgan, Benedick F. Barker, and George W. Banker, comrades of Gilbert, testify, May 5, 1892, that they remember distinctly the explosion of the limber-chest of one of the guns of the battery while in park at Baton Rouge, Louisiana, October 11, 1864; that Corporal Frank Champany was killed and Private White severely injured, the limber-chest was totally destroyed, and the thirty-two 20-pound shells that the chest contained were forced down, and within a small space, upon the ground by the explosion; that the tow that filled the fuze-hole in each of the shells to prevent the powder they contained from running out was set on fire by the explosion of the sixteen cartridges of the two pounds weight each that the chest contained and was burning; and it was a question of only a few seconds when the fire would reach the powder in the interior of the shells and cause them to explode, **but that Thomas Gilbert picked up each one of the burning shells, thirty-two in number**, and put the burning fuze end of each into a pail of water, extinguishing the fire in each case and thereby preventing the explosion of a single shell, and the consequent damage to life and property.¹ (Emphasis added by author.)*

Captain Mack utilized this account to make an application for a Medal of Honor for Private Gilbert by first sending the application to U.S. Congressman H.S. Greenleaf who forwarded it to the War Department. On June 4, 1892, the War Department responded to the Congressman stating, “that the Secretary of War has granted a Medal of Honor to Private Gilbert for heroic conduct at Baton, Rouge, La. October 11, 1864.”²

In the June 20, 1892, letter from the War Department notifying Private Gilbert of his Medal of Honor award, Major General J. M. Schofield, Commanding General of the Army, is quoted as follows:

*This act of Thomas Gilbert, late private, 18th New York Independent Battery, New York Artillery, exhibited the very highest heroism of a soldier, abundantly deserving a medal of honor. But unfortunately, the act of Congress under which medals are usually awarded only provides that they may be given for distinguished conduct “in action”, and it does not appear that the Battery in which this heroic conduct was displayed was in action at the time. But it is believed that the War Department may with all propriety give one of these medals to this brave soldier, inscribing it as presented by the War Department, instead of the Congress of the United States.*³

The account of Private Gilbert’s actions in *Deeds of Valor* at page 440 provides Gilbert’s own account:

I ran to poor Champany, who, horribly burned and mangled, was still breathing, but just as I reached him I noticed that the tow of some of the unexploded shells was burning. Seizing a pail of water from a gunner nearby and calling loudly for more water, I dashed the contents of the pail on the burning shells. Then, another pail of water having been brought, I picked up the twenty shells and dipped the burning end of each into the water. By this action the caissons of the entire battery and the lives of many men who had gathered about, to say nothing of my own life, were saved. The explosion was heard miles away and it became necessary to surround the battery with guards to keep the curious away.

Following Gilbert’s receipt of his Medal, he was also provided with the Medal of Honor ribbon approved by Congress on May 2, 1896, to be worn in lieu of his Medal. And on October 7, 1907, Gilbert received the “new design” replacement Medal of Honor approved by Congress in 1904.

However, following review by the Medal of Honor Review Board, the Adjutant General advised Gilbert on May 25, 1916, that, because his act did not occur in “action”, his conduct was not within the scope of the statute. However, he added that:

*While it appears from the official records that a medal of honor has been awarded to you ... for an act exhibiting the highest heroism of a soldier, yet it does not appear that the distinguished conduct for which the medal was awarded was performed in action. ... The act for which the medal was awarded to you was undoubtedly one of very distinguished character, and, at the risk of your own life, prevented the loss of lives of your comrades, but still that act does not come within the narrow restrictions of the law....*⁴

The characterization of Gilbert's actions as not being a part of an "action" deserves closer factual assessment since no such detailed factual analysis appears in the record of the Medal of Honor Review Board.

On October 11, 1864, the date of Gilbert's act of "heroism," the Eighteenth Artillery Battery was in a defensive position in Baton Rouge following the Confederate loss at Port Hudson. Was this a "military action?" Certainly, the active maintenance of a defensive line, deep in enemy territory and during a period where documented nearby battles with Confederate forces were occurring, must fairly be considered a "military action." At the very least, the 1916 Medal of Honor Review Board should have not ignored these circumstances when considering the revocation of a Medal of Honor awarded to a soldier whose actions saved so many lives.

Furthermore, other documentation—apparently not considered by the Board—regarding whether Gilbert and his unit were in "action" is found in the 1908 history publication of Frederick Dyer and his descriptions of events during 1864 and 1865 of the Eighteenth Artillery Battery. Dyer's description at page 1400 of his history, *A Compendium of the War of Rebellion: 18th Battery of New York Light Artillery*, is headed by the words "Duty in the Defenses of New Orleans and in the District of Baton Rouge till February 1865." Dyer also noted that the Eighteenth Battery was involved in "action" at Comite Bridge on May 3, 1864, and at Clinton and Liberty Creek near Baton Rouge on November 15, 1864. These two dates bracket the date of Gilbert's act on October 11, 1864 "exhibiting the very highest heroism of a soldier."

Not only is it interesting to contrast the conduct of Gilbert in 1864 with that of Leonard Wood in 1886, but it is also worth again re-examining the language of the 1862 Medal of Honor Act, citing Dwight Mears, at pp.53-54 of his book:

In terms of evaluating the meaning of distinguished conduct, the Army's 1862 act had merely stated that the medal was intended for soldiers who "shall most distinguish themselves by gallantry in action, and other soldierlike qualities." (Emphasis added.)

Was Thomas Gilbert's conduct at least as distinguished and as "soldierlike" as that of Leonard Wood? His actions were certainly more proximate in time and place to consequential engagements with the enemy. Furthermore, it is undisputed that Gilbert saved the lives of his fellow soldiers by single-handedly disposing of a large number of burning shells. That conduct should not have been dismissed as unworthy of a Medal of Honor.

¹ NARA RG 94, Entry 501, Records and Pension Office Document File, Thomas Gilbert Medal of Honor File.

² Ibid., 331356.

³ Ibid.

⁴ Ibid., 2399750.

The Case of Sergeant John B. Lynch

Another revocation by the Medal of Honor Review Board that can be critically examined, particularly considering the standard applied in the Leonard Wood case, is that of Sergeant John B. Lynch.

In his letter to the War Department dated November 15, 1871, Sergeant Lynch offered a very revealing account of his personal interactions with the Secretary of War, President Abraham Lincoln, and General Ulysses S. Grant in describing the actions that lead to his receipt of the Medal of Honor:

I have the honor to make application for a Medal of Honor under the Act of Congress providing medals for such non-commissioned officers and soldiers as particularly distinguished themselves in action or otherwise, and in support of my application, beg leave to state the following:

I enlisted in the 3rd Indiana Cavalry, July 10, 1861, and after serving actively in the field for over two years, was detailed for duty in the Secretary of War's Office.

On the 8th of May, 1864, I was called into the presence of the President and the Secretary of War, the former stated that he had not heard from General Grant since the battle of the Wilderness, and did not know anything of his whereabouts; that he had very important dispatches for him, and asked if I would undertake to deliver them. I was conveyed to Belle Plain in a steamer, and from there passed through the enemy's country to Fredericksburg, and having no knowledge who held it, crossed the river on a raft. After leaving there, I succeeded in escaping capture and in finding General Grant before Spotsylvania Court House, May 11th. I was detained by him until evening, when the dispatches were given me to carry back. They, I understand, conveyed the announcement of his determination "to fight it out on this line, if it takes all summer."

The President laid great stress on the importance of the papers I carried, and acknowledging the peril of the difficulties of the enterprise, Secretary Stanton promised me a Medal; which, however, I never received.

I make this particular statement as a ground for my application, although my services in the field would, I think, entitle me to consideration.¹

The period of May 1864 was a critical point in the Civil War; the battles at The Wilderness and the Spotsylvania Courthouse ran from May 5 through May 21 with over 32,000 Union casualties and 21,000 Confederate casualties. The intensities of these battles have been chronicled many times over. Lynch was unquestionably in the middle of an "action"—certainly, he was in peril.

Three weeks after Lynch's application, Secretary of War William W. Belknap approved Lynch's Medal of Honor. Interestingly, and significantly, in his letter of December 7, 1871, to Sergeant John Lynch (who was still in service after the Civil War), the Secretary noted:

*It affords me pleasure to inform you that in consideration of the prompt and efficient manner in which important military duties entrusted to you during the war were executed, **and as a recognition of your praiseworthy conduct during several engagements and at other times**, The President has been pleased to bestow upon you one of the Medals of Honor authorized by Congress to be given non-commissioned officers and privates of the Army for meritorious services.*

Your name and regiment has been engraved on the Medal, it is herewith enclosed.²

(Underlining is in original document) (Emphasis added by this author.)

Like Leonard Wood's citation where there were ostensibly two reasons to support the award of his Medal of Honor, i.e., delivery of the dispatches for Lawton and the assumption (albeit brief) of an infantry command, the Medal of Honor award for Lynch refers to both his duties entrusted by the President in getting a message to Grant, as well as his conduct during "several other engagements, and at other times." While this reference to "several other engagements" does not provide specific details, neither did the citation for Wood other than to say that Wood's July 1886 command was one that lasted twenty-nine days "expecting an encounter" with the small band of Apaches under Geronimo.

Secretary Belknap's reference to Lynch's "conduct during several engagements and at other times" as an additional reason to award the Medal of Honor is not acknowledged or addressed in the Board's revocation of his Medal of Honor. The Review Board at p. 134 of its report only summarily cites, as the basis for its revocation, the lack of distinction for "one John B. Lynch, for carrying dispatches."

The Board's revocation inexplicably fails to recognize that Sergeant Lynch's deliveries of dispatches to and from General Grant in 1864 were:

- 1) strategically significant to President Lincoln and important in order to convey Grant's plan to the President at a critical point in the war;
- 2) requested personally of Lynch by the President in the presence of Secretary Stanton;
- 3) undertaken during a period of Civil War battles with enormous casualties;
- 4) accomplished only after two perilous crossings of Confederate lines; and
- 5) accompanied by a promise for a Medal of Honor by Secretary Stanton.

Also significant is the fact that Lynch's Medal of Honor award in 1871 was made by then President Grant who was the recipient and source of those critical dispatches delivered by Lynch seven years prior when Grant was a General.

The Board's revocation is even more remarkably inexplicable, unjust and in error when it is recognized that the same Board decided NOT to revoke the Medals of Honor presented to three other soldiers who received their Medals during Grant's term as President for their actions in 1876 following the Battle of Little Big Horn. In July 1876, General Alfred Terry sought volunteers to carry a message to General George Crook concerning what had happened at the Battle of Little Big Horn. Three soldiers, Privates James Bell, William Evans, and Benjamin Stewart from Company E Seventh U.S. Infantry, volunteered and carried the message to Crook at his camp near present-day Sheridan, Wyoming. General Crook's Camp was about 70 miles south of the battle site. There is no record of meaningful encounters with Indians during the soldiers' three-day trek to Crook's camp, and indeed some of the Indians had fled in different directions. Nonetheless, all three soldiers were awarded the Medal of Honor, and their citations refer to their actions as "carried dispatches to General Crook at imminent risk to life." Contrast this to what John Lynch accomplished and the risk to his life and the Board's decision to revoke Lynch's Medal of Honor when those of Bell, Evans, Stewart, and Wood were allowed to stand under the same Board review.

Once again, Lynch's revocation reflects the failings of a Review Board which, in this case, ignored the actions, judgements, commitments and approvals of not only Secretary of War Stanton, but also two of our greatest U.S. Presidents. Under these circumstances, the revocation of Sergeant Lynch's Medal of Honor by General Miles and his Board of Review, almost 50 years later, was certainly and profoundly unjust.

¹ NARA RG 94, Entry 409, Enlisted Branch Document File, John B. Lynch Medal of Honor File

² Ibid., 499351.

PART 3

193 Non-Combat Medal of Honor Awards and Implications to the Medal of Honor Review Board Revocations in 1917

While it is certainly recognized that Congress only directed the 1916 Medal of Honor Review Board to re-examine Medals of Honor issued by the Army—and not those issued by the Navy—the existence of a large number of non-combat Navy recipients (as well as a few Army recipients) is worth consideration when assessing the fairness of the Board revocations of soldiers like John Hesse, John Lynch, Joseph Wilson and Thomas Gilbert. While each of these four cases can support the proposition that their Medals were in fact properly issued under the standards of the time—particularly compared to comparable recipient soldiers (like Leonard Wood), the number and circumstances of at least 193 non-combat Medals of Honor underscores the injustices to these four soldiers.

The Congressional Medal of Honor Society (CMOHS) has identified 193 recipients who received Medals of Honor for “non-combat feats.” See CMOHS Blog posted on its website on 1/30/24 and the list of all 193 non-combat Medal recipients on the same website.

One significant non-combat example is the July 21, 1905, boiler explosion on the U.S.S. *Bennington* while the ship was in port in San Diego, California. There were 61 deaths and 42 injuries as a result. Eleven (11) Navy sailors were awarded Medals of Honor for their efforts in saving others from death and injury. The date of the General Order for the Medals of Honor for these eleven recipients is January 5, 1906—ten years prior to the Miles Review Board. Yet there were no revocations under the award standard applied by Miles requiring some form of combat action.

To list in this book, by example, all 193 non-combat awards is not necessary to illustrate the types of “non-combat feats” that have been recognized with Medals of Honor. However, consider the short list below of twenty awards. While a few of these listed examples involve actions that post-date the 1916 Review Board headed by General Miles, the CMOHS website indicates that 168 of the 193 “non-combat” awards involved actions by the recipients that pre-date 1916 (although in some cases the actual awards occurred thereafter). Clearly, the standard adopted by the Miles Board was inconsistent with standards in effect before and after his review; those 193 non-combat Medals of Honor still stand—never revoked.

Chief Machinist Mate William Badders (and others): Medals awarded for “extraordinary heroism” as a diver during a rescue and salvage of a flooded portion of the U.S.S. *Squalus*.

Machinist Floyd Bennett: Medal awarded for “distinguishing himself conspicuously” as a member of the Byrd Arctic Expedition.

Torpedoman Henry Breault: Medal awarded for rescue of a shipmate in following the collision of the U.S. Submarine *O-5*.

Commander Richard Byrd, Jr.: Medal awarded for demonstrating that an aircraft could fly over the North Pole and return.

Boatswain's Mate George Cholister (and one other): Medals awarded for actions aboard the U.S.S. *Trenton* when Cholister attempted to rescue 20 men trapped by fire. Cholister saved several from death but nonetheless died as a result.

Lt. Commander William Corry, Jr.: Medal awarded for action during which Corry died attempting to rescue a fellow officer from a burning airplane near Hartford, Connecticut.

Chief Gunner's Mate Thomas Eadie: Medal awarded for his actions as a diver saving the life of a trapped fellow diver from the U.S.S. *S-4*.

Lt. Commander Walter Edwards: Medal awarded for heroism in directing, as commander of the U.S.S. *Bainbridge*, the rescue of 482 passengers aboard a French military transport destroyed by fire.

Major General Adolphus Greely: Medal awarded for a military career from 1861 to 1906 reflecting his life of "splendid public service".

Machinist Mate William Huber: Medal awarded for action on board the U.S.S. *Bruce* saving a fellow shipmate following a boiler room accident.

Lt. Carlton Hutchins: Medal awarded for his action as a pilot during tactical training exercises off the coast of California where he safely landed a severely damaged Navy seaplane, saving the lives of others onboard.

Chief Watertender John King: A rare double Medal of Honor recipient, with both awards for his actions during shipboard boiler explosions, the first occurring in 1901 on the U.S.S. *Vicksburg* and the second for an explosion on the U.S.S. *Salem* in 1909.

Seaman Emile LeJeune: Medal awarded for saving civilian from drowning at Port Royal, S.C. in 1876.

Captain Charles Lindbergh, Jr: Medal awarded for nonstop flight of *Spirit of St. Louis* from New York City to Paris, France.

Ensign Thomas Ryan, Jr.: Medal awarded for the rescue of a woman from a burning hotel in Japan following an earthquake.

Private Albert Smith: Medal awarded after sustaining serious burn injuries while rescuing a sailor while Smith was serving as a sentry at the Marine Barracks, Naval Air Station, Pensacola, Florida.

Landsmans Engineer William Sweeney: Medal awarded for saving a drowning girl at the Norfolk Navy Yard in 1880.

Seaman John Taylor: While stationed at the New York Navy Yard in 1865, Taylor rescued another seaman who had fallen overboard after attempting to board a ferryboat that had just collided with an English Steamer.

Seaman Antonio Williams: Medal awarded for courage and fidelity displayed in the loss of the U.S.S. *Huron* in 1877.

Carpenters Mate Henry Williams: Medal awarded for going over the stern of the U.S.S. *Constitution* in 1879 to perform carpentry work on the damaged stern.

(Author's Note: Over 100 of the 193 non-combat Medal of Honor awards involved actions—heroic to be sure—involving the saving of drowning victims.)

These non-combat awards—justified as they were during the periods when the recognized actions occurred—underscore the primary flaw in the work of Miles's Medal of Honor Review Board which consciously applied Medal eligibility criteria that were different from those in effect when the Medals of Honor were originally awarded to John Hesse, Joseph Wilson, Thomas Gilbert and John Lynch. Even General Miles himself recognized the danger and inherent injustice of this flawed approach when, shortly after the creation of the Board in 1916, he unsuccessfully sought Congressional clarification of his responsibilities. The failure of Congress to provide that clarification does not excuse the injustices that followed as a result of Miles's decisions.

If it is not abundantly clear that the cases of Hesse, Wilson, Gilbert and Lynch were ones that met the “action” test (flawed as it was) adopted by the 1916 Review Board under Miles, then the existence of 193 Medal of Honor recipients for non-combat actions further underscores the illogic and injustice involved in the revocations of the Medals of these four soldiers.

There are almost certainly other men whose revocations were unfairly ordered by the 1916 Review Board; the records at the National Archives for Hesse, Wilson, Gilbert and Lynch are relatively complete—allowing for a fair reconstruction of the events surrounding the basis for the Medal of Honor awarded to each. Records for other revoked recipients are less complete—or just not found by this author.

For the sake of complete fairness, a more thorough review of other Medals revoked by the 1916 Review Board (except for those of the 27th Maine Infantry) should be ordered by the Department of Defense.

CHAPTER 4: “LOST TO HISTORY” MEDAL OF HONOR RECIPIENTS

No book discussing the “Dark Sides” to the Medal of Honor would be complete without acknowledging those Medal recipients who have been “Lost to History”—a category adopted by the Medal of Honor Historical Society of the United States (MOHHSUS), to identify recipients with no known grave locations.

Of the 3517 Medal of Honor recipients in U.S. history, almost 500 recipients have no known specific grave locations. Over the years, almost one-half of these 500 recipients have been recognized with individual headstones (like the one on the following page). The placement of these “In Memory of” (IMO) type markers at various locations throughout the United States has, particularly in recent years, been the result of the diligence of MOHHSUS and the Congressional Medal of Honor Society (CMOHS), and a dedicated group of volunteer researchers. While the exceptional work of these organizations and volunteers has made a meaningful inroad into the number of MOH recipients in need of IMO recognition because they have no specific grave locations, it is estimated that there are still approximately 200 similar recipients with no IMOs. (“Lost to History” recipients who were deserters are not included in this count.)

Using private funds, small IMO projects have been undertaken in recent years. For example, in May 2022, eight privately funded IMOs were dedicated by Medal of Honor recipient Major General Patrick Brady, USA, Retired, at Fort Chadbourne, Texas. These eight were added to one IMO headstone previously installed at Fort Chadbourne in August 2021 which had been secured with the assistance of the CMOHS. In the case of the eight IMO markers placed in 2022 at Fort Chadbourne, a private donor and the non-profit Fort Chadbourne Foundation thought it important to erect those IMOs to recognize the last remaining Medal of Honor recipients who had earned their Medals for actions in Texas—but who had no known grave locations.

Most of the “Lost to History” Medal of Honor recipients with no known grave locations have been deceased for over 100 years. While organizations like MOHHSUS and CMOHS have continued, to their great credit, to search for grave locations over the years, the fact is that there will be very limited future success in locating graves for the approximately 200 unrecognized remaining recipients. The time has come to realize that all of these remaining “Lost to History” Medal of Honor recipients need recognition with an IMO. Failing to recognize these recipients is fundamentally inconsistent with the recognition accorded to all other Medal recipients.

Both CMOHS and the new National Medal of Honor Museum in Arlington, Texas are aware of this failed recognition. Furthermore, private funds have been proffered for the required remaining IMOs so there is no need to seek government funding through the CMOHS Grave Marker Program or otherwise. The recognition for these recipients is long overdue. Only finding the appropriate location or locations for these IMOs is required. Certainly, that cannot be difficult for those who have received our nation’s highest military honor.

IN MEMORY OF
PETER P ROTH



MEDAL OF HONOR
SERGT CO A
6TH US CAV
INDIAN WARS
1850 1907

CHAPTER 5: THE MISPLACED MEDAL OF HONOR LISTS

INTRODUCTION

The end of the Civil War certainly brought bureaucratic chaos to the War Department as many Union units were being promptly disbanded with a flurry of required paperwork. One million Union soldiers were on active duty when the Confederates surrendered in April 1865, and discharges and orders for hundreds of thousands of soldiers were needed immediately — while more paperwork was being prepared for units assigned to post-war duties. Furthermore, documenting the very history of the Civil War remained a high priority for the War Department. And, tragically, there was the matter of attending to, and documenting, the vast number of casualties; tens of thousands of Union soldiers were still hospitalized and in need of long-term care. The War Department, particularly its Adjutant General's Office, worked incessantly to process and prioritize these needed documents. That some documents would be misplaced in this chaos should perhaps not surprise anyone in hindsight, but that is exactly what happened for two Medal of Honor recommendation lists for over 160 soldiers prepared by General John G. Parke and approved by Major General George G. Meade in 1865. However, General Meade's prominence as head of the Army of the Potomac does make the misplacement of such lists a bit more confounding, and certainly inexcusable under any circumstance. Those misplaced lists were not finally acted upon for thirty years.

The War Department mishandling and delayed review of those two lists (hereinafter referred to as the “first Parke list” and the “second Parke list”) were unfortunately not isolated mistakes. Another “misplaced” Civil War list was prepared by Brigadier General Adelbert Ames, and it appeared in his report dated January 16, 1865, following the Battle at Fort Fisher, N.C. General Ames' report listed 16 soldiers who were recommended for Medals of Honor. That list would be lost for almost fifty years until a War Department investigation in 1914. And another related list of 24 soldiers recommended for Medals of Honor from the same battle and submitted by Lt. Colonel James Colvin — at General Ames' direction — would suffer the same fate.

The historical and unfortunate consequences to the almost 200 recommended soldiers on those four lists are summarized in this Chapter. A few highlighted case studies underscore the injustices that resulted from the failures to issue Medals of Honor to those soldiers.

The First General Parke list

On February 21, 1865, General John G. Parke (who himself twice temporarily commanded the Army of the Potomac in General Meade's absence), authored a handwritten list addressed to Colonel George Ruggles, Assistant Adjutant General, Army of the Potomac, in which General Parke listed 68 soldiers “who in my judgement are entitled to Medals of Honor, for conspicuous gallantry.” A description of the conduct of each soldier (one officer and 67 enlisted men) was contained in General Parke's 27-page handwritten list.

Six months later, on August 16, 1865, the First Endorsement to General Parke's Medal of Honor recommendation list was signed by General Meade and was forwarded to the Adjutant General as "approved." The Second Endorsement, however, was not signed until twenty-two years later when, on February 9, 1887, it was signed by an Assistant Adjutant General who in 1887, upon discovery of the unprocessed Parke list, prepared a typewritten version of General Parke's original handwritten recommendations from 1865. Another typed version of General Parke's handwritten list was also prepared after 1887. They are in different formats, but both lists contained the names of all of the 68 soldiers recommended by Parke. Both typed lists are annotated with margin notes signifying different information, including whether soldiers on the original 1865 list were still alive when the first Parke list was finally being processed, and whether addresses were still available for those soldiers who were still alive. This annotated information had been gathered as the result of requests made by the Adjutant General's Office to the pension authorities within the government.

The processing of the 1887 Second Endorsement to the first Parke list would itself be painfully slow and take almost a decade before it was essentially completed. This delay from 1887 to 1897 is likely somewhat accounted for by the fact that the review of the first Parke list occurred during the same period in the 1890s that saw the barrage of new Medal of Honor applications by Civil War soldiers; those applications would eventually lead to almost 600 new Medals of Honor.

32 of the 68 soldiers on the first Parke list would eventually receive Medals of Honor. Virtually all of the remainder were victims of a flawed review.

The Second General Parke List

Remarkably, the February 21, 1865, Medal of Honor recommendation list prepared by General Parke was not the only Medal of Honor list that Parke submitted that would be effectively "lost" for over three decades. A second Medal of Honor recommendation list with 105 soldiers listed was submitted by Parke on May 29, 1865, but also not finally processed until 1897. During its review in 1916, the Medal of Honor Review Board simply and unapologetically noted that:

Most of these papers apparently lay without action in the War Department until 1896.

As discussed in this Chapter, the War Department's belated review of the second Parke list was particularly superficial and essentially of no consequence for those on the list who were either dead or without current addresses. Other soldiers would be denied Medal of Honor consideration despite Parke's specific recommendations because the War Department reviewers could not find confirmation of the soldiers' acts of gallantry in company or regiment records that were searched by the reviewers. This novel and unprecedented approach of relying on such records was ill-conceived and fruitless. Out of 105 soldiers on the second Parke list, only one Medal of Honor was issued as a direct result of the War Department's review which, like that of the first Parke list, was concluded in 1897.

The General Ames List

In his January 16, 1865, battle report, General Adelbert Ames identified the names of 16 enlisted soldiers whom he cited for their distinguished service at the Battle of Fort Fisher on January 15, 1865. While there were approximately 10,000 Union forces at Fort Fisher (Army and Navy) —with over 1000 casualties —Ames’ report was focused on these 16 enlisted soldiers because they specifically volunteered for an extremely dangerous initial assault to clear the way for a large group of following Union troops. His report, quoted later in this Chapter, specifically noted that individual brigade commanders would be submitting after-action battle reports with the names of enlisted soldiers — including the soldiers identified by Ames as well as others — who “had particularly distinguished themselves.” Ames added that “It is recommended that medals be bestowed upon all enlisted men mentioned.” However, of the total of almost three dozen soldiers recommended in Ames’ report and in the brigade commanders’ reports in January 1865, none were then processed by the War Department for Medals of Honor in the aftermath of those reports, as expected by Ames. However, decades later after discovery of these misplaced lists, five enlisted soldiers would eventually receive their Medals of Honor for action at Fort Fisher, but only after the soldiers complained that they had never received the Medals for which they were recommended in 1865.

As this Chapter details, the War Department’s failure to process the Ames list and the brigade commander lists, particularly the one submitted by Lt. Colonel James Colvin, constituted a monumental lapse of responsibility which was just as consequential as the lapses that affected the soldiers recommended for Medals of Honor on the two Parke lists.

Observations

Why and how these lists were unattended to for so long remains unclear. However, as one can now readily appreciate, these decades-long delays had significant and unjust consequences for the scores of recommended soldiers on those lists, many of whom were deceased or whose whereabouts could no longer be ascertained by the time the War Department discovered the overlooked lists. Many of the recommended soldiers also fell victim to a new *ex post facto* policy implemented in the 1890s requiring additional evidence of their acts of gallantry; this type of requirement was not imposed for Medals of Honor awarded during the Civil War or in its immediate aftermath.

This Chapter is based on documents newly uncovered in 2024 and 2025 at the National Archives; it attempts to use these documents to provide some insight into the circumstances that undermined the review and processing of the significant number of Medal of Honor of recommendations submitted by General Parke and General Ames (and his brigade commanders) where no Medals were issued. Clearly, an exceptionally large number of the recommended soldiers were denied because of the “Killed/No Medal” policy discussed in Chapter 1 of this book. But the “Killed/No Medal” policy does not explain all the cases where no Medals of Honor were issued to the soldiers recommended on those misplaced lists. In a number of cases, soldiers who survived were denied Medals of Honor because of poor or ineffective reviews of their cases. Included in this Chapter are a couple dozen specific case studies of soldiers on the two Parke lists, as well as others on the Ames list, who survived but failed to receive Medals of

Honor. The extent of the incompleteness and inadequacy of the reviews of the War Department is quite apparent from these case studies.

Both General Parke and General Ames were distinguished Civil War commanders, so the War Department's failures to promptly process their recommendations in 1865 seems particularly remarkable. Part 1 of this Chapter includes a short biography of General Parke written by P.C. Bullard and published by the Society of American Military Engineers as part of *Professional Memoirs, Corps of Engineers, United States Army, and Engineer Department at Large*, Vol.10, No.50 (March-April 1916), pp. 192-195.) A summary of General Ames' accomplishments, including his own Medal of Honor, appears later in the Chapter in Part 6.

PART 1

THE LIFE OF MAJOR GENERAL JOHN G. PARKE



JOHN GRUBB PARKE.

By

Lieut. P. C. Bullard.

Corps of Engineers.

John Grubb Parke was born near Coatesville, in Chester County Pennsylvania, on September 22, 1827. His parents were Francis and Sarah Gardner Parke. When he was eight, his parents moved to Philadelphia, where, at thirteen, he entered Samuel Crawford's Preparatory School, and later, in 1843, the University of Pennsylvania. In 1845 he received an appointment to West Point, to the Military Academy, from which he was graduated in 1849, second in a class numbering forty-three, and was appointed Brevet Second Lieutenant in the Corps of Topographical Engineers. Up to the outbreak of the Civil War, he was engaged on surveys and explorations between the Mississippi River and the Pacific Ocean, locating railroads, state and national boundaries, etc., and on duties connected with river and harbor improvements.

In March, 1857, he was appointed Chief Astronomer and Surveyor for determining and making the boundary between the United States and the British Provinces, according to the treaty of 1846. On this service he was engaged until the outbreak of the Civil War, and again after its close until the completion of the work in 1869. He acquitted himself with credit in the performance of this duty, the work being one of great difficulty, as the line led through an almost unexplored country, crossing two mountain ranges. His first twelve years as an officer, previous to the Civil War, were thus passed in work well calculated to bring out the best qualities of a soldier, mentally and physically.

At the outbreak of the Civil War General Parke was a first lieutenant. In September, 1861, he was promoted to the grade of captain and on the consolidation of the two Corps of Engineers in 1863 he became a captain in the Corps of Engineers.

In November, 1861, he was appointed Brigadier General of Volunteers, and soon after reported to General Burnside, who

had been placed in command of the newly constituted Department of North Carolina. His force finally consisted of about 12,800 men, organized into four brigades under Generals Foster, Reno, Parke, and Williams.

On January 9th, 1862, they embarked from Annapolis, arrived soon after at Hatteras Inlet, and, after considerable difficulty in passing the entrance to the sound, started for Roanoke Island on February 5th; arriving the next day they promptly attacked, and two days later the enemy's line was carried. In this operation the terrain was such that the movements of the troops were of necessity left almost entirely to the direction of the brigadier commanders, who were highly commended by Burnside in his report. On the 14th of March, they stormed the defenses of New Berne and occupied the city. On the 25th of April they bombarded and captured Fort Macon. In his report, Burnside stated that the result proved that the work had been conducted by the right man. For his services here, Parke received the brevet of Lieutenant Colonel, U. S. Army. Soon after this, in July, he was raised to the rank of Major General of Volunteers.

In June, Burnside with the divisions of Parke and Reno, about 8,000 men, embarked for Virginia to reinforce McClellan. Going into camp at Newport News, he was joined by a detachment from South Carolina, and the whole was organized into the Ninth Corps. In August this corps was moved to Aquia, to hold the line of the Rappahannock, between Pope's army and Fredericksburg. Soon afterward General Burnside sent most of his troops to General Pope, retaining General Parke's division. From the middle until the end of August he was charged with despatching to their destination the troops arriving at Aquia from the Peninsula, General Parke acting as his Chief of Staff.

Early in September Burnside with his troops joined McClellan. During the campaigns which followed the former held various commands, retaining Parke as his Chief of Staff. Both took part in the battles of South Mountain and Antietam, in the pursuit of the enemy to Warrenton, and in the Rappahannock Campaign, including the battle of Fredericksburg.

On March 17, 1863, Parke was ordered to Newport News to command two divisions of the Ninth Corps, under Burnside, who then commanded the Department of the Ohio; with his command Parke went first to Cincinnati and then to Vicksburg.

There, until the end of the siege, he commanded on the line

from Hains Bluff to the Big Black River Bridge. Accompanying General Sherman on his Jackson expedition he commanded two divisions of the Ninth Corps and one of the Sixteenth. After the capture of Jackson, where his services brought him the brevet of Colonel in the regular army, Parke returned with the Ninth Corps to Vicksburg, and then to the Department of the Ohio.

General Parke's health had been so affected by the exposures of this campaign that he was obliged to take a sick leave for three weeks. On his return to duty he resumed command of the Ninth Corps and was ordered to move rapidly to reinforce General Burnside at Knoxville. He took part in the action at Blue Springs, and was chief of staff to Burnside in the defense of Knoxville. Upon the withdrawal of the Confederates, Parke moved in pursuit with the Ninth and Twenty-third Corps. After a few days both armies went into winter quarters. For his services in the siege he was brevetted Brigadier General.

In March, 1864, Parke was sent with the Ninth Corps to Annapolis, Burnside assuming command. Recruited to 21,000 men and reorganized into four divisions under Generals Crittenden, Parke, Willecox, and Ferrero, the corps moved to the support of the Army of the Potomac. It first constituted a separate army under the direct command of General Grant, and later was assigned to the Army of the Potomac. With his division, Parke was engaged in the Battle of the Wilderness, and in the battles around Spottsylvania. His health then obliged him to take another short sick leave. On his return he was appointed Chief of Staff of the Ninth Corps. After taking part in the passage of the James River and the march on Petersburg, he was again compelled by malarial fever to be absent on sick leave for a month and a half.

He then commanded the Ninth Corps until the close of the war, taking part in the siege of Petersburg from August, 1864, until April, 1865. Twice for short periods he commanded the Army of the Potomac in the absence of General Meade. In August, he coöperated with the Fifth Corps in the seizure of the Weldon Railroad.

His corps was reorganized in September and, after several later changes, at the end of the year it consisted of 30,000 men. The Ninth Corps was engaged, September 29-October 1, at Poplar Spring Church and Peebles Farm, occupying the extreme left of the Union line. Another action was fought in part by this corps

at Hatchers Run. On November 29th it was transferred to the right of the Union line.

At dawn, on March 25th, 1865, the Confederates under Gordon assaulted and captured Fort Steadman, but the fire of Parke's troops soon drove them out. For this repulse, Parke was breveted as Major General.

On March 24, in the general order of attack, Grant had designated Parke to command the force left to hold the lines of Petersburg and City Point, with instructions to attack if the enemy's lines showed signs of weakness. At 4:30 A. M. on April 2nd, Parke made a vigorous assault on the front of Fort Sedgwick, carried the front line, reversed the parapets, and served the Confederate guns against their owners. Counter-attacks failed to dislodge him, and in the night the enemy abandoned the city to the Union troops. Leaving General Willcox to hold the city, Parke pushed on with the remainder of his troops and joined in the pursuit of Lee until the latter's surrender on the 9th.

With his Corps he then returned to Washington, and for three months commanded the District of Alexandria. He then commanded the Southern District of New York until January 15, 1866, when he was mustered out of the volunteer service, and returned to duty as major of engineers. From 1866-69, he was engaged with fortification work and river and harbor improvement, in addition to finishing his work on the Northwest Boundary. From June, 1868, until August, 1887, he served as major, lieutenant colonel, and colonel in the position of assistant in the office of the Chief of Engineers. Here his wide experience made him particularly valuable. From 1887 to 1889 he was superintendent of the U. S. Military Academy. On July 2d, after forty years service his name was placed on the retired list.

In June, 1867, General Parke married Ellen Blight, of Philadelphia. On his retirement, he made his home in Washington. He was actively engaged as director of banks, etc., during the remainder of his life. In 1889 he was elected president of the Society of the Army of the Potomac. He died at Washington, December 16, 1900, at the age of seventy-three. He had served throughout almost the entire Civil War as General Officer, and had won four brevets for gallant and meritorious services. Such in brief was the career of an officer clear-headed, modest, loyal and just, and beloved by all about him.

PART 2

THE HISTORY OF THE FIRST PARKE LIST

The original handwritten list of 68 Medal of Honor recommendations signed and dated February 21, 1865, by General Parke, has a history that might never be totally reconstructed from the records at the National Archives. (As with all the lists analyzed in this Chapter, some referenced documents are clearly missing from the files of the National Archives---but enough remain to allow for a reasonably accurate reconstruction of events.)

With respect to the first Parke list, it was addressed to Colonel George D. Ruggles, Assistant Adjutant General, Army of the Potomac and prepared for a First Endorsement to be signed by Major General George Meade.¹ That First Endorsement is dated August 16, 1865. In signing the First Endorsement, General Meade explained the delay from February 21, 1865, to August 16, 1865, as follows:

*These papers were withheld at their receipt awaiting receipt of similar reports from other Corps Commanders. These reports were not received till shortly before the breaking up of the Army of the Potomac, and being coupled with recommendations for brevets were forwarded with them. These recommendations having thus inadvertently remained with the Army of the Potomac are now respectfully forwarded to the Adjutant General **approved**.*²
(Emphasis added by author.)

(Author's Note: The reference by Meade to other "similar reports from other Corps Commanders" has yet to be understood since no evidence of such reports has yet to be discovered. This does not mean they do not exist, but only that the ability to locate them is difficult under the circumstances of how such records are catalogued and maintained at the National Archives.)

While General Meade explained the six-month delay in processing the first Parke list of Medal of Honor recommendations from February to August 1865, there is no explanation as to why the list received no further attention until 1887, and why it was then not finally processed until 1897. The records at the National Archives reveal two typed versions of Parke's handwritten list. Both were typed in 1887 or thereafter. It is hard to discern why there are two typed versions since there is no meaningful difference in their content. One typed list however contains a "2d Endorsement" by the Adjutant General's Office dated February 9, 1887.³

It is evident from the files that both typed lists were used by War Department reviewers to organize and eventually "process" the 68 Medal of Honor recommendations. While the two lists are substantively identical in terms of describing the acts of each soldier for whom Parke made Medal of Honor recommendations, the names on each list are typed in two different sequences. One typed list replicates the order of the soldiers' names in the original handwritten Parke list from 1865, while the other does not. Both lists, however, have handwritten notes in the margins. Interestingly, the margin notes on the two typed lists are generally different as to content and style, suggesting different personnel (likely from the Adjutant General's Office) were involved in

the review and processing of the lists. All soldiers had some form of annotation next to their names on one or both of the typed lists, indicating some research had been performed as to each of those soldiers.

As evidenced by the annotations on the typed lists, between 1887 and 1897 an effort was made by the War Department, largely through the use of pension records, to determine the status and whereabouts of the 68 soldiers. By the time this process was concluded in 1897, 21 of the 68 soldiers were determined to be “deceased.” Their circumstances are discussed in Part 3 of this Chapter. After those who were deceased were dropped from further consideration for Medals of Honor, the cases of remaining 47 soldiers were subjected to continued examination by the War Department reviewers. Of those remaining 47 recommended soldiers who were still living, 32 of those soldiers received the Medal of Honor. The remaining living 15 soldiers (the “Others”) are discussed in Part 4 of this Chapter. None of them, despite still being alive, received Medals of Honor. The handwritten annotations on the two typed versions of Parke’s list are, in some cases, very relevant to understanding why these 15 “Others” never received Medals. Those annotations are also discussed in Part 4 of this Chapter.

One inexplicable War Department note that accompanies one of the typed lists states that the “Assistant Secretary of War transmits a copy of letter of Genl. J.G. Parke recommending 68 men for Medal of Honor.” That note is dated November 25, 1896, and seemingly suggests that all 68 were still under consideration for Medals of Honor as of that date---but the results do not bear that out.⁴

Before examining the plight of those soldiers on the first Parke list who did not receive Medals of Honor, it is appropriate to recognize the 32 soldiers who were awarded Medals. Because of the “Killed/No Medal” policy detailed in Chapter 1 of this book, the “survival” of these 32 soldiers would prove to be the critical determinant for them to become recipients.

Pvt. Frederick Alber	1 st Sgt. Jeremiah Mahoney*
Pvt. Richard Beddows	Pvt. Joseph Manning*
Sgt. James Burbank	Sgt. William Wilcox
Sgt.Maj.Abraham Cohn	Sgt. Daniel McFall
1 st Sgt. Charles DePuy	Sgt. Conrad Noll
Pvt. Robert Dodd	Sgt. Valentine Rossbach
Cpl. John Falconer	1 st Sgt. William H. Matthews (Henry Sivel)
Sgt. Levi Gaylord	Sgt. George Schneider
Cpl. Sidney Haight	Sgt. Charles J. Simons
Sgt.Maj. M. Haskell	Sgt. John Starkins
Cpl. Osgood Hadley	Pvt. Joseph Taylor
Sgt. Conrad Homan*	Pvt. Charles Thatcher
1 st Sgt. Francis Judge *	Sgt. Charles Thompson
Cpl. John Kinsey	Pvt. John Wageman
Cpl. Charles H. Knight	Pvt. James Welsh **
Pvt. Carl Ludwig	Pvt. Frank Whitman*

Regarding the foregoing list, the records do not explain the discrepant dates for the awards of Medals of Honor for the five soldiers marked above with a single asterisk (*) where their awards occurred between 1864 and 1870, indicating that their recommendations somehow were on a review track separate from, and much earlier than, the War Department review of the first Parke list — with the key events of that review largely occurring in the 1896-1897 timeframe.

The one recipient, Pvt. James Welsh, who is listed above with a double asterisk (**), received his Medal of Honor in 1905. The records do not account for this disparity except to indicate that the initial War Department review that concluded in 1897 clearly did not result in the award of a Medal of Honor to Welsh because of that review. Welsh's award in 1905 further indicates that soldiers were able to successfully petition for a Medal of Honor well after the conclusion of the War Department review of the first Parke list. This circumstance and the timing of the Welsh award in 1905 is important when analyzing some of the cases of the 15 soldiers who were still living in 1897 but who failed to receive Medals of Honor — and who are discussed in Part 4 of this Chapter. As will be shown, Welsh somehow satisfied the War Department years after the 1897 completion of its review while other soldiers in comparable cases inexplicably did not.

To summarize the tally of recipients from the first Parke list, when the six abovementioned recipients — who received their Medals either well before or after the conclusion of the 1897 War Department review — are taken into the accounting, only 26 soldiers from the first Parke list actually received their Medals as a direct result of the War Department review.

[Author's Note: One of the recipients on the foregoing list, 1st Sgt. William H. Matthews, was initially awarded his Medal of Honor under his assumed enlisted name of Henry Sivel. Following receipt of his Medal of Honor, Sivel/Matthews submitted documents to the War Department in 1900 proving his real name to be William H. Matthews. The War Department was satisfied with his proof, but Matthews was required to return the “Sivel” Medal of Honor before a new one was issued in the name of William H. Matthews. He made that return. Until the recent research for this book, the whereabouts of the original returned “Sivel” Medal of Honor was unknown. However, during our research, it was discovered in November 2024 in the files at the National Archives relating to the first Parke list. The Sivel Medal of Honor had been in those files undiscovered for almost 125 years; it now resides in a Special Collection of Medals of Honor at the National Archives.]

PART 3

TWENTY-ONE DECEASED SOLDIERS ON THE FIRST PARKE LIST AND CASE STUDIES OF SGT ANTOINE SCOTT AND SGT ALONZO CURTISS

THE TWENTY-ONE DECEASED SOLDIERS ON THE FIRST PARKE LIST

As noted above, in 1887 the War Department belatedly began the process of reviewing the General Parke list from February 21, 1865, containing the Medal of Honor recommendations for 68 soldiers — and then took another decade until 1897 to finalize that review. It is now tragically apparent that this delay of three decades years worked to the detriment of any soldier who died in the interim due to the prevailing Army “Killed/No Medal” policy, discussed in detail in Chapter 1 of this book. During those three decades, there were 21 soldiers, out of the 68 soldiers recommended on the first Parke list, who died.

When the War Department initiated its review of the Parke recommendations in 1887, it sought to learn more about each of the recommended soldiers from its pension records. There are several such documents in the records of the National Archives which reflect this effort.⁵ That undertaking resulted in annotations next to the names of the soldiers on the two typed Parke lists, including ones indicating whether a soldier was dead.⁶

There is no doubt that the War Department made a conscious decision not to award Medals of Honor to the 21 soldiers marked as “dead” or “died” on the annotated lists. There is confirmation of this fact by documents in the files associated with the first Parke list. For example, one note in the files associated with the review of that list refers to the “military records of the survivors.”⁷

There is another revealing file⁸ involving a War Department examination of the cases of three soldiers, Nelson Cook, Levi Gaylord, and Conrad Homan. They were on the first Parke list, and subsequently became the subjects of a detailed January 14, 1895, inquiry to the War Department on their behalf by retired Colonel Thomas William Clark, their senior surviving officer of the 29th Infantry, Massachusetts Volunteers. The official War Department report that followed Colonel Clark’s inquiry cited the recommendations for those three soldiers and specifically noted the fact that all three had been specifically recommended by Parke for their respective involvement in flag related acts of gallantry, including Cook’s action on July 30, 1864. The report also referred to the fact that one of the three, Nelson Cook, had been killed that same day and stated that:

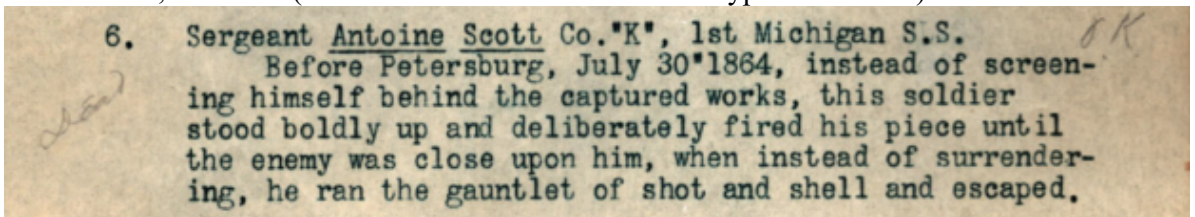
The status of his [Cook’s] case with respect to the award of a medal of honor appears to be determined by the decision of the Secretary of War, to the effect that medals of honor cannot be granted to the representatives of deceased soldiers.⁹
(Emphasis added by this author.)

The survivors of their respective actions, Gaylord and Homan, both received Medals of Honor. Cook did not. Cook's recommendation from Parke recites almost verbatim the same action as attributed to Homan on July 30, 1864. The case of Nelson Cook is yet another dramatic reminder of the illogical and consequential unfairness of the Army's "Killed/No Medal" policy from 1862 until its revocation in 1918.

As documented in Chapter 1 of this book, the "Killed /No Medal" policy was no more evident than in the two 1906 War Department letters approving Medals of Honor "at the direction of the President" for 20 soldiers for actions in the Philippines in 1899 but only "if living." As noted in Chapter 1, several of those 20 listed soldiers were no longer alive in 1906 and no Medals of Honor were issued for them.

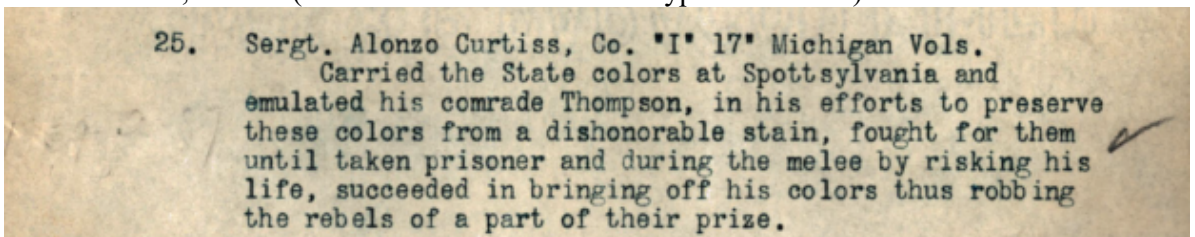
Following are excerpts from one of the typed Parke lists for the 21 soldiers identified as "dead" or "died" from the above-referenced pension record review. After each name, this author has added a note for each in parentheses that includes relevant handwritten annotations from both typed lists about their deaths.

1. Scott, Antoine (Marked "Died 1878" on the other typed Parke list.)



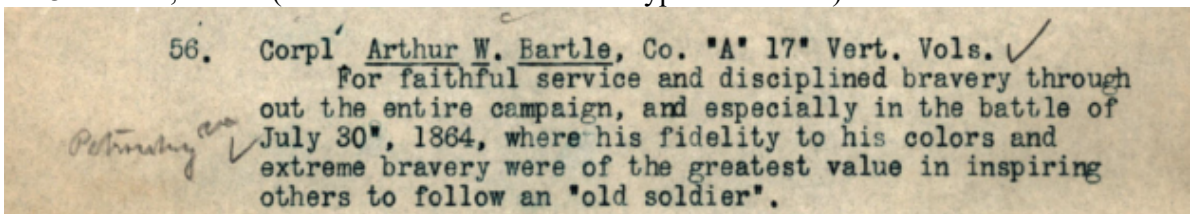
6. Sergeant Antoine Scott Co. "K", 1st Michigan S.S. OK
Before Petersburg, July 30th 1864, instead of screening himself behind the captured works, this soldier stood boldly up and deliberately fired his piece until the enemy was close upon him, when instead of surrendering, he ran the gauntlet of shot and shell and escaped.

2. Curtiss, Alonzo (Marked "Dead" on the other typed Parke list.)



25. Sergt. Alonzo Curtiss, Co. "I" 17th Michigan Vols.
Carried the State colors at Spottsylvania and emulated his comrade Thompson, in his efforts to preserve these colors from a dishonorable stain, fought for them until taken prisoner and during the melee by risking his life, succeeded in bringing off his colors thus robbing the rebels of a part of their prize. ✓

3. Bartle, Arthur (Marked "Dead" on the other typed Parke list.)



56. Corpl' Arthur W. Bartle, Co. "A" 17th Vert. Vols. ✓
For faithful service and disciplined bravery throughout the entire campaign, and especially in the battle of July 30th, 1864, where his fidelity to his colors and extreme bravery were of the greatest value in inspiring others to follow an "old soldier".
Petersburg

4. Crawford, Alexander (Marked "Died" on the other typed Parke list.)

57". 1st. Sergt. Alexander Crawford, Co. "G" 31st Maine Vols. ✓
Has been with the regiment in every battle, from the "Wilderness" to "before Petersburg", in which it was engaged, and always shown great bravery and coolness, and was never known to falter in time of danger. At the explosion of the mine in front of Petersburg, July 30th 1864, he especially distinguished himself in a hand to hand encounter with the enemy, in which he was disabled by a blow on the head; was captured and sent to the rear, but finally succeeded in making his escape, though severely wounded in the shoulder while so doing. ✓

5. Chalfin, William (Marked "Dead" below.)

Dead
28. Private William H. Claflin, Co. "I" 7th R. I. Vols.
On account of his habitual bravery and good conduct, has served with his regiment through the late campaign, from the Rapidan to this place, displaying unusual coolness under the heaviest fire, and has always been a prompt, faithful and reliable soldier. ✓

6. Cook, Nelson (Marked "Dead" below.)

Dead on Petersburg
19. Color Corpl. Nelson Cook, Co. "G", 29th Mass. Vols.
For gallantly fighting his way through the enemy's lines July 30th 1864, with the Regimental Colors, Corpl. Cook in this affair killed a rebel color sergeant. OK

7. Cox, Patrick (Marked "Dead" below)

Dead
31. Private Patrick Cox, Co. "C" 58th Mass. Vols.
Has been in every engagement during this campaign, in which the regiment has been engaged, was taken prisoner, and made his escape from the enemy and has been three times slightly wounded. and July 30/64

32. Sergt. James McGuire, Co. "F" 58th Mass. Vols.
Was very active and faithful until taken prisoner

8. Davis, James (Marked "Dead" below and "Killed in Action" on the other typed Parke list.)

O.K. for James—
Dead
James—Davis
44. Pvt. James E. Davis, Co. "D" 4th R. I. Vols.
Now deceased, for gallantry displayed by him at the Weldon R. R. He was surrounded by the enemy and repeatedly ordered to surrender, but refused and was killed in endeavoring to make his escape. I recommend that some testimonial be furnished his friends.

9. Green, William (Marked "Dead" below.)

4. Color Sergeant William H. Green, 37th Wis. Vols. *Sergeant Co. 6*
 In the assault upon the enemy's works June 17th 1864, Green, mortally wounded, being shot through both legs carried off the colors in his teeth, dragging himself into our lines by the aid of his hands. This soldier died of his wounds July 9th 1864, but the medal is recommended, as it would be a consolation to his family to know that the Government gratefully appreciated his gallant services. *He was on action June 17, 64 and was awarded them*

10. Gavitt, James (Marked "Dead" below.)

27. Private James W. Gavitt, Co. "K" 7th R. I. Vols. *Rebels in church*
 Who was on the 2nd day June with four others, captured while on picket, and placed under two rebel guards to be conveyed to the rear: at a favorable opportunity he seized the musket from one of the guard, with which he put the other to flight thereby liberating his four companions who, with the guard as a prisoner made their way safely back into our lines. *✓*

11. Howard, William (Marked "Dead" below.)

35. Corpt. William Howard, Co. "C" 36th, Mass. Vols. *O.K.*
 For bravery in rallying the pickets, and checking the advance of the enemy on the 4th of October 1864, near Pegram House, Virginia. *Dead*

12. Hoyt, Franklin (Marked "Dead" on the other typed Parke list.)

54. Sergeant Franklin Hoyt, Co. "C" 17th Vert. Vols. *May 12/64*
 For good conduct at the battle of Spottsylvania, where he bravely maintained a position in advance of his regiment, and, as is believed, was of material and extraordinary service in silencing and keeping silenced a piece of Artillery whose fire had been very destructive in his Brigade. *O.K.*

13. Inman, Almeron (Marked "Dead" on the other typed Parke list.)

55. Sergeant Almeron C. Inman, Co. "D", 17th Vert. Vols. *1339-2-57 O.K.*
 For intelligent coolness and bravery while on the

-11-
 skirmish line in the affair of June 18th, 1864, and again on the 30th of September, when wounded, he refused to leave the field and rendered great assistance in rallying his regiment. *Pegram House* *before Petersburg*

14. Kiernan, Patrick (Marked "Died" on the other typed Parke list.)

66. ** Pvt. out Corp.* Corpl. Patrick Kiernan, 34th N. Y. Battery. *Petersburg Va*
 Signalized himself by his bravery on the 18th of June 64
 and again on the 30th of September ably assisted to save
 the Battery from capture. *wounded Sept 30. 64 and sent*
to Hosp. Batty was in action near Petersburg Va.

15. McGuire, James (Marked "Died" on the other typed Parke list.)

Corpl. 32. Sergt. James McGuire, Co. "F" 58th Mass. Vols.
 Was very active and faithful until taken prisoner
 Sept. 30th, 1864. It is said of him, that when Capt.
 Peckham called for the troops to move forward July 30th
 1864, after a number of attempts had been made, he was
 the first man to spring forward, and advance over the
 rebel entrenchments.

16. Rowley, Levi (Marked "Dead" on the other typed Parke list.)

Levi - Rowley 60. Pvt. Levi J. Rowley, Co. "B" 179th N. Y. Vols. *✓*
 In the battle of the 17th June 1864, before Peters-
 burg, Va., Private Rowley did, in advance of his company
 encounter six rebels and ordered them to lay down their
 arms, five of them did so, but one would not surrender,
 whereupon Rowley bayonnetted him, and brought the five
 into our lines, afterwards brought in a number of his
 own company, who were severely wounded.

17. Reese, Henry (Marked "Dead" below.)

Captain at Malvern 33. 1st. Sergt. Henry Reese, Co. "F" 48th Penna. V. Vols.
 Having performed a conspicuous act of gallantry on
 July 30th 1864. In the undermining and destruction of
 the Rebel Fort No. 5, in front of Petersburg, Va., the
 fuse leading to the magazine had been spliced about
 fifteen feet from the face of the mine; when the fuse
 was first lighted, it burned to the splice, when the
 fire went out, and after the time set for the explosion
 had elapsed, Sergt. Henry Reese volunteered to enter the
 mine and relight the fuse at the splice, which he
 successfully accomplished, and returned in safety to the
 mouth of the mine, and in one minute after the explosion
 took place.

18. Ricker, Jerry (Marked "Died" on the other typed Parke list.)

48. Corpl. Jerry T. Ricker, Co. "D" 6th N. H. V. Vols.
 Entered the regiment at its organization and has
 re-enlisted, has never been absent from his company, has
 been in every march and every fight in which the regiment
 has been engaged, and on all occasions has been conspic-
 uous for gallantry and bravery. *OK*

19. Stanley, Wesley (Marked "Dead" below.)

Wesley Stanley
24. Sergt. Wesley D. Stanley, Co. "D" 14th N. Y. Heavy Art.
On July 30th 1864, he assisted the raising, turning and
working two guns of the enemy in the Crater doing good
execution. In this action he lost his life. His wife's
address is Mrs. M. A. Stanley, Rahway, New Jersey. ✓

20. Stocker, Valentine (Marked "Dead" on the other typed Parke list.)

Dead
2. Lieut. Valentine Stocker, Co. "B" 51st Penna. Vet. Vols. ✓
At the battle of Spottsylvania, C.H. May 12th 1864,
this Regiment became completely out flanked, Stocker,
then a Sergeant, broke through the rebels, capturing
one Lieutenant and four Privates, bringing them safely
to the rear.- Again, on the 19th of August at the Weldon
R. R. after fighting heroically nearly all day, he cool-
ly entered the woods, where a squad of rebels, concealed,
were annoying us with their fire, presenting an empty
rifle, he demanded a surrender, whereupon fifteen (15) of
the rebels laid down their arms and were brought into
Camp by him, for which deed he was promoted Lieutenant.
Enlisted September 1st 1861. Re-enlisted at Blain's *Jan 1/64*
X Roads Tenn., and participated in every battle in which
the 9th Army Corps was engaged.
Enl Sept 16/61

21. Sweetser, Benjamin (Committed suicide 1884.)

59. Sergt. Benj. F. Sweetser, Co. "C" 56th Mass. Vols. ✓
Distinguished himself at the battle of Spottsylvania
May 12th 1864, in recovering the colors of the regiment
when they were shot from the hands of the color bearer,
and carried them through the day, the color bearer being
severely wounded. For coolness and bravery on this
occasion he was promoted from Corporal to Sergeant and
color bearer.- On the 18th at Spottsylvania he was
severely wounded. *64*

While each of the foregoing soldiers suffered the same consequence of never having a Medal of Honor issued as a victim of the "Killed/No Medal" policy, the cases of Sgt. Antoine Scott and Sgt. Alonzo Curtis deserve special consideration.

Antoine Scott (LaCroix)

It is well documented that various Native American tribes fought on one side or the other during the Civil War. Indeed, members of the Cherokee nation reportedly fought for both the Union and the Confederacy. And there is at least one battle in Oklahoma at Honey Springs where Native Americans fought against one another.

Antoine Scott enlisted as part of Company K of the First Michigan Sharpshooters. Native American tribes from Michigan had initially offered their enlistments at the outset of the Civil War but were rebuffed by the Union Army. The Michigan tribes were motivated to join the

Union by concerns that, if the Confederacy prevailed, the tribes might be treated much as slaves had been treated in the South. Interestingly, only a decade prior, the United States government had sought (unsuccessfully) to relocate these same tribes from Michigan to Indian Territory, as it had done with other tribes. Nonetheless, as the Civil War progressed and as Union recruits were more desperately needed, the Army relented and, starting in 1863, one of the largest assemblages of Native American recruits was formed in Company K of the First Michigan Sharpshooters.

Despite little formal education and difficulty in reading and writing, 139 members of the Anishinaabe nation (comprised of the Ojibwa, Odawa, and Potawatomi tribes) entered service as enlisted soldiers along with one officer. After an initial period of training — during which their marksmanship as rifle soldiers became quite apparent — the soldiers of Company K, including Antoine Scott, were given orders to serve in the bitter fighting at The Wilderness and Spotsylvania in May 1864. Later, they would serve in the extended standoff between Union and Confederate forces at Petersburg, Virginia. Fatefully, they were part of the contingent of soldiers ordered to charge through the giant crater created by the Union explosion below Confederate forces at Petersburg on July 30, 1864. Casualties were high for all the Union soldiers at the crater, including the Anishinaabe. In total, 504 Union soldiers died, 1881 were wounded, and 1413 were missing or captured.¹⁰

For his actions that day at the crater at Petersburg, Sergeant Scott was recommended for the Medal of Honor. Parke's handwritten Medal of Honor recommendation list from February 21, 1865, describes Scott's conduct as:

Before Petersburg, July 30, 1864, instead of screening himself behind the captured works, this soldier boldly up and deliberately fired his piece until the enemy was close upon him, and instead of surrendering, he ran the gauntlet of shot and shell and escaped.

When this recommendation was formalized in Adjutant General Office (AGO) documentation in 1887¹¹, it appeared with language identical to what appeared on Parke's 1865 list. A copy of Scott's "AGO Notation" form appears below, and it is the same form prepared in 1887 when the War Department discovered it oversight in not processing the Parke list prepared 22 years prior. (The National Archives' files for other soldiers on the first Parke list contained an identical version of this "AGO Notation" form with the same date of February 9, 1887. It appears that one such form was prepared for each of the soldiers on the first Parke list when the War Department discovered that his list had been overlooked and the review was initiated with the creation of this form.)

S | 1 S.S. | Mich.

Antoine Scott,

Serg't, Co. H, 1 Reg't Mich. S. S.,

NOTATION.

Book mark: 1339-A-1887.

Adjutant General's Office,

WAR DEPARTMENT,

Washington, February 9, 1887.

Recommended for "Medal of Honor," February 21, 1865, by Major General John G. Parke, commanding 9th Army Corps, pursuant to paragraph 7, Special Orders No. 346, Headquarters, Army of the Potomac, dated December 22, 1864, for conspicuous gallantry, to wit: *Before*

Petersburg, July 30, 1864,
instead of screening
himself behind the captured
works, this soldier stood
boldly up and deliberately
by fired his piece until
the enemy was close upon
him, when, instead of
surrendering, he ran the
gauntlet of shot and
shell and escaped.

A. G. R.

(438)

Copyist.

Antoine Scott was not alone on Parke's list as a First Michigan Sharpshooter recommended for a Medal of Honor for actions at the crater in Petersburg. Two other soldiers, Pvt. Charles Thatcher from Company B, First Michigan Sharpshooters, and Cpl. Sidney Haight, Company E, First Michigan Sharpshooters, were recommended by Parke as well. They received their Medals of Honor on July 31, 1896, after the War Department processed the "survivors" from the first Parke list. Scott, however, was already dead having passed away on December 10, 1878.

Two facts should be noted from the Medal of Honor recommendations of Haight and Thatcher.

First, in the case of Cpl. Sidney Haight, his Medal of Honor recommendation includes the exact same wording as Scott's Medal of Honor recommendation in describing the action for which both were cited.¹²

Secondly, in the case of Pvt. Charles Thatcher who, unlike Scott and Haight, was captured at Petersburg, his Medal of Honor recommendation notably cites Antoine Scott's own personal exemplary conduct when it stated that:

*Now prisoner of war, distinguished himself at the battle of the crater, before Petersburg, July 30, 1864. Private Thatcher **imitated the example of Sergt. Scott** and Pvt. Haight....*
(Emphasis added by this author.)¹³

Can there be any doubt that Antoine Scott would have received the Medal of Honor in 1896 along with Thatcher and Haight had he been alive? Certainly not.

[**Author's Note:** Some of the largest numbers of Native American soldiers held as prisoners during the Civil War were from Company K of the First Michigan Sharpshooters. Seven of them died at Andersonville and are buried at the Andersonville National Cemetery. It is estimated that only about one half of the original Company K soldiers returned home after the Civil War, without much recognition for their commitment to the country and their sacrifices. Antoine Scott was one of those unrecognized soldiers.]

Alonzo Curtiss

Like Antoine Scott, the case of Sergeant Alonzo Curtiss represents a case of special circumstances, beyond the fact that he (like Scott) was denied the Medal of Honor simply because he was dead by the time the War Department concluded its belated review in 1897 of the first Parke list.

Born in 1844, Alonzo H. Curtiss enlisted in Company I, 17th Michigan Infantry as a corporal on August 4, 1862. He was wounded at the Battle of South Mountain later that year and was promoted to Sergeant on December 1, 1863. He later fought at Spotsylvania in May 1864 which

led to his recommendation for the Medal of Honor. His recommendation on the first Parke list from 1865 read:

*Carried the State colors at Spotsylvania and **emulated his comrade Thompson**, in his efforts to preserve these colors from dishonorable stain, fought for them until taken prisoner and during the melee by risking his life, succeeded in bringing off his colors thus robbing the rebels of a part of their prize.*

(Emphasis added by this author.)

As was the case of Antoine Scott, the 1887 AGO “Notation” document included the identical wording for Curtiss’ Medal of Honor recommendation.¹⁴

The “Thompson” referenced in the recommendation for Alonzo Curtiss was Sergeant Charles A. Thompson, Company D, 17th Michigan Infantry, who did receive the Medal of Honor on July 27, 1896, and Thompson’s Medal citation for action at Spotsylvania reads:

After the regiment was surrounded and all resistance seemed useless, fought singlehanded for the colors and refused to give them up until he had appealed to his superior officers.

So, as was the case of Antoine Scott, Alonzo Curtiss served with another soldier whose same actions on the same date resulted in the award of a Medal of Honor. Curtiss died on January 8, 1887, without a Medal of Honor and was another victim of the “Killed/No Medal” policy. Thompson died on August 24, 1900; he had “survived” long enough to be awarded a Medal.

Curtiss is buried at Oak Grove cemetery in Dundee, Michigan.

Observations

While the cases of Antoine Scott and Alonzo Curtiss offer particularly poignant comparisons to other soldiers who survived and received their Medals of Honor, there is no question that all 21 soldiers who died before the final processing of the first Parke list by the War Department were victims of the “Killed/No Medal” policy. The impact of this otherwise ill-conceived policy was clearly compounded by the inexplicable 30-year delay in the War Department’s processing of that list.

PART 4

FIFTEEN OTHERS LEFT BEHIND FROM THE FIRST PARKE LIST

While 53 of the 68 soldiers on Parke's list of Medal of Honor recommendations are accounted for as either Medal of Honor recipients (32) or denied because they were no longer alive (21) by 1896, the plight of the 15 other soldiers on Parke's February 21, 1865, list deserves further examination.

Following the "Background" section below are the screenshots for those 15 soldiers from one of the typed Parke lists, with the War Department reviewers' annotations from both of the typed Parke lists.

As a general proposition, those handwritten reviewers' annotations, as well as other related War Department documents, reflect:

- 1) an attempt to first identify addresses for those other 15 recommended soldiers (pension records appear to have been the primary source for searching for address locations); and
- 2) an effort to request, via letters, that those 15 soldiers confirm their identities and to provide additional "evidence" of their recommended actions as described originally in 1895 by General Parke.

BACKGROUND

Remembering that the first Parke list initially went without any attention at all by the War Department from 1865 until 1887, and then it took another decade to finalize the Medal of Honor actions for those who became recipients, it is important to understand what was otherwise occurring in the War Department and Congress during the 1890s concerning actions affecting Medal of Honor awards. In hindsight, the propriety and fairness of these War Department and Congressional actions — as they were applied to the 15 soldiers discussed below — are highly questionable. And they most certainly influenced the decision not to award Medals of Honor to those 15 soldiers, even though all had been recommended by Parke, then approved by Meade, and were still alive.

During the same ten-year period from 1887 to 1897 that the War Department was reviewing the overlooked first Parke list, there was an overwhelming wave of new Medal of Honor applications submitted to the War Department by Union soldiers who felt they were deserving. Many of these new applications involved self-nomination by the soldiers themselves. While no confirmed count has ever been offered for the number of new applications during this period, it certainly must have exceeded well over 1000, since ultimately almost 600 Medals of Honor were awarded during the late 1880s to late 1890s to Union soldiers. There is also evidence in the records of many rejected applications, including some because of the "Killed/No Medal" policy.

Confronted with so many new applications that were often with confirmation, the War Department struggled to develop standards and guidelines to evaluate and authenticate the claims of gallantry necessary to justify Medals of Honor. Congress offered guidance as to how to determine which Civil War soldiers, some 30 years later, might qualify for Medals of Honor. The War Department similarly undertook to develop guidelines designed to provide confirmation of claims of gallantry in these new applications. Numerous proposals were considered. The history of this application process and evolving standards is exceptionally well documented in Dwight Mears' 2018 book, *The Medal of Honor, The Evolution of America's Highest Military Decoration*, pp. 28-36. The culmination of guidance came in the form of an administrative policy issued by Secretary of War Russell A. Alger in 1897. That policy required certain forms of documentation for actions after 1890, such as a "detailed recital of circumstances" and testimony of "two eyewitnesses." For actions prior to 1890, Mr. Mears explained the policy on page 36 of his book as follows:

To curb the ongoing Civil War actions, Alger also required that recommendations for actions prior to 1890 "be submitted by some person other than the proposed recipient", someone "personally familiar with all the facts and circumstances. Further, in the case of retroactive submissions, "incontestable proof" required either official records documenting the action or the testimony "of one or more eyewitnesses" under oath.

Alger's policy was promulgated in 1897, but this issue had been consistently scrutinized within the War Department for several prior years. For example, in the early 1890s, facing the wave of new applications, two successive Assistant Secretaries of War, Lewis A. Grant and Joseph Doe, both reinforced the view that soldiers be awarded the Medal of Honor only for specific actions and then only if "conspicuous gallantry" was evident. In his analysis of these developing standards, Mears, at p. 34 of his book, cites Secretary Doe's views in 1894 when he rejected a Medal of Honor for a soldier:

As I review the law [referring to the 1862 Medal of Army statute] these medals were intended as rewards for conspicuous acts of personal bravery or self-sacrifice rather beyond the mere call of duty, and not for any acts wholly within the line of official duty, however nobly performed.

While the first Parke list was being scrutinized by the War Department in 1896 before the issuance of the Alger policy promulgation in 1897, the Department nonetheless took into consideration the views expressed by Grant and Doe and applied a new form of evidentiary requirement to its review of the cited actions of soldiers on the first Parke list. Clearly less demanding than what Alger would eventually require in 1897, this new evidentiary requirement adopted in 1896 was something that had not been used with prior recommendations. Under this requirement (as discussed below in much more detail), soldiers were requested to "furnish some **evidence**, or account of the act of personal gallantry performed by you." (Emphasis added by this author.)

In applying this evidentiary requirement *ex post facto* to the recommendations on the first Parke list, the War Department did not distinguish the 1865 Parke list recommendations from the

new applications like those that flooded the War Department in the 1890s. This was wrong. Other soldiers who were previously recommended for Medals of Honor during the Civil War (or in the years immediately following) were not subjected to such a requirement of “evidence” or “accounts” when their recommendations were processed in a timely fashion. This was also true for Indian War period recommendations prior to 1890. The unfortunate consequences of applying this new “evidence” requirement to the cited 15 soldiers are now obvious; they were confronted with this new requirement of proof simply because the War Department had failed to act in 1865 when it should have reviewed their cases.

There was also no apparent consideration that, because of the significant lapse of time, the 15 affected soldiers would likely find it quite difficult, if not impossible in some cases, to easily locate fellow soldiers (many themselves likely deceased or infirm) to provide the required “evidence” or “accounts.” And, as the records show, by 1896 some of those 15 soldiers, while alive, were nonetheless residing in soldiers’ homes or suffering from serious medical issues.

Put simply, the soldiers on the first Parke list, particularly the 15 discussed below, were required to provide evidence that would not have been required had the Parke recommendations been processed in the aftermath of Meade’s approval in 1865. And put more bluntly, all would have likely received Medals of Honor had the review process not been delayed so long by the misplacement of the first Parke list.

It is also important to recognize one other set of facts fact that the War Department ignored during the final processing of the first Parke list of 68 recommendations. The records reveal numerous letters¹⁵ from commanding officers with large numbers of soldiers recommended for the Medal of Honor — far more recommendations than the 68 soldiers whose names made it onto Parke’s final list. A vetting process had occurred before the list of 68 was submitted by Parke and “approved” by Meade. By 1896, this vetting process, as well as the explicit recommendation of Parke and the approval of Meade, held no water with the War Department reviewers. The War Department would require more “evidence” from the 15 living soldiers discussed below.

To be accurate and fair, it should be noted that some of the 32 soldiers who did receive Medals of Honor from the first Parke list were subjected to the same additional “evidence” requirement process. Fortunately, they were able to satisfy the War Department reviewers although the quality of their additional “evidence” was sometimes minimal. For example, Cpl. John Kinsey was alive in 1896 and, as detailed below, he was able to provide enough “evidence” and verification of his identity to receive his Medal of Honor in 1897. Other soldiers were also similarly requested to submit evidence, and they succeeded like Kinsey in satisfying the War Department. But the 15 soldiers discussed below did not.

THE IDENTITY VERIFICATION AND EVIDENCE OF GALLANTRY PROCESS

After determining that a soldier from the first Parke list was still alive in 1896, the typical flow of War Department communications with that soldier is exemplified by the case of Cpl. Kinsey. In the original handwritten list of February 21, 1865, Parke recommended Kinsey by simply and summarily stating “[f]or gallant and meritorious conduct in the battles of

Spotsylvania, C.H. May 15, 1864, and Cold Harbor June 5, 1864.” No details of his actions were otherwise included.

After determining Kinsey’s address in 1896 from pension records, an Assistant Secretary of War sent Kinsey a letter dated June 23, 1896, and requested him to verify his identity. (Hereinafter this type of letter, which was also received by other soldiers, is cited by this author, only for the purposes of this book, as the War Department “**Identity Verification Letter.**”) It read:

*It appears from the records of the Department that on February 21, 1865, Major General John G. Parke, Commanding Ninth Army Corps, recommended that John Kinsey ... be granted a medal of honor.... The Department desires to be advised whether you are the person therein referred to, and, if so, whether you have ever received any recognition from the Government for the services mentioned.*¹⁶

Kinsey responded to the “Identity Verification Letter” as follows:

*Sir: Received your letter of June 23. 96 & I am the party you refer to. I heard of it [referring to Parke’s recommendation of a Medal of Honor] but supposed it would been sent to me when I was mustered out. If there is any other information you wish to know let me know & I will give it to you.*¹⁷

Thereafter, by means of a second War Department letter dated July 24, 1896, Kinsey received another request from an Assistant Secretary of War asking for more information about his actions as referenced in the original 1865 Parke list. (Hereinafter this letter, also received by other soldiers, is cited by this author, only for purposes of this book, as the “**Evidence of Gallantry Letter.**”) In Kinsey’s case, the War Department letter sent to him acknowledged receipt of Kinsey’s initial response and sent him an “Evidence of Gallantry Letter” which read in pertinent part:

*I have to state that it appears upon further investigation that the recommendation of General Parke, upon which the award was to have been based, while setting forth conduct in most commendable terms, fails to mention any specific act of gallantry as required by the law governing the granting of such medals. Permit me, therefore, to request that you will furnish the Department, if possible, with some evidence or account of the act of personal gallantry performed by you....*¹⁸

This same “Evidence of Gallantry Letter” was sent from the War Department in July 1896 to other still-living soldiers on the first Parke list, but it offered no guidance to the receiving enlisted soldiers — now aging in years — as to what would constitute “evidence” or an “account.” As demonstrated below, some respondents would offer their own personal account with no independent “evidence.” In some cases, this would satisfy the War Department and a Medal of Honor would issue, but in other cases it would not.

In Kinsey’s case, he responded to the War Department on February 10, 1897, as follows:

*Sir: I received your letter request certain deeds of Gallantry. May 18, 1864 Spotsylvania. The Color Bearer was shot and I saved the colors. Battle of Cold Harbor, June 3, 1864. I went in the Jaws of Death and killed a SharpShooter that was firing after ...everyshot. If you want any more reference to me being the man I will refer you to [Kinsey names three officers but the names are illegible.]*¹⁹

Without further evidence or confirmation, only two weeks later on February 24, 1897, the War Department War issued a Memorandum which read,

*By direction of the President let a medal of honor be presented to John Kinsey, late corporal, Company B, 45th Pennsylvania Volunteers, for most distinguished gallantry at Spotsylvania C.H., May 18, 1864; this non-commissioned officer seized the colors, the color bearer having been shot, and with great gallantry succeeded in saving them from capture.*²⁰

On March 2, 1887, Kinsey received a letter from the Pension and Record Office of the War Department informing him of his Medal of Honor award and that a registered letter with the Medal of Honor had been sent to him. On March 6, 1887, Kinsey acknowledged receipt of his Medal.²¹

As noted above, the process described above for Kinsey was fairly typical of some, but not all, of the other 32 soldiers from the original Parke list who received Medals of Honor. For the 15 soldiers who were still alive in 1896 and who would not receive Medals of Honor, their stories are worth analyzing to see why they failed while soldiers like Kinsey were able to successfully navigate the new “evidence” requirement of the War Department during that same timeframe.

As part of this analysis, it is important to recognize that Kinsey received the Medal of Honor despite only a summary citation of his actions in Parke’s initial recommendation. Furthermore, Kinsey was able to satisfy the War Department’s *ex post facto* “evidence” requirement by providing nothing more than a three-line explanation in his own February 10, 1897, letter where he explained that he “saved the colors” and “went into the Jaws of Death and killed a Sharpshooter...”

This author’s commentary about how Kinsey satisfied War Department reviewers in 1897 is not meant to suggest that he was not deserving of the Medal of Honor. To the contrary, this author’s distinct view is that Kinsey’s qualification for a Medal of Honor was derived from having his actions cited and included on the Parke list of February 21, 1865 — after numerous other soldiers had been vetted from the nomination process that led to the final list of 68 recommendations, and after Meade’s approval of **all** of those recommendations. That would have been sufficient for Kinsey and the other recommended soldiers if the War Department had acted promptly in 1865. Nothing more should have later been required of him, or the others on Parke’s list.

THE REMAINING 15 SOLDIERS WHO FAILED TO RECEIVE MEDALS OF HONOR

Below are screenshots from one of the two typed Parke lists for the 15 soldiers covered in this discussion---none of whom, as noted, received the Medal of Honor. On both typed lists there are

annotations made by the War Department reviewers who were seeking to find a current address for each soldier. In some cases, an address was found and noted, and sometimes other records were referenced to question the accuracy of information about a particular soldier. In other cases, there are notes indicating that no address was found.

After each of the 15 names below, **in bold letters**, this author has inserted the War Department reviewers' annotations combined from both typed lists. "P.O." refers to "Pension Office" which was a principal source of records for the reviewers.

1. Jewell, Orrin (**Thompson, Ohio**)

OK ✓
11. **Sergt. Orin Jewell, 10th Co. S.S. 60th Ohio Vols.**
Meritorious conduct on the march from James River to Petersburg, keeping the men together, after the two Commissioned Officers had left it, commanding the Company in the battles of June 17th and 18th. July 30th, he led his company within 30 yards of the enemys' redoubt, to the left of the Center and remained until ordered away. ✓

2. Fuller, Decatur (**Faribault, Rice Co., Minn.**)

✓ +
67th **Pvt. Decatur Fuller, 34th N. Y. Battery.**
Is recommended for gallant services on the 18th of June in assisting to work a single piece which inflicted much loss on the enemy. ✓

3. Hale, Herbert (**S. Norridgeweek, Somerset Co., Maine**) (Can find no note of this case either in W.R. or in history of 7th Maine Battery.)

✓
68. **Pvt. Herbert E. Hale, 7th Maine Battery.**
For good behavior at all times in battle, and particularly for conspicuous gallantry at the battle of Spottsylvania, Va., May 12th, 1864, when No. 1 being shot dead while in the act of Sponging the piece, Pvt. Hale No. 2 perfectly cool and collected, stepped forward as promptly as in changing posts, in the drill of the piece, and continued sponging and raming, his comrade, the while, lying dead at his feet. The Battery at the time was under a severe fire of musketry and Artillery. ✓

4. Connell, Matthew (Akron, Summit Co., Ohio) (No mention this report of Commanding Officer of Regt)

Matthew Connell 12. Color Sergt. Matthew Connell, Co. "C" 3rd. Md. Vet. Vols.
Sept. 17/62 At Antietam, he was promoted for conspicuous gallantry, on the field from Private to Color Sergeant, preferring to stand by his own colors rather than turn aside to pick up a rebel color passed over in the charge. ✓
Has faithfully carried the colors in every engagement since, and saved both stands of colors though severely wounded in the neck June 17, 1864, the color bearer being shot. *near Petersburg Va*

5. Cornell, James (No address in P.O.)

61. Sergt. James C. Cornell, 34th N. Y. Battery.
For his proficiency as gunner.- He rendered great service at the battles of the Wilderness, Spottsylvania, North Anna, Cold Harbor and before Petersburg, June 17th 1864. ✓
At the latter place he succeeded in exploding two of the enemy's Caissons, which brought fourth a huzza from the whole line and caused the enemy to withdraw from their position.

6. Corcoran, Michael (1259 Hull St. Brooklyn, N.Y.) (Not awarded see 152 C. 1868)

39. Musician Michael Corcoran, Co. "K" 51st N. Y. V. Vols.
Who has made himself conspicuous in all the battles of the past campaign, in which his regiment has been engaged, carrying his musket, and sharing all the dangers of the field, when it was his privilege to go to hospital as a nurse. ✓
(not awarded. See 152 C. 1868.) *OK*
He was 2nd Lt of the 51st

7. Heinnan, Mattis (No address in P.O.) History of 48th Pa. has an account of the affair of----but no mention of A.H.)

51. Private Mattis Heinnan, Co. "D" 48th Pa. Vols.
Has also shown great bravery; on the morning of June 17th, 1864, in front of Petersburg, Va., having had a hand to hand encounter with a rebel, who was behind his own breastworks, seeing several rebels coming to assist his antagonist, he parried a bayonet thrust, jumped upon the works, caught the rebel by the collar, and brought him into our lines. ✓ *OK*

8. Hanlan, James (Soldiers Home, Tilton, N.H) (History of 11th N.H. contains report of the battle but no report of this man.) (Letter returned, residence unknown.)

53. Pvt. James Hanlan, Co. "H" 11th N. H. Vols.
For distinguished gallantry and bravery exhibited on the 30th of July 1864, at the explosion of the Mine in front of Petersburg, Va., On that occasion, he was one of the first to enter the fort and one of the last to leave it, while there, he fought bravely and manfully, though but a youth of seventeen years of age, - As his company was surrounded in the fort by the rebels, the Lieutenant Commanding the Company, after a most desperate effort was on the point of yielding to two of the rebels, who had seized him, when young Hanlan came up and knocked one of them down with the butt of his musket, and liberated the Lieutenant from the grasp of the other, and thereby without doubt, saved him from captivity, and perhaps death at the hands of the rebels. Later in the action, he seized a rebel officer and brought him within the lines of our Army. On all occasions, I have the pleasure to add, he has conducted himself in a gallant and soldier-like manner.

*Letter returned
residence unknown
No Petersburg*

OK

9. James, John (No address in P.O.) (Can find no note of this in 9th N.H. or in W.R.)

His gallantry was conspicuous on every occasion, - On the night of May 22nd, 1864, on the skirmish line, by a sudden and well directed shot he saved Lieut. John C. Sampson of this regiment, from death and capture. Taken prisoner, Sept. 30, 1864. *Near Pagan House Va.*

Charles

10. Logan, George (should read Louge) (The name George Logan not borne on rolls of Co. C., 6th NH Infantry Vols but Louge does.) (Deserted)

47. Pvt. George Logan, Co. "C" 6th N. H. V. Vols.
For conspicuous bravery at the battle of the Wilderness, Va., where he volunteered at the call of his Commanding Officer to advance under a severe fire in front of the line of battle, for the purpose of ascertaining whether we were delivering our fire into the ranks of the enemy or our own troops: has been in every battle of the Campaign and has been twice wounded.
(The name George Logan not borne on rolls of Co. C. 6 N. H. Inftry. Vols.)

May 22, 64

OK

11. O'Donnell, John (Soldiers Home, Chelsea, Mass)

20. 1st. Sergt. John O'Donnell, Co. "A" 57th Mass. Vols. *OK*
For faithful performance of all duties, and undaunted courage, constituting the specialty which may claim for him honorable distinction.

12. Palmer, Elisha (7 Bowen St., Providence, R.I.)

42. Pvt. Elisha M. Palmer, Co "A" 7th R. I. Vols. *OK*
For gallant and meritorious conduct on the 18th of May 1864 at Spottsylvania.

13. Shirk, Theodore (Name not found. Not awarded)

40. Corpl. Theodore Spink, Co. "A" 45th Penna. Vet. Vols. *OK Theodore Shirk*
For gallant and meritorious conduct in the battles of Spottsylvania, C. H. May 18th, 1864, and Cold Harbor Va. June 3, 1864.

14. Tisdale, Henry (124 Eustis St., Boston, Mass.) (Name is in Regt History but no special note made)

37. Sergt. Henry W. Tisdale, Co. "I" 35th Mass Vols. *OK*
Was present at the battles of S. Mountain (where he was wounded) Jackson, Miss., E. Tennessee, Spottsylvania and North Anna.- He was conspicuously brave in the picket fights at Knoxville, Tenn. and was captured while endeavoring to check the advance of the enemy at North Anna. *Wounded in battle at S. Mountain Sept. 14/62*

15. Williams, Winter (National Mil. Home Montgomery Co, Ohio)

3. Sergt. Winton Williams, Co. "A", 109th N. Y. Vols. *OK*
Before Petersburg, Va., June 17th 1864, Williams, then a private, was placed in charge of the Reg't'l. colors. The color guard were all killed or wounded before him, the regiment was ordered to retire, and he with a serious wound in his left side, unable to walk, crawled back upon his hands and knees, and delivered the colors to his regiment, thus preventing their capture by the enemy.

(Interestingly, all of these typed entries have "ok" next to their names; the significance of that entry is unknown.)

The reviewers' entries therefore indicate that good addresses were found for some, but not all, of the 15 soldiers. Accordingly, some of the 15 soldiers would thereafter become recipients of both the "Identity Verification Letter" and the "Evidence of Gallantry Letter" as used in the Kinsey case. Again, of particular significance, the "Evidence of Gallantry Letter" requested that a soldier provide "some evidence or account of the act of gallantry performed by you..." This request turned out, in effect, to be a "requirement" since the absence of such evidence meant no Medal of Honor would be issued.

The absence of precedent for applying this "evidence" requirement is no more apparent than when its imposition in 1896 is contrasted to what was done — or not done — in the cases of four groups of prior recommendations that led to the issuance of Medals of Honor (and previously covered in Chapter 1 of this book), and where none of the soldiers in these groups were required to submit additional "evidence":

- 1) the 33 soldiers recommended by Captain Rueben Bernard in October 1869 for action at the Battle of Chiricahua Pass.
- 2) the 33 soldiers recommended by General Crook in 1875 for service in several Indian War engagements.
- 3) the 30 soldiers recommended by General Miles in 1877 for their service in three Sioux War battles.
- 4) the 21 soldiers recommended by General Henry S. Lawton for actions in two battles in the Philippines in 1899.

Not only was no "evidence" request made of the individual soldiers from these four group recommendations, but a comparison of the descriptive language in those recommendations reveals that the descriptions of the cited actions for the soldiers in those four groups do not include detailed "specific" acts of gallantry for each recommended soldier. This is in sharp contrast to the recommendations on the first Parke list which contains significantly more detail as to each soldier and the nature of his conduct. See the excerpted recommendations for the 15 soldiers on the preceding pages and compare them to the citations for the soldiers in the four groups referenced in Chapter 1 of this book.

Let us look more closely at each of the 15 soldiers from the first Parke list who were living in 1896 but who received no Medals of Honor.

THE CASES OF ORRIN JEWELL, DECATUR FULLER, HERBERT HALE, AND MATTHEW CONNELL

On the foregoing screenshot list of 15 soldiers, the cases of the first four are particularly interesting because all four names are found together in some of the official files at the National Archives. These are the records of Sgt. Orrin Jewell, Pvt. Decatur Fuller, Pvt. Herbert Hale, and

Sgt. Matthew Connell. In each case, on July 3, 1896, the records indicate that each soldier was sent, as was the case with John Kinsey, an “Identity Verification Letter” from the War Department.²²

Only three weeks later, on July 24, 1896, an “Evidence of Gallantry Letter” was sent to each of the four soldiers, again as was the case with John Kinsey. As described above, that letter indicated that upon “reconsideration” the War Department felt more was needed beyond the Parke list description of their conduct and requested from each of the four soldiers additional “evidence or account” regarding the cited act of “gallantry.”²³

ORRIN JEWELL DENIED IN THE “AFTERNOON OF HIS LIFE”

Orrin Jewell received the July 3, 1896 “Identity Verification Letter” from the War Department and responded as follows.

Acting Secretary of War

Having received a letter from the War Department stating that General John G. Parke ...recommended that Sergeant Orrin Jewell...be granted a Medal of Honor...[there] being no other soldier in the said company by that name...So I will take the honor of the actions before Petersburg on the 30th day of July 1864.... I have never received any recognition from the Government for the above-named service.

If I am to receive a Medal of Honor after so many years it will be thankfully Received but it comes in the afternoon of my life.

Yours respectfully,

Orrin Jewell

(Emphasis added by this author.)

There is no copy of an “Evidence of Gallantry Letter” in Jewell’s file, but that circumstance appears to be simply a situation where the document is missing from his file. From the War Department date stamp on the letter quoted above from Jewell, it was received from him on November 25, 1896.²⁴ Given this sequence and other notes in the file, it is likely that Jewell received an “Evidence of Gallantry Letter” dated July 24, 1896, but he sent nothing further other than the above-quoted response in the letter that was date stamped November 26, 1896. In the absence of further “evidence” submitted by Jewell, there is no indication of further War Department consideration of a Medal of Honor for Jewell.

However, well prior to its 1896 correspondence with Jewell, the War Department already had in its possession a document that satisfied the requested “evidence” and that document verified Jewell’s cited conduct. This evidence took the form of a written contemporaneous account of Jewell’s gallantry. Jewell’s file contains a letter dated January 16, 1865, from Lt. Colonel P. Avery, Commanding Officer of the 60th Ohio Volunteers Infantry, explaining Jewell’s gallantry

both on June 17/18, 1864, in route to Petersburg and on July 30, 1864, at the crater incident at Petersburg. These are the “specific” events and dates cited for Jewell in Parke’s original recommendation.²⁵

Orrin Jewell died on December 15, 1904. His pension records document a disability due to wounds from actions in August 1864. He is buried in Maple Grove Cemetery, Thompson, Ohio.

DECATUR FULLER AND HIS LOST DOCUMENTS

Decatur Fuller also received both an “Identity Verification Letter” and “Evidence of Gallantry Letter” from the War Department in July 1896. However, by 1904 he had not received his Medal of Honor and made an inquiry to the War Department. In this effort, Fuller enlisted the intercession of Congressman James Tawney, Chairman of the Committee on Industrial Arts, U.S. House of Representatives.²⁶

As a result of Fuller’s inquiry, a formal case review was conducted by the Military Secretary’s Office in the War Department which resulted in a report dated May 27, 1904. It concluded that while Fuller had been notified of his approval to receive the Medal of Honor, he had also been sent a July 24, 1896, request to provide further evidence of his actions. Contrary to Fuller’s assertion in his inquiry that affidavits had been provided by him in response to the July 24, 1896, request, the War Department stated it could find no such supporting material in its records. Absent such, the report concluded that Fuller should be advised that no Medal of Honor would be issued. The letter advising Fuller of the War Department decision was sent to him on June 8, 1904. It indicated that the War Department was treating Fuller’s 1904 inquiry as a new “application” as opposed to an inquiry based on the recommendation in the Parke list of February 21, 1865. The June 8, 1904, letter from the War Department reads in pertinent part:

*Referring to your application for the award of a Medal of Honor for distinguished gallantry in action before Petersburg, Va., June 18. 1864, I am directed by the Secretary of War to inform you that, although it is clear that your conduct in that engagement was gallant and commendable, the evidence is not deemed sufficient, under the present regulations governing the award of medals of honor and the practice of the Department, to justify the award of a medal in your case, and **the application is, therefore, not favorably considered.***²⁷
(Emphasis added by this author.)

Congressman Tawney was outraged and underscored the patent unfairness of this characterization that Fuller was making an “application” for a Medal of Honor in his follow-up letter to the War Department of July 1, 1904.

*From your letter I take it that you have treated Mr. Fuller's letter as an **application** for the award under some general statutes.... this medal was awarded by the commanding general for distinguished gallantry of action before Petersburg, Va, but for some reason or another never issued. **I do not think it exactly fair to this old soldier to require him to conform to regulations now in force in order to obtain the medal of honor which was awarded to him some years ago, nor do I deem it fair to him that he should be required to prove, in view of the action of General Parke, to furnish further evidence that his conduct at the time was such...The best evidence of that fact is the notion of the commanding general.... In fact, no higher evidence could be obtained than the officer in whose presence or to whom the conduct of this soldier was undoubtedly reported in person. If General Parke considered this soldier worthy of receiving this distinction, I am at a loss to see the justice of now requiring the soldier, after forty years have elapsed, to furnish proof that his services were of a character as to entitle him to receive the medal his commanding officer at that time...certified him to be entitled to. Mr. Fuller is not applying for the medal, he is simply trying to obtain the medal which has heretofore been awarded but not delivered.***²⁸ (Emphasis added by this author.)

Congressman Tawney's points were extraordinarily on point not just in Fuller's case, but just as easily could be made in the cases of several other soldiers discussed below.

Significantly, as part of the events in 1904 where Fuller disputed the War Department's claim that it had never received his earlier submissions, Fuller had submitted an affidavit dated May 14, 1904. Not only did it specifically verify his identity, but it provided specific details as to his conduct on the dates cited in his recommendation on the original Parke list. Fuller therefore satisfied, belatedly but through no fault of his own, the requirements of both the "Identity Verification Letter" and the "Evidence of Gallantry Letter" sent from the War Department in July 1896. In fact, Fuller's affidavit provided at least as much detail, if not far more, than John Kinsey provided in his response to the same "Evidence of Gallantry Letter." As it turned out, Kinsey's response in 1897 (not in affidavit form like Fuller's) was deemed sufficient for the Medal of Honor to be issued to him. However, the more detailed 1904 affidavit of Fuller failed to accomplish the same result and no Medal was issued. One likely explanation for this failure is that by 1904 the more stringent requirements promulgated by Secretary Alger — requiring "incontestable proof" from military records or eyewitnesses — were now in place for "applications" involving actions prior to 1890. Construing Fuller's case as an "application" was certainly incorrect, but Fuller's affidavit was not good enough in the view of the War Department in 1904.

Less than two years later, with no Medal of Honor, Decatur Fuller died on July 10, 1906. He is buried in Byron Cemetery, Byron, Minnesota.

HERBERT HALE AND HIS COMMANDING OFFICER'S CONFIRMATION

The records pertaining to Herbert Hale and his Medal of Honor recommendation are unfortunately incomplete. There is a February 9, 1887, AGO document reciting the recommendation of General Parke.²⁹ There is no copy in Hale's file of a "Identity Verification Letter" to him, nor is there a copy of the July 24, 1896, "Evidence of Gallantry Letter" seeking more evidence of his actions at Spotsylvania on May 12, 1864. There is however a note in the files indicating that such letters, identical to those sent to Orrin Jewell on July 3 and 24, 1896, were in fact sent to Hale. No documents in his file represent responses to such letters. Likely, all of these letters might simply be missing.

Importantly though, even assuming such letters were sent to Hale without responses, there remains the same issue of unfairness in applying the *ex post facto* requirement of additional evidence. More importantly, there was already in Hale's file, in 1896, a contemporaneous description of Hale's cited conduct at Spotsylvania in 1865 during his operation of a piece of artillery. On January 7, 1865, Captain A.B. Mitchell wrote a letter which stated as follows:

In compliance with Special Order no. 346, Headquarters Army of the Potomac of Dec. 22, 1864, I have the honor to recommend Private Herbert E. Hale of my battery, as worthy of a Medal of Honor, on the following grounds.

*For good behavior at all times in battle and **particularly for conspicuous gallantry** at the battle of Spotsylvania, Va. May 12, 1864, No.1 [Mitchell is referring to another soldier as "No.1"] being shot dead while in the act of sponging the piece, Private Hale No.2, perfectly cool and collected, stepped forward as promptly as changing posts, in the drill of the piece, and continued sponging and ramming, his comrade, the while lying dead at his feet. The Battery at the time was under severe fire of musketry and Artillery.³⁰*
(Emphasis added by this author.)

To paraphrase Congressman Tawney in the case of Decatur Fuller, what better evidence of Hale's gallantry could exist than the 1865 recorded observations of his commanding officer?

MATTHEW CONNELL AND HIS IGNORED AFFIDAVIT

Like the other soldiers in this group of four, the file of Matthew Connell is compelling. His recommendation on the first Parke list cites his protection of the "colors" and his field promotion. Not only did Connell respond to the "Identity Verification Letter" but he also submitted a letter dated July 28, 1896, with explicit detail as to the actions cited in General Parke's recommendation.³¹ This detail exceeded that submitted by recipient John Kinsey.

In Connell's letter, just as he was described in Parke's recommendation three decades prior, he stated that he was field promoted by his commanding officer, General George Green, following the Battle at Antietam. He further offered that, if General Green (or other referenced officers) are "still living," they can further confirm Connell's actions. Indeed, the War Department wrote to General Green on August 3, 1896, and received a response that he could provide no recollection of the events. Green did offer to provide further assistance to Connell but there was no further

information provided.³² The absence of a recollection by General Green should not have influenced the War Department since the event for which Connell was cited occurred in the historic battle at Antietam with over 22,000 casualties, including Connell who was wounded. Green commanded a division at Antietam which would have meant thousands of soldiers were under his command. Furthermore, Green was 95 years old when he received the 1896 War Department inquiry about Connell's cited action which occurred three decades prior. Green would die three years later in 1899. Nonetheless, the War Department had as much detail (if not more) from Connell as they had received from Medal recipient John Kinsey — yet no Medal would be issued to Connell.

Apart from his July 28, 1896, letter detailing the account of his actions, Connell had also previously provided confirmation of his cited conduct as evidenced by his pension files. On July 27, 1891, Connell executed an affidavit detailing his actions and wounds and referred to the very same incident at Antietam on June 17, 1864, that was the basis for his Medal of Honor recommendation on the first Parke list. Further support was available in his file in the form of a "Casualty Sheet" dated November 1, 1878, which records his wounds at Antietam on June 17, 1864.³³

THREE MORE LIVING SOLDIERS GROUPED TOGETHER

Like the four soldiers listed above whose records were found grouped together at the National Archives, some of the War Department records for three other still-living soldiers from the first Parke list were similarly grouped. These three soldiers, none of whom would receive a Medal of Honor, were Sgt. Henry Tisdale, Sgt. John O'Donnell, and Cpl. Theodore Shirk. Interestingly, their accounts are also grouped with three other soldiers who were also on the first Parke list and who did receive Medals of Honor. They were the afore-mentioned Cpl. John Kinsey, Pvt. Joseph Taylor, and Sgt. Major Marcus Haskell. All six names appeared on the same note in War Department records and indicated that each soldier was to be sent an "Evidence of Gallantry Letter" requesting each to provide "some evidence or account of the act of personal gallantry performed by you, referred to by General Parke."³⁴ The three soldiers on that list who received Medals of Honor satisfied this request according to the War Department, but the files of Tisdale, O'Donnell and Shirk reveal a different conclusion for each of them.

HENRY TISDALE

The Medal of Honor recommendation for Henry Tisdale, as it appears on both the first Parke list and on the February 9, 1887, AGO record, is virtually identical to the recommendation on those same documents for Marcus Haskell who, as noted above, did receive the Medal of Honor. Both served in the 35th Massachusetts Volunteers, and both were cited for actions at the same locations such as South Mountain, Spotsylvania, and North Anna. The 1887 AGO record describes Tisdale's action as follows:

*Was present at the battles of S. Mountain (where he was wounded), Jackson, Mississippi, E. Tennessee, Spotsylvania and North Anna. He was conspicuously brave in the picket fight at Knoxville and was captured while endeavoring to check the advance of the enemy at North Anna.*³⁵

Despite the recitation of numerous actions for Tisdale, the War Department wanted more information to confirm his identity as well as evidence of Tisdale's specific acts. Tisdale wrote to the War Department twice. His June 25, 1896, letter confirmed his identity and referred to the "history of the 35th Massachusetts Volunteers at page 405." His second response letter dated August 17, 1896, focused on the statement in the War Department's "Evidence of Gallantry Letter" that included a statement that General Parke's original recommendation had included no mention of a "specific act of gallantry." Therefore, the request for more evidence was being made of him.

Tisdale responded, oddly and perhaps somewhat selflessly, that he was not aware of "any specific act which would be in my judgment worthy of a medal of honor."³⁶ In the view of the War Department, Tisdale therefore failed to meet its evidentiary requirement, one not otherwise imposed on scores of other Medal of Honor recipients whose citations lack reference to a "specific act." In hindsight, it seems likely that all Tisdale had to do was confirm one specific event to the War Department, like his picket charge at Knoxville when he was captured (and then held at Andersonville), and a Medal of Honor would have been issued. Tisdale's selfless candor was his likely undoing.

Interestingly, while Marcus Haskell's file indicates that he, like Tisdale, was also requested by means of a War Department "Evidence of Gallantry Letter" to provide additional evidence of a specific act of gallantry, Haskell's file contains no response to that request.³⁷ This is perhaps the case of a missing document, but a Medal of Honor was issued to Haskell.

As noted above, both Tisdale and Haskell served in the 35th Mass. Volunteers but in different companies. Pvt. Frank Whitman, also of the 35th Mass. Volunteers, served in yet another company, and he was also recommended by Parke for actions at Spotsylvania that were very similar to those cited for Tisdale and Haskell in their recommendations. Whitman, like Haskell, also received the Medal of Honor.

Tisdale died in 1922 and is buried in Highland Cemetery, Norwood, Massachusetts.

JOHN O'DONNELL

O'Donnell's official file has limited information. It does contain the February 9, 1887, AGO document reciting the same recommendation on the first Parke list from 1865. One of the typed Parke lists has "OK" noted next to his entry along with his address at "Soldier's Home, Chelsea, Mass." A similar notation as to the "Chelsea Soldier's Home" address appears as a note on the other typed Parke list. This address had been previously confirmed to the Pension Office in a letter from O'Donnell to the Commissioner of Pensions on May 14, 1895.

O'Donnell verified his identity in response to an "Identity Verification Letter" as the same person who was listed on Parke's 1865 list of Medal of Honor recommendations. Because of O'Donnell's medical condition, the Surgeon at the Soldiers' Home in Chelsea also verified O'Donnell's identity to the War Department. There is no record of any War Department

“Evidence of Gallantry Letter” that would have requested O’Donnell to provide additional evidence of a specific act of gallantry. However, there was a “Casualty Sheet” from 1864 in his file confirming his wounds from Spotsylvania, as well as hospital records regarding those same wounds.³⁸ Why that Casualty Sheet, as an official military record, was not sufficient evidence is unclear.

O’Donnell died on August 31, 1922, and is buried in Forest Dale Cemetery, Malden, Massachusetts.

(Author’s Note: As discussed in Part 5 of this Chapter which deals with the “second” Parke list, John O’Donnell also appeared on that list. His cited action on the first Parke list is very general in nature, while his recommendation on the second Parke list was more specific since it cited a date and a battle location, which is not the case for the first Parke list. Nonetheless, as discussed later, his inclusion on both lists still failed to result in a Medal of Honor.)

THEODORE SHIRK (misspelled as SPINK in one record)

While the February 9, 1887, AGO document in Shirk’s file repeats the same misspelling of Shirk’s last name as “Spink” (as it appears on the original Parke list), the records otherwise make clear that his actual last name was Shirk. In fact, a notation on one of the typed Parke lists has “Spink” crossed through and the name “Shirk” inserted. The other typed list noted his address as “Clearfield, Pa.”

Parke’s recommendation for Shirk was specific in that it used the words “gallant” and “meritorious” to describe his involvement in the battles at Spotsylvania on May 18, 1864, and Cold Harbor on June 3, 1864. The files reveal that Shirk received an “Identity Identification Letter” from the War Department and responded to it on June 25, 1896, confirming his identity and providing his discharge papers as proof. Following a subsequent inquiry on Shirk’s behalf by Congressman Willaim C. Arnold, the War Department advised the Congressman that while Shirk had responded to the “Identify Identification Letter” sent to him, he had not as of February 24, 1897, responded to the “Evidence of Gallantry Letter” sent to him on July 24, 1896. The files reveal no further submission by Shirk and no Medal of Honor was issued to him.³⁹

Shirk’s case again exemplifies the War Department’s confirmed resistance to accept as *prima facie* evidence a recommendation from Parke and approval by Meade, which referenced specific dates for cited actions and an accompanying characterization of that action as being “gallant.” No more should have been necessary.

Shirk died in 1914 and is buried at Oak Hill Cemetery, Curwensville, Pa.

THE REST OF THE FIFTEEN SOLDIERS

JAMES G. CORNELL

Like others discussed above, Sgt. James Cornell has an official AGO document in his file dated February 9, 1887, which contains the same recommendation language as appeared in the 1865 first Parke list. His citation on the first Parke list, like many others, was quite detailed. It identified his actions at five distinct locations including Spotsylvania, Petersburg, Cold Harbor, the Wilderness, and North Anna. The citation also explicitly referenced his actions at Petersburg where he “exploded two of the enemy’s Caissons...which caused the enemy to withdraw.” There is no record in the file that Cornell was sent either an “Identification Verification Letter” or an “Evidence of Gallantry Letter.” Parke’s recommendation, as approved by Meade, certainly contained enough “specifics” to warrant a Medal of Honor for Cornell without a further demand for “evidence” — but no Medal was ever issued. There is no further indication in his file of efforts by the War Department to contact Cornell about Parke’s Medal of Honor recommendation.⁴⁰

The absence of follow-up by the War Department may be due to notation on one of the Parke typed lists that stated, “No address in P.O. [Pension Office].” Yet, the notation “OK” appeared on the other typed list. However, James Cornell died in 1916 and his pension card so noted the date of death along with the name of his widow. That pension card is evidence that the War Department could have found Cornell before he died. He is buried in Greenwood Cemetery, Uniondale, New York.

MICHAEL CORCORAN

As early as March 4, 1868, Musician Michael Corcoran made an inquiry to the Secretary of the War regarding the status of the Medal of Honor for which he was recommended by General Parke in 1865. He refers to a “Special Order” that listed him as a recommended soldier for the Medal of Honor. It is likely that this “Special Order” was a reference to the first Parke list of February 21, 1865. Corcoran’s file shows no response to his 1868 inquiry. However, 28 years later he was sent an “Identity Verification Letter” dated June 23, 1896. Between his 1868 inquiry and the June 23, 1896 letter sent to him, there was an AGO document created on February 7, 1887, and it contained the same recommendation language as that found on the Parke list.

With respect to the June 23, 1896 “Identity Verification Letter,” Corcoran’s file contains a returned envelope and a statement that the letter was not delivered. The address on the letter from the War Department was 125 A Hull Street, Brooklyn, N.Y. The same address appeared as a handwritten notation on one of the typed Parke lists. Interestingly, in his initial March 4, 1868, letter of inquiry, Corcoran had offered to provide copies of discharge papers to verify his identity.

After the return of the letter sent to the Hull Street address, the War Department later received a correct address for Corcoran, first in an exchange of letters with Congressman W. M. Calder who made an inquiry regarding Corcoran’s pension. In that correspondence dated January 30,

1908, the address for Corcoran was identified as 200 Clermont, Brooklyn, N.Y. Subsequently, in a letter dated June 3, 1915, regarding his pension, Corcoran personally wrote to the War Department using the same 200 Clermont, Brooklyn, N.Y. address.⁴¹

Despite having a correct address for Corcoran as of at least 1908, no further attempts were made by the War Department to communicate with him regarding his recommended Medal of Honor. Remember that there was one soldier from Parke's list, James Welsh, who did not receive his Medal of Honor until 1905 after an inquiry on his behalf. This shows that the War Department did not necessarily close its books on all recommended soldiers when its review was essentially finished in 1897. But for Corcoran, there was no War Department follow-up.

Corcoran died on November 29, 1918, and is buried in Greenwood Cemetery in Brooklyn, New York. His death occurred nine months after the Army finally rescinded its ill-conceived "Killed/No Medal" policy.

MATTIS HEINNAN

The records regarding Pvt. Mattis Heinnan are devoid of much detail. His file does contain the typical February 9, 1887, AGO document reciting the same recommendation from the 1865 Parke list. The annotations on the two typed Parke lists are indicative of efforts that were made by the War Department researchers to verify reports of gallantry by consulting unit histories. In Heinnan's case, one typed list states, "History of 48th Pa has an account of the affair of 17 June but no mention of A.H." and "No address in Pension Office." The other typed list states "Not on file." ⁴²

With the entries revealing no address and no confirmation of the conduct cited on Parke's list, it appears no further action was taken by the War Department to locate and contact Heinnan regarding his Medal of Honor recommendation.

However, it is worth noting that, of all the descriptions of the actions of the various soldiers who were recommended by Parke, the description of Heinnan's action is one of the most "specific" and should not have warranted an "Evidence of Gallantry Letter" seeking additional information. His citation reads:

Has shown great bravery: on the morning of June 17, 1864, in front of Petersburg, Va., having had a hand to hand encounter with a rebel, who was behind his own breastworks, seeing several rebels coming to assist his antagonist, he parried a bayonet thrust, jumped upon the works, caught the rebel by the collar, and brought him into our lines.

No records of Heinnan's death have been located.

JAMES HANLAN

As is the case with the others, in the file of Pvt. James Hanlan (Hanlon), there is an AGO document dated February 2, 1887, that repeats the 1865 recommendation for his Medal of Honor in the same words as those that appeared on the Parke list some 22 years prior. Hanlan was sent a “Identity Verification Letter” dated June 23, 1896, and it was addressed to him at the N.H. Soldier’s home, Tilton, N.H. His file contains the returned envelope addressed to him and it is marked “Residence Unknown.”

By 1904, however, the War Department certainly knew where Hanlan was living since it sent him a letter on November 26, 1904, about his pension. This was part of an exchange of correspondence with Hanlan regarding his wife’s claim for a half-pension while Hanlan was still living due to their separation. There is no evidence that the War Department used Hanlan’s 1904 address to communicate with him regarding his Medal of Honor recommendation.

Even if Hanlan had been sent an “Evidence of Gallantry Letter” seeking more information about his cited actions on July 30, 1864 at Petersburg as recorded in the first Parke list, the War Department already had such confirming evidence in the form of a letter dated January 4, 1865 from the commanding officer of his company reciting the exact detail of Hanlan’s conduct as recorded on the Parke list from 1865 and the AGO document from 1887.⁴³

Hanlan’s Medal of Honor recommendation on the first Parke list was exceptionally detailed as to his specific actions on July 30, 1864, at Petersburg, and those actions were described as “gallant.” There was no lack of specificity, and the use of the word “gallantry” was what the War Department was otherwise focused upon.

It is believed that James Hanlon died in 1906. His grave location is unknown.

JOHN JAMES

The February 9, 1887, AGO Medal of Honor recommendation document for Sgt. John James repeated the conduct as recited in the first Parke list. One of the two typed Parke lists had a note stating, “Not on file” while the other list stated, “Can find no note of him in the 9th NH....” However, the Revised Register of Soldiers and Sailors of New Hampshire (1895) clearly lists John James with all of his enlistment and discharge information.

The file for James is incomplete but it does appear that he was sent an “Identity Verification Letter.” His attorney responded on his behalf indicating that James was “at sea” but verified that James was the same soldier for whom the War Department was looking. There is no further record of any War Department effort to contact James. His file does indicate that he was a prisoner of war, and a Casualty Sheet stated that he was wounded on June 17, 1864. Like some other recommendations on Parke’s list, the description of his action was quite specific and used the word “gallantry.” It states:

*His gallantry was conspicuous on every occasion. On the night of May 22, 1864, on the skirmish line, by a sudden and well directed shot he saved Lieut. John C. Sampson of this regiment, from death and capture. Taken prisoner Sept. 30, 1864.*⁴⁴

With this degree of specificity, what else did the War Department require?

GEORGE LOGAN/ GEORGE LOUGE

While there is an AGO document dated February 9, 1887, which recited the same Medal of Honor recommendation language for Pvt. George Logan as it appeared on the first Parke list, the records of the Sixth Regiment New Hampshire Volunteer Infantry indicate that this soldier, after being wounded in 1864 both at Petersburg and Poplar Springs Church, deserted on February 15, 1865, while on furlough.

A notation on one of the typed Parke lists stated, “should read Louge per reports” and ‘no address on file.’ This seemingly clarifies the last name discrepancy.⁴⁵

There is no record in his file indicating that he received either an “Identity Verification Letter” or “Evidence of Gallantry Letter” from the War Department. Likely, by the time these letters were sent out in 1896, the War Department had verified his deserter status, thereby halting any interest or need for Medal of Honor communications with Louge.

ELISHA PALMER

The file for Pvt. Elisha Palmer contains the February 9, 1887, AGO document reciting the same description of his conduct at Spotsylvania as recorded in the first Parke list. An “Identity Verification Letter” was sent to him on June 23, 1896, but was returned with the envelope marked “returned” and “Not Called For.” The address used by the War Department for the returned letter was 7 Bowen Street, Providence, R.I., which is the same address noted on one of the typed Parke lists. Following the return of this letter, there is no other documentation in Palmer’s file indicating any War Department attempts to contact him relating to his Medal of Honor recommendation. However, the 7 Bowen Street address was incorrect as of 1896 and the War Department records reflect that fact. Palmer’s pension file contained several documents, starting on October 2, 1895, and running to at least October 21, 1905, that show his address as 7 Dixon Street, Westerly, R.I. which is the community where he resided until his death on July 17, 1909. He is buried at First Hopkinton Cemetery, Hopkinton, Rhode Island.⁴⁶

The Medal of Honor recommendation for Palmer on the Parke list used the terms “gallant and meritorious service” to describe his action at Petersburg on May 18, 1864. Nonetheless, these descriptive words were insufficient for the War Department — as had been the case with other soldiers — and Palmer never received a Medal of Honor.

WINTON WILLIAMS

Sgt. Winton Williams' name appeared incorrectly as "Winter" on one of the typed Parke lists, but it was corrected on the other. It is correctly recorded on the February 9, 1887, AGO document that recites the same Medal of Honor recommendation on the first Parke list.

Both typed Parke lists have notations that he was residing in the "National Mil. Home., Montgomery, Co., Ohio." But there is no record of Williams being sent either an "Identity Verification Letter" or an "Evidence of Gallantry Letter" from the War Department.

Remarkably, with respect to any need to obtain "specific" additional evidence about Williams' action, such was clearly unnecessary in his case since his official file contained a letter from Regimental Commander George Dunn dated December 29, 1864 to Major General A.B. Wilcox and another letter from Dunn dated January 8, 1865 to the Adjutant General — both of these letters provided exceptional detail as to Williams' actions and wounds at Petersburg on June 17, 1864.⁴⁷ The Parke recommendation cites Williams' actions on the same date at Petersburg. No Medal of Honor was ever issued to him despite this compelling "evidence."

Williams died on February 11, 1907, and is buried at Dayton National Cemetery, Dayton, Ohio.

Observations about the first Parke list

Why the 15 soldiers on the Parke recommendation list (perhaps with the exception of the deserter Louge) failed to receive Medals of Honor seems to be a combination of factors — but certainly none of these soldiers bore any responsibility for the thirty-year delay in the War Department's final processing in 1897 of the misplaced first Parke list. All 15 soldiers were still living at that point, but they were unnecessarily and improperly subjected to the retroactive policy requiring "more evidence" despite the original vetted recommendations by General Parke and the approval of General Meade. Furthermore, several of these soldiers were denied Medals of Honor because the War Department failed to review and consider records and letters that were already in their official files, and which contained "evidence" of their cited actions.

Certainly the 1890s presented a challenging time for the War Department as it was inundated with "new" Medal of Honor applications. However, the misplaced first Parke list from February 21, 1865, did not constitute a "new" application. Once discovered in 1887, it should have taken priority and been evaluated under the standards in effect in 1865. That did not happen, and a number of living soldiers were simply "left behind."

While the history of first Parke list represents clear injustices to the 21 "dead" soldiers on that list, as well as to the other living soldiers who were "left behind," it turns out that these injustices may have paled in comparison to a "second" Parke list of Medal of Honor recommendations that was also not finally processed until 1897. That list was originally prepared and dated May 29,

1865, with 105 soldiers recommended for the Medal of Honor. The primary difference between the first Parke list and the second list is the time period of the actions that were cited. Those soldiers recommended for Medals of Honor on the first Parke list were cited for actions that predated February 21, 1865, while the second Parke list recommended soldiers for actions between March 25 and April 2, 1865. Both would end up being reviewed and finally processed by the War Department during the same time frame of 1896-1897 but, as described below, under very differing approaches.

The existence of the “second” Parke list was discovered during this author’s research concerning the first Parke list; it is the subject of Part 5 of this Chapter and follows hereafter.

PART 5

THE SECOND PARKE LIST DATED MAY 29, 1865

As described in Part 4 of this Chapter, as a result of the War Department's processing of the first Parke's list dated February 21, 1865, there were some Medal of Honor awards. In hindsight, the limited number of awards still proved unacceptable and unjust for those 35 soldiers who were either deceased or not able to meet the more rigorous "evidentiary" requirements imposed *ex post facto*. There is simply no excuse for the failures that caused so many soldiers from the first Parke list to be dropped from consideration.

As ineffective as the War Department's execution was in processing the first Parke list, its handling of the second Parke list was even more abysmal. General Parke's second Medal of Honor recommendation list was dated May 29, 1865, and contained the names of 105 soldiers.⁴⁸ Most of the cited soldiers engaged in actions at Fort Stedman and the intense fighting at Petersburg.

The actual number that should be used for analyzing this list is 100 soldiers, since there were five soldiers from the first Parke list whose names reappeared on the second Parke list even though their recommendations were considered (and acted upon) as part of the War Department review of the first Parke list. Those on both lists were John Kinsey, Sidney Haight, and Charles Thatcher (all three of whom received Medals of Honor as part of the review of the first Parke list), and two who did not receive Medals of Honor, John O'Donnell, and Antoinne Scott. The case studies for these five soldiers appear previously in Parts 3 and 4 of this Chapter. As noted earlier, the failure to award a Medal to Antoinne Scott particularly underscores the great tragedy of deserving recommended soldiers who died between 1865 and 1897.

Of the remaining 100 soldiers on the second Parke list, 94 soldiers on that list never received Medals of Honor. The reasons are discussed later in this Part. But even as to the six recipient soldiers on the second Parke list, arguably only one, Sgt. Major Charles Pinkham, received his Medal issued as a direct result of the War Department review of the misplaced second Parke list. His award occurred in 1895 and generally coincides in time with the primary activities of the War Department review that was completed in 1897. As for the other five, they were all approved in years quite removed from the War Department review of the second Parke list. Two were approved much earlier: they were Sgt. Charles Oliver in 1865 and Pvt. Joseph Chambers in 1871. Like some of the soldiers from the first Parke list who actually received their Medals in or near the Civil War period, Oliver and Chambers had somehow also been on track for consideration outside the Parke list recommendations.

The remaining three recipient soldiers who were awarded Medals of Honor in much later years were Pvt. John Boutwell in 1908 or 1910 (records are not clear as to the exact year), Pvt. Carlton Camp in 1910, and Sgt. Charles Ilgenfritz in 1917. These awards were not the result of the War Department review of the Parke list; rather they stemmed from subsequent inquiries.

While the foregoing “accounting” regarding the duplication with the first Parke list and the timing of the awards for the Medal recipients on the second Parke list may appear a bit confusing, the primary takeaway from this accounting of the second Parke list is that, at most, only one soldier on that list, Charles Pinkham, received a Medal of Honor that resulted from the belated War Department review.. The question is “Why?”

A typed version of the second Parke list, as it first appeared at pp. 1031-1039 of “The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, Government Printing Office (1894)” is included on the following pages. It is interesting---and not explained by the records---how this list appeared in the 1894 printing of the “Official Records” even though the War Department review of the second Parke list occurred primarily in 1896-1897.

The right-hand column of the following “Official Records” excerpt has been annotated by this author with the years of the awards for those who did receive Medals of Honor as described above.

HDQRS. DISTRICT OF ALEXANDRIA, NINTH ARMY CORPS,
Alexandria, Va., [May 29,] 1865.

Col. GEORGE D. RUGGLES,

Assistant Adjutant-General, Army of the Potomac:

COLONEL: In accordance with instructions from headquarters Army of the Potomac, I have the honor to submit the following list of enlisted men in the Ninth Corps who have pre-eminently distinguished themselves during the recent campaign, with recommendation that they be awarded medals of honor for their gallantry:

FIRST DIVISION.

1. Sergt. Elbridge H. Benham, Company I, Thirty-eighth Wisconsin Volunteers, for conspicuous gallantry during the attack on Fort Mahone April 2, 1865. Wounded in the left shoulder while mounting the parapet of the fort, but refused to go to the rear, and remained on duty the whole day.

2. Sergt. Amos Hammon, Company D, Thirty-eighth Wisconsin Volunteers, was among the first to enter the fort, where his coolness and daring were conspicuous, assisting in turning and firing the first gun on the enemy.

3. Sergt. William E. Gibbons, Company K, Thirty-eighth Wisconsin Volunteers, for conspicuous gallantry in the assault April 2, 1865. In the darkness he became separated from his company, when he gathered a few men around him and charged down the lines to the right of the fort, capturing some twenty prisoners.

4. Sergt. Abram A. Devore, Company C, Thirty-eighth Wisconsin Volunteers, was among the first to enter Fort Mahone, taking several prisoners.

5. Corpl. Robert A. Lawrence, Company F, Thirty-eighth Wisconsin Volunteers, was one of the first to pass the chevaux-de-frise and mount the enemy's works April 2, 1865, loading and firing his gun several times after being severely wounded.

6. Corpl. Louis W. Hardwick, Company G, Thirty-eighth Wisconsin Volunteers, for conspicuous gallantry before Petersburg, Va., April 2, 1865, when he was severely wounded in a hand-to-hand conflict.

7. Private John A. Ford, Company H, Thirty-eighth Wisconsin Volunteers, was particularly conspicuous for gallantry in the assault before Petersburg, Va., April 2, 1865, being among the foremost in removing the chevaux-de-frise in front of Fort Mahone. He fell severely wounded inside the fort.

8. Private Thomas Criswell, Company E, Thirty-eighth Wisconsin Volunteers, gallantly ran in advance of his company, and by an extraordinary effort succeeded in removing a portion of the chevaux-de-frise. He was among the first to mount the fort, where he was severely wounded, losing his right hand.

9. Private John Kramer, Company B, Thirty-eighth Wisconsin Volunteers, was among the first to enter Fort Mahone April 2, 1865, and during the day exhibited great courage and fortitude.

10. Color-Sergt. R. Campbell, First Michigan Sharpshooters, for conspicuous gallantry in the assault before Petersburg, Va., April 2, 1865, planting the colors of his regiment on the works.

11. Sergt. William Wick, Company D, First Michigan Sharpshooters, was the first to enter the enemy's works in the attack of April 2, 1865, before Petersburg, Va., and engaged in a hand-to-hand conflict with the enemy.

12. Corpl. Sidney Haight, Company E, First Michigan Sharpshooters, for conspicuous gallantry in the attack of April 2, 1865, before Petersburg, Va. 1896

13. Corpl. Charles M. Thatcher, Company E, First Michigan Sharpshooters, for conspicuous gallantry in the attack of April 2, 1865, before Petersburg, Va. 1896

14. Private A. Scott, Company K, First Michigan Sharpshooters, for repeated gallantry in the field, particularly in the attack before Petersburg, Va., April 2, 1865.

15. Sergt. Maj. Charles H. Pinkham, Fifty-seventh Massachusetts Volunteers, for gallantry in the assault on Fort Stedman, March 25, 1865, capturing the colors of the Fifty-seventh North Carolina Infantry. 1895

16. First Sergt. John O'Donnell, Company A, Fifty-seventh Massachusetts Volunteers, for gallantry during the action of Fort Stedman March 25, 1865, and heroic conduct during all engagements in which the regiment has participated.

17. First Sergt. George Adams, Company G, Fifty-seventh Massachusetts Volunteers, for gallantry during the action at Fort Stedman March 25, 1865, receiving in this action the fifteenth wound and refusing to leave his company until after the battle was over.

18. First Sergt. Charles F. Sherman, Company B, Fifty-ninth Massachusetts Volunteers, for conspicuous gallantry in the assault before Petersburg April 2, 1865.

19. Sergt. Charles P. Battelle, Company A, Fifty-ninth Massachusetts Volunteers, for conspicuous gallantry in the assault before Petersburg, Va., April 2, 1865.

20. Corpl. John Fred, Company B, Fifty-ninth Massachusetts Volunteers, for conspicuous gallantry in the assault before Petersburg, Va., April 2, 1865.

21. Corpl. Edward Mitchell, Company D, Third Maryland Battalion Veteran Volunteers, for gallant conduct in the assault on Fort Stedman March 25, 1865, taking some twenty prisoners.

22. Corpl. William H. Erdman, Company D, Third Maryland Battalion Veteran Volunteers, for conspicuous gallantry at Fort Stedman March 25, 1865, being among the first to re-enter the fort and taking fifteen prisoners.

23. Private Patrick McCran, Company C, Third Maryland Battalion Veteran Volunteers, for recapturing the colors of the Twenty-seventh Georgia Infantry, and bravely assisted in releasing many of our men who had been taken prisoners.

24. Color-Sergt. Robert Kiley, Company L, Fourteenth New York Heavy Artillery, for conspicuous gallantry during the engagement at Fort Stedman March 25, 1865.

25. Sergt. James Hyatt, Company H, Fourteenth New York Heavy Artillery, for conspicuous gallantry during the engagement at Fort Stedman March 25, 1865.

26. Private James K. Brady, Company H, Fourteenth New York Heavy Artillery, for capturing the colors of the Twenty-sixth South Carolina Infantry.

27. Private John Wilder Boutwell, Company B, Eighteenth New Hampshire Volunteers, for conspicuous gallantry April 2, 1865, before Petersburg, Va., bringing off from the picket-line, under a heavy fire, a comrade who had been shot through both legs. either 1908 or 1910

28. Private Carlton N. Camp, Company B, Eighteenth New Hampshire Volunteers, for conspicuous gallantry April 2, 1865, before Petersburg, Va., bringing off from the picket-line, under a heavy fire, a comrade who had been wounded through both legs. 1910

29. Sergt. Lawson S. Warner, Company B, Eighth Michigan Veteran Volunteers, for conspicuous gallantry during the campaign before Petersburg, especially on April 2, 1865, being one of the first to wheel into position, load, and fire one of the captured guns at Fort Mahone.

30. First Sergt. E. L. Doolittle, Company G, Thirty-seventh Wisconsin Volunteers, displayed conspicuous gallantry on the 2d of April in the attack and capture of Fort Mahone.

31. Sergt. Reuben D. Shaw, Company C, Thirty-seventh Wisconsin Volunteers, displayed conspicuous gallantry on the 2d of April in the attack and capture of Fort Mahone.

32. Sergt. Charles E. Franck, Company I, Thirty-seventh Wisconsin Volunteers, displayed conspicuous gallantry on the 2d of April in the attack and capture of Fort Mahone.

33. Private Payson Dunn, Company F, Thirty-seventh Wisconsin Volunteers, displayed conspicuous gallantry on the 2d of April in the attack and capture of Fort Mahone.

34. Private Joseph Mach-me-nom-o-nee, Company K, Thirty-seventh Wisconsin Volunteers, displayed conspicuous gallantry on the 2d of April in the attack and capture of Fort Mahone.

35. Sergt. John McGregor, Company E, Twenty-seventh Michigan Volunteers, for conspicuous gallantry throughout the campaign, especially in the assault before Petersburg, Va.

36. Sergt. Henry A. Kichly, Company B, Twenty-seventh Michigan Volunteers, for conspicuous gallantry throughout the campaign, especially in the assault before Petersburg, Va.

37. Corpl. Silas Cramer, Company G, Twenty-seventh Michigan Volunteers, for conspicuous gallantry throughout the campaign, especially in the assault before Petersburg, Va.

38. Corpl. George Lane, Second Company Sharpshooters, Twenty-seventh Michigan Volunteers, for conspicuous gallantry throughout the campaign, especially in the assault before Petersburg, Va.

39. Color-Sergt. Charles Oliver, Company M, One hundredth Pennsylvania Veteran Volunteers, captured the colors of the Thirty-first Georgia Infantry in the assault on Fort Stedman, and planted his regimental colors on the fort while it was still occupied by the enemy.

40. Private Joseph B. Chambers, Company F, One hundredth Pennsylvania Volunteers, captured the colors of the First Virginia Infantry in the assault on Fort Stedman March 25, 1865.

41. Corpl. M. D. Dewire, Company A, One hundredth Pennsylvania Veteran Volunteers, in the assault on Fort Stedman March 25, 1865, captured a rebel flag-staff and part of the flag and recaptured the national camp-color staff.

SECOND DIVISION.

42. Private James Lawley, Company B, Forty-eighth Pennsylvania Veteran Volunteers, who deserted from the enemy on the evening of January 1, 1865. On the morning of April 2, in the charge on Fort Mahone, when asked by Colonel Gowan, previous to the fall of that brave officer, what brought him there, he replied that he did not wish to be considered a coward. Although slightly wounded, and regardless of the fate that awaited him (should he fall into the enemy's hands), he remained on the field, and was one of the first to enter the captured fort.

43. Corpl. James Horan, Company C, Forty-eighth Pennsylvania Veteran Volunteers, who urged his comrades forward and to the can-

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non's mouth and entered the rebel fort. He has belonged to this regiment ever since its organization, has always been a good and faithful soldier, and has several scars on his person from wounds received in action during this rebellion.

44. Color-Sergt. John Taylor, Company A, Forty-eighth Pennsylvania Veteran Volunteers, who carried the colors of his regiment through Fort Mahone to the enemy's second line. The color staff was twice shot off while in his hands.

45. Private James Mullen, Company I, Forty-eighth Pennsylvania Veteran Volunteers, who, being among the first to enter Fort Mahone, turned the enemy's gun upon them, exerted himself in every way to use it to good advantage upon the flying foe.

46. Color-Sergt. Andrew J. Goodfellow, Company A, Forty-fifth Pennsylvania Veteran Volunteers, who by his personal valor distinguished himself in the assault on Fort Mahone.

47. Corpl. Henry Irvin, Company E, Forty-fifth Pennsylvania Veteran Volunteers, who by his personal valor distinguished himself in the assault on Fort Mahone.

48. Private Penrose Miller, Company E, Forty-fifth Pennsylvania Veteran Volunteers, who by his personal valor distinguished himself in the assault on Fort Mahone.

49. Color-Corpl. John Kinsey, Company B, Forty-fifth Pennsylvania Veteran Volunteers, who by his personal valor distinguished himself in the assault on Fort Mahone.

50. Color-Corpl. David W. Rees, Company G, Forty-fifth Pennsylvania Veteran Volunteers, who by his personal valor distinguished himself in the assault on Fort Mahone.

51. Private Edward Mills, Company I, Forty-fifth Pennsylvania Veteran Volunteers, who by his personal valor distinguished himself in the assault on Fort Mahone.

52. Private Frank Gravin, Company K, Thirty-sixth Massachusetts Volunteers, who distinguished himself in endeavoring to rally the troops on the right of the line on the afternoon of April 2, 1865, in the performance of which he was severely wounded.

53. Sergt. Peter M. W. Baldwin, Company E, Fifty-eighth Massachusetts Volunteers, who in charge on Fort Mahone April 2, 1865, displayed great gallantry and performed his duty nobly.

54. Sergt. Edward Starr, Company K, Fifty-eighth Massachusetts Volunteers, who in charge on Fort Mahone April 2, 1865, displayed great gallantry and performed his duty nobly.

55. Private John Anderson, Company H, Fifty-eighth Massachusetts Volunteers, who in charge on Fort Mahone April 2, 1865, displayed great gallantry and performed his duty nobly.

56. Private Aaron D. Hathaway, Company G, Fifty-eighth Massachusetts Volunteers, who in charge on Fort Mahone April 2, 1865, displayed great gallantry and performed his duty nobly.

57. Private John A. White, Company H, Fifty-eighth Massachusetts Volunteers, who in charge on Fort Mahone April 2, 1865, displayed great gallantry and performed his duty nobly.

58. Private Edward Doten, Company I, Fifty-eighth Massachusetts Volunteers, who in charge on Fort Mahone April 2, 1865, displayed great gallantry and performed his duty nobly.

59. Private Michael Noonan, Company E, Thirty-fifth Massachusetts Volunteers, who while carrying fixed ammunition from Fort Sedgwick on the morning of April 2, 1865, was wounded, yet refused to

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drop his load; having delivered it to the gunners in the captured lines, he returned to his company, and only left to have his wounds dressed when ordered by the commanding officer.

60. Private Victor Mahlstedt, Company E, Thirty-fifth Massachusetts Volunteers, who while carrying fixed ammunition from Fort Sedgwick on the morning of April 2 was wounded, yet refused to drop his load; having delivered it to the gunners in the captured lines, he returned to his company, and only left to have his wounds dressed when ordered by the commanding officer.

61. Sergt. Charles H. Stevens, Company D, Thirty-ninth New Jersey Volunteers, who was wounded while assisting in firing one of the captured guns in Fort Mahone.

62. Private Henry A. Russell, Company E, Thirty-ninth New Jersey Volunteers, who was wounded while attending to the wounded of his regiment.

63. Color-Sergt. James Jarvis, Company I, Thirty-ninth New Jersey Volunteers, who when asked by an officer attempting to rally the men to give him the colors replied that he stood by those colors, and was afterward wounded.

64. Color-Sergt. Henry E. Badger, Company E, Sixth New Hampshire Veteran Volunteers, for coolness and gallantry in first entering a rebel fort and planting the Stars and Stripes on one of its guns on the 2d of April, 1865, before Petersburg, Va., also for soldiery conduct throughout his service.

65. Sergt. James O. Smith, Company A, Sixth New Hampshire Veteran Volunteers, for gallantry during the charge on the rebel fortified line and forts before Petersburg, Va., April 2, 1865, also for bravery as color-bearer of regiment.

66. Color-Corpl. George W. Otterson, Company G, Sixth New Hampshire Veteran Volunteers, for gallant conduct during the charge on the enemy's works before Petersburg, Va., April 2, 1864, where he was wounded.

67. Sergt. Julius Voigt, Company K, Sixth New Hampshire Veteran Volunteers, for conspicuous gallantry during the charge on the enemy's lines before Petersburg, Va., April 2, 1865, where he was wounded.

68. First Sergt. George F. Goldthwait, Company C, Thirty-first Maine Volunteers, for bravery and gallant conduct in the engagement of April 2, 1865, before Petersburg, Va. Sergeant Goldthwait was the first to enter one of the rebel forts and was wounded while assisting in turning one of the enemy's guns upon them.

69. Sergt. Warren Boothby, Company I, Thirty-first Maine Volunteers, for brave and gallant conduct in the engagement of April 2, 1865, before Petersburg, Va. During the action he seized the colors and, amid a shower of shot and shell, planted them upon the rebel works and stood by them until the action was ended. Whenever the men wavered he would grasp the colors, wave them in the face of the enemy, and call on the men to stand by him. By his brave example and words of encouragement he contributed all possible for one in his position to do toward the success of the day.

70. Corpl. Leonard Trafton, Company A, Thirty-first Maine Volunteers, first and foremost in every battle in which he was engaged, and particularly in the engagement of April 2, 1865.

71. First Sergt. Oscar S. Jennings, Company I, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the

line advanced to the abatis, pressed on to the enemy's line, and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

72. First Sergt. Edwin Lamberson, Company A, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line, and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

73. Sergt. George W. Mills, Company A, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

74. Sergt. A. T. Courtright, Company A, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

75. Sergt. Francis E. Thorne, Company A, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

76. Corpl. S. H. McIntosh, Company D, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

77. Corpl. Asa C. Ottarson, Company A, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

78. Private Daniel J. Hunt, Company I, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

79. Private William S. Root, Company I, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

80. Private William T. Harris, Company A, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

81. Private G. P. Taylor, Company E, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

82. Private Robert R. Ferris, Company G, One hundred and seventy-ninth New York Volunteers, for his steady and unflinching bravery during the assault on the enemy's position April 2, 1865. As the line advanced to the abatis, pressed on to the enemy's line and entered the works and remained there during the day, exhibiting those qualities which entitle the soldier to the highest commendation.

THIRD DIVISION.

83. Private James Decker, Company D, Two hundred and fifth Pennsylvania Volunteers. On the morning of March 25, 1865, in the affair of Stedman, Private Decker captured a flag from the enemy, but during the confusion an officer wearing the badge of the First Division, Ninth Army Corps, whose name and rank could not be ascertained, snatched the flag away from him and ran to the rear with it. This statement is certified to by the commanding officers of Companies D, C, B, Two hundred and fifth Pennsylvania Volunteers.

84. Private Charles H. Keinert, Company F, Two hundred and ninth Pennsylvania Volunteers. This soldier captured a stand of rebel colors from the enemy March 25, 1865, but threw it away, saying that he would rather shoot a rebel than carry that thing. This is certified to by the commanding officer of the Two hundred and ninth Pennsylvania Volunteers.

85. Private John A. Sipe, Company I, Two hundred and fifth Pennsylvania Volunteers, captured a flag from the enemy in the charge on Fort Stedman, killing the rebel color-bearer upon his refusing to surrender. The flag, however, was taken from Private Sipe by a field officer belonging to the corps, whose name and rank could not be ascertained. This is certified to by several members of the soldier's company.

86. Corpl. Frederick D. Feight, Company H, Second Pennsylvania Cavalry, orderly at headquarters Third Division, Ninth Army Corps, for conspicuous bravery displayed in carrying dispatches under fire during the affair of Stedman March 25, 1865.

87. Private Levi A. Smith, Company E, Two hundredth Pennsylvania Volunteers, for conspicuous bravery in the affair of Stedman. After the color-sergeant had been shot down this soldier volunteered to carry the colors, which he did gallantly through the action.

88. Sergt. Elbridge Stiles, Company C, Two hundred and ninth Pennsylvania Volunteers, color-bearer, for conspicuous bravery and gallant conduct during the affair of Fort Stedman March 25, 1865.

89. Sergt. Edward J. Humphreys, Company C, Two hundred and ninth Pennsylvania Volunteers, color-bearer, for conspicuous bravery and gallant conduct during the affair of Fort Stedman March 25, 1865.

90. Private George Dull, Company F, Two hundred and fifth Pennsylvania Volunteers, for gallantry in the charge at the retaking of Fort Stedman March 25, 1865.

91. Sergeant Shontz, Company D, Two hundred and fifth Pennsylvania Volunteers, for his bravery at Fort Stedman March 25, and in front of Petersburg April 2, 1865, where he commanded his company and led his men bravely on in the assault.

92. Sergt. J. H. Stephens, Company C, Two hundred and fifth Pennsylvania Volunteers, for his bravery in the charges at Fort Stedman March 25 and April 2, 1865, in front of Petersburg.

93. Sergt. Henry Naber, Company C, Two hundred and fifth Pennsylvania Volunteers, color-bearer, for bravery and gallantry, carrying the regimental colors in the charge at the retaking of Fort Stedman March 25, 1865, and in the assault on the enemy's lines in front of Fort Sedgwick April 2, 1865, when he was wounded.

94. Sergt. Daniel A. Seward, Company C, Two hundred and seventh Pennsylvania Volunteers, for conspicuous gallantry in the repulse of the enemy at Fort Stedman March 25, 1865, and in the assault upon the enemy in front of Fort Sedgwick April 2, 1865.

95. Sergt. Charles H. Ilgenfritz, Company E, Two hundred and seventh Pennsylvania Volunteers, for conspicuous gallantry in the assault upon the enemy's lines in front of Fort Sedgwick April 2, 1865.

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96. Private Wilbur Brown, Company H, Two hundred and seventh Pennsylvania Volunteers, for conspicuous gallantry in Fort Stedman March 25, and in the assault in front of Fort Sedgwick April 2, 1865; was severely wounded at the latter place.

97. Corpl. John M. Engle, Company I, Fifty-first Pennsylvania Volunteers, for conspicuous gallantry on the picket-line in front of Petersburg March 29, 1865.

98. Private Thomas Troy, Company I, Fifty-first Pennsylvania Volunteers, for distinguished gallantry during the night of April 2, 1865, in ascertaining the movements of the enemy, bringing the first reliable information of the evacuation of Petersburg, Va.

99. Sergt. Maj. J. S. McQuaid, Two hundred and eleventh Pennsylvania Volunteers, for great bravery displayed in front of Petersburg April 2, 1865. This soldier, with the assistance of some of the men, turned and ran into position the captured guns and used them against the retreating rebels, under heavy fire.

100. First Sergt. James F. Johnston, Company D, Two hundred and eleventh Pennsylvania Volunteers, for gallantry in front of Petersburg April 2, 1865. After the commissioned officers of the company were killed or wounded, this soldier took command of his company and rallied the men, directing their fire, until he fell severely wounded.

101. Sergt. William R. Moore, Company D, Two hundred and eleventh Pennsylvania Volunteers, color-bearer, for gallantry before Petersburg April 2. This soldier was in the advance in the assault upon the works, carried the colors through the entire engagement, and was the second man to unfurl the Federal flag over the city of Petersburg.

ARTILLERY BRIGADE.

102. Sergt. David Cole, Battery C, First New York Artillery, for bravery and coolness in action, working the guns captured from the enemy and otherwise distinguishing himself for gallantry throughout the campaign.

103. Sergt. Gustavus A. Rice, Battery C, First New York Artillery, for bravery and coolness in action, working the guns captured from the enemy and otherwise distinguishing himself for gallantry throughout the campaign.

104. Corpl. Samnel T. Mallet, Battery C, First New York Artillery, for bravery and coolness in action, working the guns captured from the enemy and otherwise distinguishing himself throughout the campaign.

105. Private Hiram Webster, Battery C, First New York Artillery, for bravery and coolness in action, working the guns captured from the enemy and otherwise distinguishing himself for gallantry throughout the campaign.

I have the honor to be, colonel, very respectfully, your obedient servant,

JNO. G. PARKE,
Major-General, Commanding.

The War Department Review of the Second Parke List

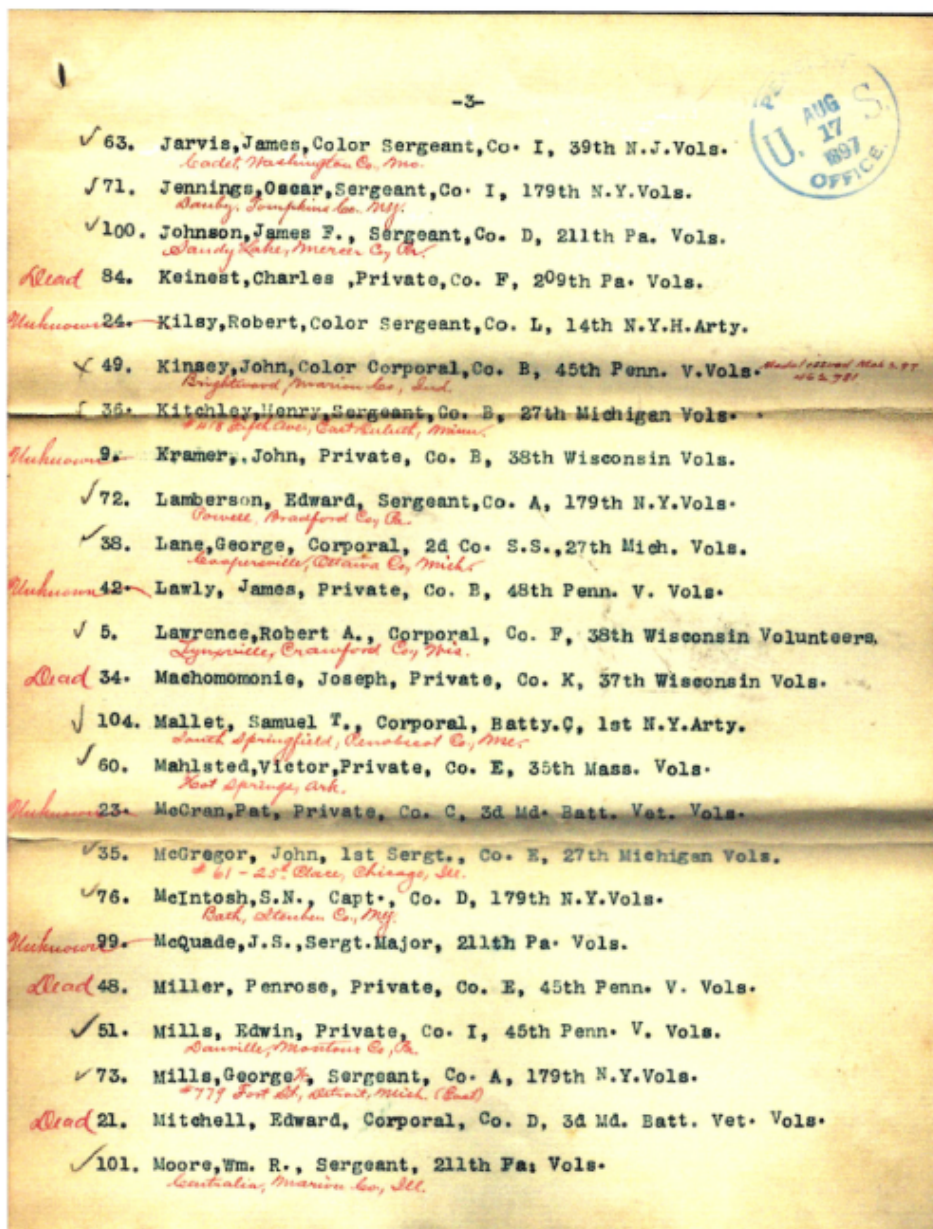
Perhaps overwhelmed by the number of recommended soldiers on the second Parke list, the War Department devised a somewhat different strategy from its review of the first Parke list. That approach proved to be ill-conceived, and it doomed virtually all of those on the list to unfair and incomplete considerations of their Medal of Honor recommendations by Parke.

Initially, the War Department repeated what it had done with its review of the first Parke list and sought to discover from pension records which soldiers on the second list were still alive and their addresses. Not surprisingly, given the “Killed/No Medal” policy, the request to the Pension Office stated that “The addresses of widows is not desired.”⁴⁹ This request to the Commissioner of Pensions on August 14, 1897, included a five-page list of all 105 soldiers (including the duplicated names of Kinsey, Haight, Thatcher, O’Donnell, and Scott). The response from the Pensions Office was dated August 21, 1897. It was comprised of a cover letter and the same list of 105 soldiers sent to it on August 14th with handwritten annotations as to the status of the soldiers, and their addresses were added where known. On that list, 18 soldiers were listed as “Dead” and another 19 were listed as “Unknown” — for a total of 37. The cover letter includes the following comments.

*Many of the addresses given are necessarily old and the soldiers may not be found at the places noted. In all places where the records show that a claim for pension has been filed by a widow, minor child or dependent relative of the soldier, he has been marked **dead**; where no claim has been filed, he has been marked **unknown**.*⁵⁰

(Emphasis added by this author.)

An example of one of the six pages from the list returned by the Pension Office follows below.



For the 37 soldiers with either a “Dead” or “Unknown” designation on the list returned by the Pension Office, that description of their status ended any further War Department consideration of their Medal of Honor recommendations. The “Killed/No Medal” policy was once again the operative factor — even for the “Unknown.” That was the first grave consequence of the flawed belated review of the second Parke list.

For any of the remaining soldiers who had not already been awarded the Medal of Honor, the War Department then altered the approach that it had taken in its review of the first Parke list. It decided that it would rely exclusively on a review of company and regiment records for each of the remaining soldiers to ascertain if a soldier’s specific recommended action, as cited in the

second Parke list, could be confirmed by any entry for that soldier in the appropriate company or regiment records.

If the cited specific action was found in those records, the War Department reviewers would then inspect the same records to determine if that specific cited action was characterized as “gallant.”

It should be noted that there are a few examples in the War Department’s review of the first Parke list where company or regiment records were consulted to confirm a soldier’s identity or to find an address. However, the review of the first Parke list did not involve the same exclusive dependence on company or regiment records to confirm cited actions as “gallant” as occurred in the review of the second Parke list. This exclusive dependence is evident from the War Department written report summary as part of the review of the second Parke list. That 21-page report is discussed in more detail below — with several excerpted pages that appear on following pages.

The approach adapted for the review of the second Parke list was based on the flawed assumption that these company or regiment records were constructed, or could be reliably depended upon, to single out the performances of individual soldiers and, most importantly, to specifically use the word “gallantry” to describe the actions of soldiers. However, there is no known War Department guidance that those responsible for constructing the vast array of company and regiment records throughout the Civil War were expected to detail all the specific actions of individual soldiers or to adopt the word “gallantry” as a descriptor of the battle actions of soldiers. Nor was there any directive in place that company or regiment records would be the only means of facilitating subsequent Medal of Honor reviews. Any such expectation was simply not justified. Nonetheless, that was the approach adopted by the War Department.

The title of the 21-page report covering the company and regiment records for 64 soldiers⁵¹ reads as follows:

STATEMENT OF THE MILITARY RECORDS OF SUCH OF THE ENLISTED MEN OF THE 9TH ARMY CORPS AS WERE RECOMMENDED BY MAJOR GENERAL JOHN G. PARKE FOR MEDALS OF HONOR FOR DISTINGUISHED GALLANTRY IN ACTION, MARCH 25 TO APRIL 2, 1865, **WHO ARE KNOWN TO BE SURVIVING** AND WHO HAVE NOT ALREADY BEEN AWARDED MEDALS OF HONOR
(Emphasis added by this author.)

As an example of this War Department written summaries for the 64 living soldiers, the following five excerpted pages are offered.

unteers, to serve three years; was promoted sergeant May 11, 1865; and was mustered out of service July 14, 1865. No mention of his gallantry in action at Fort Mahone April 2, 1865, has been found on the company or regimental records.

James Horan was enrolled August 29, 1861, and mustered into service, September 11, 1861, as a private in Company C, 48th Pennsylvania Infantry Volunteers, to serve "for the war;" was promoted corporal to date from January 1, 1865, and was mustered out of service July 17, 1865. No mention of him for gallantry in action has been found on the company or regimental records.

Edward J. Humphreys was enrolled and mustered into service, August 29, 1864, as a private in Company C, 209th Pennsylvania Infantry Volunteers, to serve one year; was promoted 1st sergeant September 15, 1864; and was mustered out of service May 31, 1865. No mention of his gallantry in action at Fort Stedman, March 25, 1865, has been found on the company or regimental records. His gallantry on that occasion is, however, mentioned by his division and regimental commanders. (See Rebellion Records, Volume 46, Part 1. pages 349 and 354.)

Daniel J. Hunt was enrolled and mustered into service, August 15, 1864, as a private in Company I, 179th New York Infantry Volunteers, to serve one year; and was mustered out of service, as a private, June 8, 1865. No mention of his gallantry in action April 2, 1865, has been found on the company or regimental records.

Charles A. Ilgenfritz was enrolled August 27, 1864, and mustered

into service, August 29, 1864, as a sergeant in Company E, 207th Pennsylvania Infantry Volunteers, to serve one year; was promoted 1st sergeant April 4, 1865, and was mustered out of service June 10, 1865. The following remarks, with reference to the attack on Petersburg, April 2, 1865, appear on the company records:

"Corpl. George I. Horning (color bearer) falling pierced by seven balls Sgt. Charles H. Ilgenfritz immediately sprang forward and grasped the colors planting them on the enemy's fort amid a murderous fire of grape and cannister and musketry from the enemy."

No further record of his gallantry in action on April 2, 1865, has been found on the company or regimental records. His gallantry on that occasion is, however, mentioned by his division commander. (See Rebellion Records, Volume 46, Part 1, page 1064.)

Henry Irwin was enrolled September 2, 1861, and mustered into service, September 12, 1861, as a private in Company E, 45th Pennsylvania Infantry Volunteers, to serve "for the war;" was promoted corporal November 25, 1864, and sergeant June 16, 1865, and was mustered out of service July 17, 1865. No mention of his gallantry in action at Fort Mahone has been found on the company or regimental records.

James Jarvis was enrolled September 27, 1864, and mustered into service, October 1, 1864, as sergeant in Company I, 39th New Jersey Infantry Volunteers, to serve one year; and was mustered out of service, as sergeant, June 17, 1865. No mention has been found of his gallantry in action on March 25 or April 2, 1865, on the company or regimental records, nor any record of his having been wounded.

Oscar S. Jennings was enrolled and mustered into service, August 18, 1864, as a private in Company I, 179th New York Infantry

Volunteers, to serve one year; was promoted sergeant, September 13, 1864, and 1st sergeant, March 24, 1865; and was mustered out of service with his company, June 8, 1865. No mention of his gallantry in action, April 2, 1865, has been found on the company or regimental records.

James F. Johnston (also borne as James F. Johnson) was enrolled and mustered into service, September 5, 1864, as a private in Company D, 211th Pennsylvania Infantry Volunteers, to serve one year; was promoted 1st sergeant September 17, 1864; was mustered in as 1st lieutenant, same company, to date May 20, 1865; and was mustered out of service as 1st lieutenant, with the company, June 2, 1865. He is considered by this Department, under the provisions of the act of Congress approved June 3, 1864, and the acts amendatory thereof, as commissioned to the grades of 2nd lieutenant and 1st lieutenant, 211th Pennsylvania Volunteers, to take effect from April 18, 1865, and May 16, 1865, respectively. He is reported wounded in action at Petersburg, Virginia, April 2, 1865. No mention of his gallantry on that occasion has been found on the company or regimental records. He is mentioned, however, in his division commander's report of that action. (See Rebellion Records, Volume 46, Part 1, page 1064.)

Henry A. Kichley was enrolled August 20, 1862, and mustered into service, October 10, 1862, as a private in Company B, 27th Michigan Infantry Volunteers, to serve three years; was promoted corporal March 11, 1864, and sergeant April 1, 1865; and was mustered out of service, with his company, July 26, 1865. No mention of his gallantry in action has been found on the company or regimental records.

Edwin Lamberson was enrolled and mustered into service, March 1, 1864, as a private in Company A, 179th New York Infantry Volunteers, to serve three years; was promoted corporal April 6, 1864, sergeant, July 1, 1864, and 1st sergeant, January 16, 1865; and was mustered out of service, with his company, June 8, 1865. No mention of his gallantry in action on April 2, 1865, has been found on the company or regimental records.

George Lane was enrolled and mustered into service, February 25, 1864, as a private in the 2nd Company of Sharpshooters, 27th Michigan Infantry Volunteers, to serve three years; was promoted corporal April 2, 1865; and was mustered out of service, with his company, July 26, 1865. No mention of his gallantry in action has been found on the company or regimental records.

Robert A. Lawrence was enrolled July 28, 1864, and mustered into service, August 22, 1864, as a private in Company F, 38th Wisconsin Infantry Volunteers, to serve one year; was promoted corporal August 27, 1864; was wounded in the left arm at Fort Mahone, April 2, 1865, and was discharged the service, June 24, 1865, on surgeon's certificate of disability, on account of gunshot wound. No mention of his gallantry in action April 2, 1865, has been found on the company or regimental records.

Samuel T. Mallett was enrolled August 4, 1862, and mustered into service, August 6, 1862, as a private in Company H, 2nd Maine Infantry Volunteers, to serve three years; was promoted corporal February 6, 1865, and is reported on the muster out roll of the company, dated

July 16, 1865, as discharged by general orders from the War Department, dated May 15, 1865, as of Company C, 20th Maine Infantry, to which transferred May 29, 1863. The muster roll of Company C, 20th Maine Infantry dated June 30, 1863, reports him "detached to Battery C, 1st New York Artillery," and his name is borne on the rolls of the latter organization until June 17, 1865, when he is reported "temporarily attached from 20th Ma. Inf., sent to {that} regiment for discharge." No mention of his gallantry in action has been found on company or regimental records. His gallantry in action on April 2, 1865, is, however, mentioned by his brigade and battery commanders. (See Rebellion Records, Volume 46, Part 1, pages 1074, 1075 and 1082.)

Victor Mahlstedt was enrolled and mustered into service, July 24, 1864, as a private in Company E, 35th Massachusetts Infantry Volunteers, to serve three years; was transferred to Company E, 29th Massachusetts Infantry, June 9, 1865, and mustered out of service, as a private, with the company last designated, July 29, 1865. He received a slight gunshot wound of the shoulder in action at Fort Sedgwick, April 2, 1865. No mention of his gallantry on that occasion has been found on the company or regimental records.

John McGregor was enrolled November 5, 1862, and mustered into service, February 25, 1863, as a corporal in Company E, 27th Michigan Infantry Volunteers, to serve three years; was reduced to the grade of private March or April, 1863; was promoted corporal November 1, 1864, sergeant, December 15, 1864, and 1st sergeant, January 6, 1865; and was mustered out of service July 26, 1865. No mention of his gallantry in action April 2, 1865, has been found on the company or regimental records.

Therefore, as evidenced by the excerpted foregoing pages, the company or regiment records were scrutinized to determine if there was any specific entry which confirmed that a soldier was

- a) in fact a participant in the battle cited in the Parke recommendation; and
- b) if the word “gallantry” was used to describe that soldier’s conduct in the cited battle.

With only a few exceptions, the company and regiment records examined by the War Department reviewers do not provide confirmation as to any of the specific actions cited in the recommendations on the second Parke list. Furthermore, in all of the 64 cases, the reviewers found that the company and regiment records did not mention “gallantry” to describe any of the actions of soldiers. Routinely, the reviewers would state: “No mention of gallantry has been found in company or regimental records.”

Significantly, this was the Characterization even in the cases of Sgt. Charles Ilgenfritz, Pvt. John Boutwell, and Pvt. Carleton Camp, all of whom would eventually receive Medals of Honor several years later but only after individual inquiries were made to the War Department as to why no Medals of Honor had been issued to them despite Parke’s recommendations. That these later three awards occurred when there were no company or regiment records confirming the “gallantry” of these soldiers is a fact that underscores the flawed approach and the erroneous assumptions in the War Department’s review of the second Parke list.

However, clearly the most remarkable comments in the reviewers’ 21-page report concerned 11 particular soldiers whose company and regiment records were reviewed but failed to disclose the use of the word “gallantry” to describe their cited actions. Despite the absence of the word “gallantry” in the respective company or regiment records for each of the 11 soldiers, the War Department reviewers otherwise found, in each case, that a brigade or regiment commander had separately used the word “gallantry” to describe the cited action. In those 11 cases, the reviewers expressed their findings typically as follows:

*His **gallantry in action** on [the date of the cited action] is mentioned, however, by his brigade or regiment commanders.* (Emphasis added by this author.)

In some cases, like that of First Sgt. George Adams, that finding was followed by a citation to a record or document. In Adam’s case, the citation read:

See Rebellion Records, Volume 46, Part 1, pages 335 and 340.

For reasons that make no sense, the War Department reviewers — in their search for proof of “gallantry” — did not distinguish between the “company and regiment” records on the one hand and, on the other hand, the recorded comments of brigade or regiment commanders. It was as if these reported comments from brigade and regiment commanders did not possess the “officialness” of “company or regiment” records and therefore were not credited. For Sgt. George Adams and each of the other ten soldiers where there was a brigade or regimental commander noted confirmation of “gallantry” for their cited action, these confirmations incredulously failed to lead to Medals of Honor. The other ten soldiers were:

Pvt. Wilbur Brown
1st Sgt. John O'Donnell
Sgt. Edward Humphreys
Sgt. Charles Ilgenfritz
Sgt. John Stephens

Cpl. M.D. Dewire
Cpl. William Erdman
Cpl. George Otterson
1st Sgt. James Johnston
Cpl. Samuel Mallett

There were also several cases where the War Department reviewers found no attribution of “gallantry” to a soldier’s cited action in the company or regiment records, but the reviewers did find that a commander had noted the “gallantry” of a specific soldier for another action — or just used that word generally as an attribute to describe a soldier. The soldiers where this type of characterization occurred included Pvt. George Dull and Cpl. Silas Cramer.⁵² These characterizations had no consequence.

The case of 1st Sgt. John O'Donnell is particularly peculiar, and unfortunate. As is noted in Part 4 of this Chapter, O'Donnell received consideration for a Medal of Honor as part of the War Department review of both the first Parke list as well as the second Parke list. Using different flawed approaches in both reviews, the War Department never found sufficient justification to award O'Donnell a Medal of Honor.

Finally, a careful reading of the cited actions in the second Parke list reveals (see the list of 105 soldiers from the “Official Records” earlier in this Part), that there were numerous examples where not only was the word “gallantry” was used in the description of an individual soldier’s action, but it was also often accompanied by the word “conspicuous”. While these descriptive words from the second Parke list in 1865 would seemingly satisfy the expectations of Assistant Secretary of War Doe in 1894 when he stated that “medals were intended for conspicuous acts of bravery,” their use throughout the second Parke list proved useless to the recommended soldiers.

Observations about the second Parke list

In the case of both Parke lists, the initial recommendations by General Parke along with the approvals of General Meade should have clearly sufficed as the primary reliable evidence of acts of gallantry. Notwithstanding that assertion, the soldiers on the second Parke list, in contrast to the soldiers on the first Parke list, were not afforded the opportunity to verify their identities and provide “evidence” of their gallantry in response to War Department letter requests. Instead, those on the second Parke list were summarily cast aside from further Medal of Honor consideration when company or regiment records did not contain the required detail to confirm the cited acts as ones involving “gallantry.”

This summary dismissal from further consideration ignored Parke’s introductory paragraph to his second list of May 29, 1865, which reads,

In accordance with instructions from Headquarters Army of the Potomac, I have the honor to

*submit the following list of enlisted men of the Corps, who have pre-eminently distinguished themselves during the recent campaign with recommendation that they be awarded medals of honor for their **gallantry**.*⁵³

(Emphasis added by this author)

That reference to “gallantry” is virtually identical to Parke’s language introducing the soldiers he recommended on his first list of February 21, 1865, which reads in part,

*...I have the honor to submit the following list of enlisted men in this command, who in my judgment are entitled to Medals of Honor, for conspicuous **gallantry**.*⁵⁴

(Emphasis added by this author.)

Those lists, with their characterizations of “gallantry” and recitation of specific cited actions, were clear and explicit Medal of Honor recommendations approved by General Meade. They were in no way of the same character as the individual unconfirmed *de novo* applications that typically confronted the War Department in the 1890s. By treating the approved recommendations of Meade as if they were *de novo* applications requiring additional confirmation —and in seeking such confirmation by relying solely on company and regiment records — the War Department adopted a shortcut that was predictably unreliable.

The examination of company and regiment records should not have been the “end-all” for those still-living recommended soldiers on the second Parke list. Those soldiers were owed far more consideration in light of the War Department’s unwarranted and negligent delayed review — just as those on the second Parke list who were dead, or presumed dead, should have never been dismissed from Medal of Honor consideration because of the “Killed/No Medal” policy which would only survive another 20 years before its well-deserved revocation.

To let the numbers underscore the injustices that occurred, while about 40% of the soldiers on the first Parke list would be awarded Medals of Honor as a result of the belated War Department review, only 1% of the soldiers from the second Parke list would pass the Medal of Honor tests imposed in their cases.

PART 6

GENERAL ADELBART AMES' CIVIL WAR RECOMMENDATION LIST LOST 50 FOR YEARS

Like the name of General John G. Parke, General Adelbert Ames may not be one readily recognized by many. However, like General Parke, General Ames was an intriguing and important figure, both during and after the war. The following brief biographical sketch from the History Notes of the Latin Library perhaps summarizes best the character, accomplishments, and notoriety of Medal of Honor recipient Adelbert Ames.

Adelbert Ames (1835-1933)

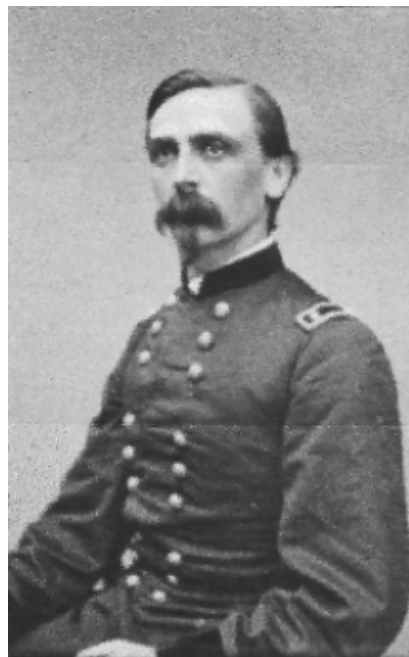
Adelbert Ames (October 31, 1835 - April 12, 1933) was a Union general in the American Civil War, a Mississippi politician, and a general in the Spanish-American War.

Early life and Civil War

Ames was born in Rockland, Maine. He worked briefly as a merchant seaman and then graduated from the U.S. Military Academy in 1861, just days after Fort Sumter. He ranked fifth in his class of 45 and was commissioned a second lieutenant in the 2nd U.S. Artillery. His promotion to first lieutenant came just six days later. In the First Battle of Bull Run that July he was gravely wounded in the right thigh but refused to leave his guns. He received a brevet promotion to major and, in 1893, belatedly received the Medal of Honor for his heroism at Bull Run. The citation read that he: "remained upon the field in command of a section of Griffin's Battery, directing its fire after being severely wounded and refusing to leave the field until too weak to sit upon the caisson where he had been placed by men of his command".

Returning to duty the following spring, Ames fought in the Peninsula Campaign and saw action at Yorktown, Gaines' Mill, and Malvern Hill. He was commended for his conduct at Malvern Hill by Colonel Henry J. Hunt, chief of the artillery of the Army of the Potomac, and he received a brevet promotion to lieutenant colonel.

Although Ames was proving to be an excellent artillery officer, he realized that significant promotions would be available only in the infantry. He returned to Maine and politicked to receive a commission as a regimental commander of infantry and was assigned to command the 20th Maine Volunteer Infantry Regiment on August 20, 1862. The 20th Maine fought in the Maryland Campaign, but saw little action at the Battle of Antietam while in a reserve capacity. At the Battle of Fredericksburg, Ames led his regiment in one of the last charges of the day against Marye's Heights. During the Chancellorsville Campaign in May of 1863, Ames volunteered as an aide-de-camp to Major General George G. Meade, commander of the V Corps. Probably as a result of this staff duty and his proximity to the influential Meade, Ames was promoted to brigadier general of volunteers on May 20, 1863, two weeks following the Battle of Chancellorsville. He assumed brigade command in the XI Corps of the Army of the Potomac, relinquishing his command of the 20th Maine to Joshua L. Chamberlain, who would soon lead the regiment to fame in the Battle of Gettysburg.



Ames's own experience at Gettysburg was not as fame-producing. During the massive assault by Confederate General Richard S. Ewell on July 1, 1863, Ames's division commander, Francis C. Barlow, moved his division well in front of other elements of the XI Corps to a slight rise that is now known as Barlow's Knoll. This salient position was quickly overrun, and Barlow was wounded and captured. Ames took command of the division and led it in a retreat back through the streets of Gettysburg to a position on Cemetery Hill. On July 2, the second day of battle, Ames's division bore the brunt of the assault on East Cemetery Hill by Jubal A. Early, but was able to hold the critical position.

After the battle, Ames reverted to brigade command with a brevet promotion to colonel of the Regular Army. His division was transferred to the Department of the South and served in various actions in South Carolina and Florida. In 1864 his division, now part of the X Corps of the Army of the James, served under Maj. Gen. Benjamin Butler in the Bermuda Hundred Campaign and the Siege of Petersburg. That winter, the division was reassigned to the XXIV Corps and sent to North Carolina. He received a brevet promotion to major general of volunteers (and brigadier general in the regular army) for the Battle of Fort Fisher.

Mississippi politics

In 1868, Ames was appointed by Congress to be provisional Governor of Mississippi. His command soon extended to the Fourth Military District, which consisted of Mississippi and Arkansas. Civil unrest was prevalent in the state, one of the last to comply with Reconstruction, but a general election was held during his tenure in 1869 and the legislature convened at the beginning of the following year.

The legislature elected Ames to the U.S. Senate after the readmission of Mississippi to the Union; he served from February 24, 1870, to January 10, 1874, as a Republican. In Washington, Ames met and married Blanche Butler, daughter of his former commander, and now U.S. Congressman, Benjamin Butler, on July 20, 1870. They had six children.

In the Senate, Ames was chairman of the Committee on Enrolled Bills. Upon being elected governor of Mississippi, he resigned his seat to assume his duties. He experienced a great deal of resentment from Democratic Party supporters even before taking office in 1874; a riot broke out in Vicksburg in December of 1873 that started a series of reprisals against many Republican supporters. So great was the unrest in the following January, the newly sworn-in Governor Ames appealed to the federal government for assistance. That November, Democrats gained firm control of both houses of the legislature. Ames requested the intervention of the U.S. Congress since he believed that the election was full of voter intimidation and fraud. The state legislature, convening in 1876, drew up articles of impeachment against him and all statewide officials. He resigned a few months after the legislature agreed to drop the articles against him.

Later life

After leaving office, Ames first headed to New York City, then later settled in Lowell, Massachusetts, as an executive in a flour mill, along with other business interests. In 1898, he was appointed brigadier general of volunteers in the Spanish-American War and fought in Cuba. Several years afterward, he retired from business pursuits in Lowell. He was the posthumous author of his memoirs, *Adelbert Ames*, published in 1964, and co-author of *Chronicles from the Nineteenth Century*, also posthumously, in 1957.

Ames died in 1933 at the age of 97 in his winter home located in Ormand, Florida. He was the last surviving general who served in the American Civil War. He is buried with members of the Butler family in Hildreth Cemetery in Lowell.

The world's largest cargo vessel of the 19th century, the schooner *Governor Ames*, was named after him.

Union Action at Fort Fisher in January 1865

The battle at Fort Fisher was significant for a variety of reasons. First, at that late point in the Civil War, Fort Fisher at Wilmington, North Carolina was the last major port still open in the Confederacy. It also represented the largest defense earthwork fortification in the Confederacy. The initial Union decision to attack in late December 1864 was poorly executed and troops and naval forces, under the overall command of Major General Benjamin Butler, were forced to withdraw and regroup. Some 10,000 soldiers and 58 ships had been assembled for the attack. After President Lincoln inquired of General Grant as to who was responsible for the failed attack in late December, Grant replaced Butler with General Alfred Terry who, along with Rear Admiral Daniel D. Porter, directed the second, and successful, attack on January 15, 1865. This ground assault on the fort was particularly enabled by volunteer soldiers under the command of Brigadier General Adelbert Ames.

In a September 3, 1903, Chicago Inter Ocean newspaper obituary concerning one of the volunteers, Pvt. Zacariah Neahr, this account was offered:

Neahr...enlisted in the One Hundred and Forty-Second New York Volunteers in 1864, but in his short term of service it was his fate to be engaged in one of the most daring and perilous undertakings of the war. On the 15th of January, 1865, when the Union troops were formed for assault on Fort Fisher, Gen. Terry called for volunteers to go forward in advance of the assaulting column and cut down the palisades or stockade timbers of the fort. The plan to blow these timbers up with gunpowder had been considered, but the fire of the navy had damaged them to such an extent that Gen. Terry believed his axmen could do the work better than gunpowder. Therefore, he called for volunteers.... They ran forward with axes under furious fire from the enemy...until they cut an opening through which one of the charging columns rushed, and the result being the capture of Fort Fisher.

On January 16, 1865, General Ames submitted his battle report⁵⁵ regarding the storming of Fort Fisher by Union troops on the prior day. It is a remarkably detailed report in terms of identifying numerous significant participants by name, including Bvt. Brigadier General N.M. Curtis, who commanded the First Brigade, and Colonel G. Pennypacker, who commanded the Second Brigade. Two dozen other officers were particularly cited in General Ames' report. One of them, First Lieutenant John Wainwright, along with Curtis and Pennypacker, would eventually receive the Medal of Honor for their actions that day. Those three officers' awards were part of the wave of Medals awarded to Civil War soldiers based on applications made in the 1890s.

Ames' report also made several promotion recommendations for various cited officers, but he reserved his primary specific acknowledgements for 16 enlisted soldiers who were volunteer "axemen" in the advance guard to the initial ground attack. This acknowledgement is particularly meaningful since the Fort Fisher assault involved almost 8000 soldiers with several hundred casualties. For Ames to cite those 16 enlisted soldiers by name in his report — which was prepared only the day after the battle — signified his extraordinarily high regard for their actions.

An excerpt from Ames' report regarding the 16 soldiers reads:

*Privates Alric Chapin, James Spring, Company G, One hundred and forty-second, and D.C. Hotchkiss, Company A, O.R. Kingsland, Company D, One hundred and twelfth New York Volunteers, volunteered to approach to a point considerably in advance of our skirmish line, which they did do, and by this step valuable information with reference to the ditch was gained. Privates James Cadman (wounded), William Cabe, Company B; George Hoyt, S.R. Porteous, Company C; D.H. Morgan, Edward Petrie, Company E; E.H. Cooper, Company G (wounded); Silas Baker, Company H (missing); George Merrell, William McDuff, Company I; Z.C. Neahr; Bruce Anderson, Company K, One hundred and forty-second New York Volunteers, volunteered to advance with the head of the column and cut down the Palisade. Copies of the reports brigade commanders will be forwarded. In them will be found lists of officers and men who particularly distinguished themselves. It is recommended that medals be bestowed upon all enlisted men mentioned.*⁵⁶
(Emphasis added by this author.)

This excerpt indicates that Ames contemplated having the brigade commanders submit lists of “particularly distinguished” enlisted soldiers as the means to enable the Medal of Honor recommendation and review process. It seems certain that he expected at least the 16 soldiers from his own report to be on the respective brigade commander lists.

Two of the 16 soldiers in Ames’ reports were from the 112th N.Y. Volunteers. These were Pvt. D.C. Hotchkiss and Pvt. O.R. Kingsland. Hotchkiss survived the battle of Fort Fisher, but Kingsland died shortly thereafter. The remaining 14 soldiers were part of the 142nd N.Y. Volunteers.

The search in the National Archives for the brigade commander lists that Ames ordered---not just those for the 112th N.Y. Volunteers and 142nd N.Y. Volunteers---proved difficult. This was in part because, for 50 years, the War Department failed to process Ames’ January 16, 1865, recommendations, and never processed the brigade commander lists of “particularly distinguished” enlisted soldiers. Only in 1914 did an official review occur of the Ames’ list, after one of the recommended soldiers in Ames’ January 16, 1865, report, Pvt. Bruce Anderson, made his own personal inquiry to the War Department on October 19, 1914. He understood that Medals of Honor were to be awarded to volunteers who served at Fort Fisher, and he wondered where his Medal was.

A relatively prompt War Department review ensued following Anderson’s inquiry, and the Ames’ report was found along with reports from General Terry. Only seven days after his inquiry, Bruce Anderson was approved for a Medal of Honor on October 26, 1914, and notified by letter.⁵⁷ The Adjutant General’s report cited a report by Colonel R. Daggett, 117th N.Y. Volunteers, containing “a list of volunteer axmen who went up with an assaulting column and cut down portions of the stockade during the heaviest fire.” Anderson was on that list. In researching Anderson’s inquiry, the War Department further noted that Zacharias Neahr was the only other soldier on Daggett’s list who had previously received a Medal of Honor. Curiously, the War Department observed that none of the other soldiers listed in Ames’ report, except for Zacariah Neahr and Anderson, had made “application” for a Medal of Honor.⁵⁸

In the case of Neahr, he had inquired (not made an “application”) in early 1890 about his Medal of Honor based on Ames’ 1865 report. After intercession on his behalf by Congressman John Sanford, Neahr received his Medal of Honor on September 11, 1890. In Neahr’s file, there is no mention of being on Daggett’s list, only the inclusion of Neahr’s name in Ames’ January 16, 1865 report.⁵⁹ Neahr’s 1890 inquiry, unlike Anderson’s inquiry in 1914 as explained below, did not result in a broader inquiry regarding what had happened to the 1865 Fort Fisher Medal of Honor recommendations. This failure in 1890 was the first misstep in the War Department’s handling of the Ames report.

The apparent War Department comment that only Neahr and Anderson had made an “application” for their Medals of Honor signifies the Department’s expectation that an “application” was required even after a soldier had already been “recommended” for a Medal of Honor. This expectation seems clearly inconsistent with past practices; there was no regulation or rule that a soldier, once recommended for a Medal of Honor by a senior officer, then had to initiate his own “application.”

The timing of Neahr’s 1890 inquiry (or “application” as the War Department might have viewed it) was fortuitous for him; Neahr died in 1903 and was no longer among the living soldiers from Ames’ list in 1914 when the War Department would eventually undertake a more comprehensive review in the wake of Anderson’s 1914 inquiry. No longer alive in 1914, Neahr would have otherwise been denied a Medal of Honor by the War Department just as it denied Medals of Honor in 1914 for several of the other 16 soldiers in Ames’ report who were then deceased or unaccounted for. Once again, there were more victims of the “Killed/No Medal” policy.

Neahr’s case is important for another reason as will become apparent when discussing the denial of a Medal of Honor to Dewitt Hotchkiss who was one of the 16 soldiers on Ames’ list. Neahr’s inquiry to the War Department recited the fact that he (Neahr) was specifically mentioned in General Ames’ report. In his July 30, 1890, inquiry, Neahr stated:

In Gen’l Ames’ report to Gen’l Terry giving some details of the section of the division in the taking of Fort Fisher he gives a list of names of those who volunteered to cut the palisades and I was one of those men. Gen’l Ames recommended that each man have a medal.⁶⁰

Upon review of his inquiry, the War Department approved his Medal of Honor simply noting:

I have the honor to inform you that a medal of honor has been awarded by the War Department to Zacariah C. Neahr...for having volunteered to cut down the palisading at Fort Fisher, N.C. ...⁶¹

The significance of these quoted excerpts is that, in awarding the Medal of Honor to Neahr, complete reliance was made by the War Department on the January 16, 1865, report and recommendation by General Ames. There was no reliance on any brigade commander list.

As noted above, while the Neahr inquiry in 1890 did not trigger a comprehensive review regarding the other soldiers recommended by Ames, the inquiry by Bruce Anderson in 1914 did

so. That review, following Anderson's inquiry, sought to establish what had happened to all of the other enlisted advance guard soldiers specifically cited and recommended in Ames' report. The War Department first consulted pension records in November 1914 in an attempt to determine whether those other soldiers were still alive. They identified only three soldiers who were still living: Alric Chapin, George Merrill, and Dewitt Hotchkiss. Of the remaining soldiers specified in Ames' report, the records⁶² determined that:

- James Spring died of battle wounds in January 1865.
- James Cadman (Carmer) died of battle wounds in January 1865.
- Oscar Kingsland died of disease shortly after the battle in April 1865.
- Samuel Porteous died in 1880.
- David Morgan died in 1887.
- Silas Baker was missing in action.
- William J. McDuffie (McDuff) died in 1913.
- William Cole (Cabe) died in 1904.
- Edward Petrie had filed no pension claims by 1914, so his status was unknown when the War Department conducted its review of the recommended soldiers. (Note: subsequent investigation by this author indicates that Petrie died in 1907)
- George Hoyt was not located. (His status is still unknown---records do not reveal a death date)
- E.H. Cooper was not located. (No information was discovered as part of the 1914 War Department review but this author confirmed Cooper's death in 1865.)

Alric Chapin, George Merrill, and Dewitt Clinton Hotchkiss

The Commissioner of Pension's letter to the Adjutant General of November 17, 1914, concluded that that Alric Chapin, George Merrill, and Dewitt C. Hotchkiss were "alive and on pension rolls."⁶³ Addresses for all three were provided. However, in an Adjutant General document dated just four days later on November 21, 1914, only Chapin and Merrill were identified as "still living" — there was no mention of Hotchkiss in that document (although it is clear that he survived until August 22, 1933.)

In assessing the Medal of Honor recommendations of Chapin and Merrill, who would be awarded Medals of Honor by means of letters from the Adjutant General on January 19, 1915 and December 28, 1914, respectively, the Adjutant General justified the issuance of those two Medals of Honor by citing the case of Medal of Honor recipient Pvt. E. E. Lyon in 1906. Like Anderson, Lyon had made an inquiry about his Medal of Honor after he learned of his recommendation. Lyon's Medal of Honor was awarded after the delay of several years and where Pvt. Lyon was part of a list of 20 soldiers recommended in 1899 by General Henry S. Lawton for their participation in two battles during the Philippine Insurrection. (See discussion of Lyon and his companion soldiers in Chapter 1 of this book, Part 2.) As part of the 1914 review triggered by Anderson's application, the Adjutant General analogized Anderson's award, and the ensuing justification for the awards to Chapin and Merrill, to the precedent set by Lyon's inquiry which in 1906 triggered a similar War Department review investigation which

*... ascertained that other soldiers distinguished themselves in like manner and on the same occasion in which Lyon performed the act for which the Medal was awarded to him. The Secretary of War directed that Medals be awarded to all the soldiers then living who were mentioned in the same order in which the recommendation for the award of the Medal of Honor was made, and since that time that action governed the Department in similar cases.*⁶⁴

(Emphasis added by this author.)

Accordingly, just as the “other” living soldiers recommended along with Pvt. Lyon were awarded Medals of Honor in 1906, the Adjutant General concluded in 1914 in the Anderson case that “following the practice of the Department, the Congressional Medal of Honor be awarded to the surviving persons named” in the 1865 recommendation by General Ames. This meant that Medals of Honor were issued, as noted above, for Chapin and Merrill who were both still living. However, no Medal was awarded to Hotchkiss who was also still living.

Over a year after the awards to Chapin and Merrill, Hotchkiss sought the aid of U.S. Congressman Charles Hamilton who wrote the Adjutant General on May 23, 1916, inquiring about Hotchkiss’ Medal of Honor as recommended by General Ames for his action at Fort Fisher. After conducting a review of records, the Adjutant General wrote Congressman Hamilton on October 20, 1916 — now over 50 years after Ames’ original recommendation. The Adjutant General advised that Hotchkiss was in fact one of several soldiers mentioned in General Ames’ report of January 16, 1865

*who volunteered to approach to a point considerably in advance of the skirmish line and thereby gaining valuable information with reference to the ditch that was gained. Subsequently, lists of officers and men who particularly distinguished themselves at Fort Fisher, N.C. on January 15, 1865, were forwarded by the Brigadier Commanders, and it was recommended by General Ames that medals be bestowed upon all the enlisted men in those lists. The name of Private Hotchkiss was not included in the lists referred to, and it is thought that the services performed by him were not regarded as of such distinguished character as to entitle him to receive the Medal of Honor. Upon a careful consideration of the case, the Acting Secretary of War decided, on the 19th instant, that the Medal of Honor can not be awarded in this case.*⁶⁵

A related document signed by the Adjutant General in July 1916 as part of the War Department review leading up to its the October 20, 2016, response to Congressman Hamilton noted:

*Inclosed is a list of volunteer axemen who went up with the assaulting column and cut down portions of the stockade during the heaviest fire at Fort Fisher.... The Medal of Honor has been awarded to each man mentioned on that list whose cases have come before the Department. It will be seen, however, that Hotchkiss’ name does not appear on the list with those of the other enlisted men mentioned.*⁶⁶

The National Archives file for Hotchkiss in which the above quoted document was found does not, unfortunately, contain the referenced “Inclosed” list. However, the War Department, in

advising Congressman Hamilton that the name of Private Hotchkiss did not appear on any of the brigade commanders' lists for men "who particularly distinguished themselves at Fort Fisher," overlooked one extremely important fact. Hotchkiss' brigade commander, Colonel J. F. Smith, died of serious wounds only two days after the battle, and could not have filed a commander's report for the 112th N.Y. Volunteers in which Hotchkiss served.

But the most significant oversight in the War Department's analysis of Hotchkiss' case is found in the nature of its earlier evaluation of the case of Medal recipient Zacariah Neahr. As recounted above, the award of Neahr's Medal of Honor was based solely on the inclusion of his name as a soldier recommended in General Ames' January 16, 1865, report to General Terry — and not because Neahr was listed in any brigade commander report. Coupling this fact with the policy reflected in Pvt. Lyon's 1906 case, as it was applied to justify Medals of Honor for Chapin and Merrill after the award to Anderson in 1914, there is no rationale to support the denial of a Medal of Honor to Hotchkiss.

Brigade Commander Reports and Lists

Some of the surviving brigade commanders from the Battle of Fort Fisher did comply with Ames' expectation that reports be filed with lists of enlisted soldiers whose services were "distinguished" "and who would therefore be recommended for Medals of Honor. For example, in the War Department files that reflect the approval of the Medal of Honor for Bruce Anderson, there is specific reference to a "list" of enlisted soldiers for the 142nd N. Y. Volunteers on which Anderson was named. His inclusion on that list (which is also missing from the National Archive files) was the basis for the approval of Anderson's Medal of Honor in 1914. Again, this is in contrast to Neahr's case, as noted above, where Neahr qualified without any reference to being on a brigade commander list.

Some of the submitted brigade commander reports included only general accounts of the battle actions. In a few instances, those reports cited specific officers and enlisted men by name, but often not as "distinguished."

However, the most extensive and descriptive of these brigade commander reports was that submitted by Lt. Colonel James Colvin, 169th N.Y. Volunteers.⁶⁷ It was submitted promptly on January 17, 1865, one day after General Ames' report of January 16, 1865. It is directly responsive to Ames' request for recommendations of soldiers "having distinguished themselves for gallantry." It is included in its entirety on the following page.

Copy.

Headquarters 169th N. Y. Vols.,

Fort Fisher, N. C., Jan. 17, 1865.

Capt. Geo. W. Huckins, A. A. A. G.:

I have the honor to report the following names of enlisted men as having distinguished themselves for gallantry in the assault on the 15th:

Private John Finlay (Finley) Co. "A", wounded;

First Sergeant John Fleming (Flemming); Color Bearer

Corporal Peter Osterhout (Osterhoudt), wounded; Corporal John McGolrick; Private Chas. Madden - "B";

Private William H. Freeman, "B", who volunteered to carry the brigade flag after the bearer was wounded;

Corporal Patrick Holley - "D";

Sergeant L. R. Woodcock (Lucien R. Woodcock) wounded;

Private Patrick Murphy - "E" - killed;

Corporals John McLoughlin (McLaughlin), T. J. Congden (Thomas J. Congden), Privates John Jimjack (John Jenyack), Patrick Curley - "F";

First Sergeant Chas. H. Noyes, wounded; Corporal L. Odell (Lewis N. Odell) - "H" - killed;

First Sergeant Patrick Alymer (Patrick J. Aylmer); Sergeant Benj. G. Walker; Private James Lester - "G";

First Sergeant George Campbell; Sergeants James F. Smith, Robert Rainsbury, wounded - "I".

And specially commended for bravery in the presence of the commanding officer:

Corporal Thomas Ryan, "I"; First Sergeant Joseph White,

--2--

"K"; Sergeant Major T. H. Gardner (Thomas H. Gardner).

The commanding officer desires especially to mention Frederick Gless of Co. F, who was conspicuous for his gallantry and bravery in getting a field piece into position and firing upon the enemy after we had got inside the works. Many of the officers report that their men did so well that they could make no special mention, and the commanding officer is constrained to base his report chiefly upon circumstances within his own observation.

Very respectfully,

James A. Colvin,

Lieut-Colonel Commanding 169th N. Y. V.

Notwithstanding Lt. Colvin's explicit characterization of 25 soldiers who "distinguished themselves for gallantry" as requested by General Ames, no soldiers from this list were ever processed by the War Department for Medals of Honor. However, 40 years after Colvin's report, one soldier — based solely on his own initiative and petition — would eventually receive the Medal of Honor. His name was Pvt. William Freeman. Like Neahr and Anderson, Freeman's Medal of Honor in 1905 would result due to his personal inquiry, and not because the War Department had remembered to timely process either the Colvin list or the Ames list.

The Case of William Freeman

Neahr, Anderson, Chapin, and Merrill are the only four enlisted Medal of Honor recipients out of the 16 soldiers mentioned in Ames' report of January 16, 1865. Pvt. William Freeman was not listed in Ames' report but he was on Colvin's list, and he is the only other enlisted soldier who received the Medal of Honor for actions at the Battle of Fort Fisher on January 15, 1865. His Medal was awarded following his inquiry to the War Department dated October 15, 1904. Keep in mind that Freeman's inquiry was made ten years prior to the similar inquiry by Bruce Anderson in 1914 which led to Anderson's Medal of Honor, as well as those for Chapin and Merrill.

William Freeman's 1904 written inquiry stated his belief that he was entitled to a Medal of Honor, and his inquiry was supported by a follow-up letter to the War Department from Congressman William Draper. In assessing Freeman's case, the War Department discovered the report from Lt. Colonel Colvin dated January 17, 1865, in which Colvin, as brigade commander for the 169th N.Y. Volunteers, listed Freeman and 24 other enlisted soldiers under the heading of "the following names who distinguished themselves for gallantry" at the Battle of Fort Fisher. Furthermore, as part of the 1904 review of Freeman's recommendation on the Colvin list, the War Department also became aware of the existence of Ames' report dated January 16, 1865, and the specific list of 16 soldiers cited by Ames. This War Department awareness in 1904 of Ames' unprocessed Medal of Honor recommendations occurred 10 years before the Anderson inquiry which then finally triggered the more comprehensive and eventual review. But it only triggered a review of the Ames list — not Colvin's recommendations.

Interestingly, the initial War Department staff reviewer assigned to Freeman's case recommended against issuance of a Medal of Honor noting that, while Freeman was on the list created by Colvin, there was no further statement as to the "specific act of gallantry that was performed by him." On its face, this statement is in error because Colvin's report specifically describes Freeman's protection of the unit's colors during battle after its bearer had fallen. However, the Adjutant General overruled the staffer's recommendation and found that Freeman was entitled to a Medal of Honor solely based on the fact that he was listed (as directed by Ames) on the brigade commander's list of soldiers "who distinguished themselves for gallantry."⁶⁸ Freeman's Medal of Honor was issued on May 27, 1905. He died on August 26, 1911, and is buried at Oakwood Cemetery, Troy, N. Y.

The Freeman case raises a perplexing problem unaddressed by the War Department---why were Medals of Honor not issued to any of the other 24 soldiers on the same Colvin list of soldiers “who had distinguished themselves for gallantry?” The answer is likely that none of the other 24 soldiers ever made an inquiry like Freeman (or application as the War Department might have characterized it.) The absence of a War Department review regarding the other 24 soldiers on Colvin’s list is in stark contrast to the War Department review triggered by Anderson’s inquiry in 1914 where the War Department undertook to determine if the others listed with Anderson in the Ames report were still alive. No such effort was ever initiated concerning the other soldiers identified with Freeman on the Colvin list.

The 1904 War Department investigation of Freeman’s case was also a missed opportunity to review the Ames list which had surfaced during that investigation once the Colvin list was discovered. Had the review of the Ames list occurred in 1904 and not later in 1914 after the Anderson inquiry, three more soldiers would have joined Chapin and Merrill as Medal of Honor recipients — all three were still alive in 1904 but died before 1914. They were Privates William Cole (Cabe), William McDuffie (McDuff), and Private Edward Petrie.

Furthermore, if one were to apply the rationale of the Adjutant General in his determination in the Anderson case to award Medals to Chapin and Merrill — relying on the fact that awards were justified to the other living soldiers who served with Pvt. Lyon in the Philippine Insurrection — all of the other soldiers on Colvin’s list, at least those still living in 1904, should have received Medals of Honor. Those soldiers were on the same list of “distinguished” soldiers as Freeman and served with him in the same battle action.

Observations about the Ames list and the Colvin list

As is the case with the two Parke lists, it is difficult to understand how there could have been such an enormous lapse of time associated with any review by the War Department of the Ames list---and the complete non-consideration of those on Colvin’s list, except eventually for Freeman when he inquired. And while the result in the case of D.C. Hotchkiss from the Ames list stands out as particularly unjust, what is most striking is the absence of any apparent War Department effort to step back and consider what should have been the “right” thing to do given the obvious consequences of a 50-year delay, due to absolutely no fault of the recommended soldiers.

Another perplexing matter relates to the award of Medals of Honor to the three officers mentioned prominently in Ames’ report. These three soldiers, and their award dates, were BG Newton Curtis (1891), Col. Galusha Pennypacker (1891), and 1st Lt. John Wainwright (1890). Obviously, the War Department used Ames’ 1865 report as part of the review leading to Medals of Honor for each of these three officers in 1890-1891. Why did the more comprehensive review of Ames’ 16 recommendations in the same report not take place then—instead of 24 years later? A review in the 1890-1891 timeframe would have undoubtedly also surfaced the Colvin report with its additional list of recommended soldiers.

Finally, the outcome of the Battle of Fort Fisher underscores two more key facts. First, the Battle of Fort Fisher on January 15, 1865, resulted in a total of 54 Medals of Honor; this total was comprised of the eight Army recipients discussed above and 46 recipients who were Navy sailors and U.S Marines. As described above, the eight Medals awarded to the Army recipients occurred quite belatedly (1891 to 1914) and without full reviews for others who were entitled to consideration. In stark contrast, and to its credit, the Navy made its award of Medals of Honor to 43 of its recipients pursuant to a General Order dated June 22, 1865 — only six months after the battle. The other three Navy recipients were awarded shortly thereafter. This attentiveness to timely recognition of those in the Navy who served with gallantry underscores how poorly the War Department performed for deserving and recommended soldiers. It is also interesting to note that several of the Navy Medal recipients were cited for actions where they landed from their assigned ships and engaged in the same type of advance ground assault as the Army volunteers cited by Ames.

Secondly, and with even further poignancy, is the fact that Quarter Gunner James Tallentine, who was one of the 46 Navy Medal of Honor recipients, was killed in action on January 15, 1865, after he landed ashore from the USS *Tacony* and assaulted the Fort Fisher fortifications. Three of the soldiers on Ames' list who made the same type of assault as Tallentine were also killed, yet no Medals were issued for them. The award of Tallentine's Medal of Honor highlights the enormous injustices that occurred for hundreds of deceased Army soldiers who were victims of the Army's ill-conceived "Killed/No Medal" policy. As explained in Chapter 1 of this book, while the Army persisted in an interpretation from 1862 to 1918 that its Medal of Honor statute precluded the award of Medals to deceased soldiers, the Navy never adopted such a view under its virtually identical but separate Medal of Honor statute.

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- ¹ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C.
- ² Ibid.
- ³ Ibid., document 462769.
- ⁴ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., AGO document dated February 7, 1887.
- ⁵ Ibid., Correspondence of Assistant Secretary of War dated April 15, 1896, to the Commissioner of Pensions. Correspondence of the War Department dated April 29, 1897, to the Commissioner of Pensions; attached Responses.
- ⁶ Ibid.
- ⁷ Ibid., handwritten note dated September 30, 1897, from Pension Office to Major George Davis, War Department.
- ⁸ RG 94, Entry 501, Box 541, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C.; R&P file 405118
- ⁹ Ibid.
- ¹⁰ American Battlefield Trust series, "Company K of the 1st Michigan Sharpshooters," October 26, 2021. "Company K, Anishinaabe Civil War Warriors." compiled by LTBB Archive Director Eric Hemenway and Outreach Specialist Amy Hinmon.
- ¹¹ RG 94, Entry 534, Box 1403, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C.
- ¹² RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C. R&P file for Sidney Haight.
- ¹³ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C. R&P file for Charles Thatcher 455606.
- ¹⁴ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C. R&P file for Alonzo Curtiss
- ¹⁵ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., multiple commanding officer letters with Medal of Honor recommendations submitted to General Parke
- ¹⁶ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., R&P records of John Kinsey
- ¹⁷ Ibid.
- ¹⁸ Ibid.
- ¹⁹ Ibid.
- ²⁰ Ibid.
- ²¹ Ibid.
- ²² RG 94, Entry 501, Box 669, Enlisted Branch Records A-1339-1887, NARA, Wahington, D.C.; R&P records 462784/462783
- ²³ Ibid.
- ²⁴ Ibid.
- ²⁵ Ibid.
- ²⁶ Ibid.
- ²⁷ Ibid.
- ²⁸ Ibid.
- ²⁹ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington. D.C., R&P files for Herbert Hale, 462785
- ³⁰ Ibid.
- ³¹ RG 94, Entry 501, Box 669, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., R&P files of Matthew Connell 462786
- ³² Ibid.
- ³³ Ibid.
- ³⁴ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA. Washington, D.C., Typed Note in file
- ³⁵ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, National Archives, Washington, D.C., R&P file of Henry Tisdale 462782
- ³⁶ Ibid.
- ³⁷ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., R&P file of Marcus Haskell 462777

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- ³⁸ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., R&P file of John O'Donnell, 462778
- ³⁹ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C. R&P records of Theodore Shirk 462780
- ⁴⁰ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., R&P file of James Cornell 462769
- ⁴¹ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., R&P file of Michael Corcoran 489638
- ⁴² RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., files of Mattis Heinnan.
- ⁴³ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., R&P files of James Hanlon 462773.
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- ⁴⁵ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., files of George Logan.
- ⁴⁶ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., R&P files of Elisha Palmer 462772.
- ⁴⁷ RG 94, Entry 501, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., files of Winton Williams.
- ⁴⁸ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C.
- ⁴⁹ Ibid., Exchange of correspondence between the War Department and the Commissioner of Pensions August 14 to August 21, 1897
- ⁵⁰ Ibid.
- ⁵¹ Ibid., Military records of 64 soldiers recommended for the Medal of Honor by General John G. Parke
- ⁵² Ibid.
- ⁵³ RG 94, Entry 409, Box 3463, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C.
- ⁵⁴ Ibid.
- ⁵⁵ War of the Rebellion, A Compilation of the Official Reports of the Union and Confederate Armies, Government Printing Office, 1894, pp. 415-417.
- ⁵⁶ Ibid.
- ⁵⁷ RG 94, Entry 25, Box 7065, NARA, Wahington, D.C. AGO 1977355.
- ⁵⁸ Ibid.
- ⁵⁹ RG 94, Entry 501, Box 117, Enlisted Branch Records A-1339-1887, NARA, Washington, D.C., R&P files of Zechariah Neahr 243916
- ⁶⁰ Ibid.
- ⁶¹ Ibid.
- ⁶² RG 94, Entry 25, Box 7065, NARA, Washington, D.C. AGO 197735.
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- ⁶⁵ RG 94, Entry 25, Box 3973, NARA, Washington D.C. AGO 2404816.
- ⁶⁶ Ibid.
- ⁶⁷ RG 94, Entry 729, Boxes 45-50, NARA, Washington, D.C., Union Battle Reports.
- ⁶⁸ RG 94, Entry 409, Box 2635, Enlisted Branch Records C-6498-1881, NARA, Washington. D.C.

CONCLUSION

Reflecting back on Senator Inouye's admonition "To Do What Is Right" in honoring our military heroes, my proposed solution as to "Right" is simple:

- Issue Medals of Honor for any soldier where the original award was denied simply because he was killed. In light of the January 2025 issuance of Medals of Honor for William Simon Harris and Hames McIntyre, the other six "approved" soldiers are entitled to have Medals issued. These are: Frank W. Summerfield, Eli L. Watkins, Michael Glassley, John F. Desmond, Stephen Fuller, and Thomas Collins. This action would put these soldiers on par with the 40 soldiers who had Medals of Honor issued despite being deceased during the "Killed/No Medal" policy period from 1862-1918. The War Department recognized the injustice in this policy in 1918 when it ordered the rescission of the policy. Soldiers who were killed and denied Medals prior to that period should not be victimized because of this terribly flawed and indiscriminately applied policy. The fact those so denied have long since been deceased is no excuse not to recognize them now.
- Strike all Medal of Honor recipients who deserted after award from the Medal of Honor rolls.
- Rescind the revocations of John C. Hesse, Joseph Wilson, Thomas Gilbert and John Lynch. The 1916 Medal of Honor Review Board completely failed to assess the totality of the facts and justifications for the awards in these cases. The facts do not warrant those revocations—either on their face or when analyzed under the "Leonard Wood standard." The Government found a way to restore the revoked Medals of Honor for several civilians like William Cody, Billy Dixon and Mary Walker. It should now find a way to restore the revoked Medals for these four soldiers.
- Erect "In Memory Of" headstones for all Medal of Honor recipients with no known grave locations.
- The Department of Defense should create a review board to examine all Medal of Honor recommendations for soldiers affected by the misplacement of Civil War Medal of Honor recommendation lists as identified in Chapter 5.

About the Author

Michael C. Eberhardt is a former federal prosecutor in the Southern District of New York and with the U.S. Department of Justice in Washington, D.C. He also served as a senior executive in the U.S. Department of Defense, Office of Inspector General. During his government service, he was the recipient of the U.S. Attorney General's John Marshall Award for Outstanding Legal Achievement, and the Secretary of Defense Medal for Meritorious Civilian Service.

In the private practice of law for several years following his government service, he practiced with two large firms in Washington, D.C. and co-founded a legal consulting business. He also served as General Counsel to a Fortune 500 U.S. defense company.

He has co-authored four books relating to Stalag Luft III, the site of The Great Escape in WWII. His father was a POW there. He is an active supporter of the Stalag Luft III Museum in Zagan, Poland.

He has published several articles on topics relating to events from 1880 to 1900 involving relatives in and around Tombstone, Arizona, and has been active in sponsoring commemorative projects in Texas and Arizona recognizing forgotten Medal of Honor recipients.

He serves on the Executive Council for the Military History Center at the University of North Texas.

He received his undergraduate degree from William & Mary, with law degrees from the University of North Carolina (J.D.) and New York University (LL.M.)

He served six years in the U.S. Marine Corps Reserve.

He resides in Dallas, Texas.



BATTLE OF CHIRICAHUA PASS

OCTOBER 20, 1869

MEDAL OF HONOR COMMEMORATION

IN THE AUTUMN OF 1869, IN RESPONSE TO INCREASED APACHE RAIDING IN THE CHIRICAHUA MOUNTAINS AND NEARBY TERRITORY, THE U.S. ARMY INCREASED ITS MILITARY EFFORTS TO PUNISH THE PROMINENT CHOKONEN LEADER COCHISE AND HIS WARRIORS. ON OCTOBER 20, 1869, TWO ARMY CAVALRY COMPANIES COMPRISED OF 61 MEN OUT OF CAMP BOWIE, COMMANDED BY CAPT. REUBEN BERNARD AND LT. JOHN LAFFERTY, ENCOUNTERED COCHISE AND AN ESTIMATED 100 WARRIORS ON A ROCKY MESA AT THE CONFLUENCE OF RUCKER AND RED ROCK

CANYONS SOUTHWEST OF THIS MARKER. AT THE BATTLE OF CHIRICAHUA PASS, THE ARMY ATTEMPTED UNSUCCESSFULLY TO DISLODGE THE APACHES DURING A FIVE-HOUR BATTLE. IN THE COURSE OF THE BATTLE, AN UNKNOWN NUMBER OF APACHES WERE KILLED. RECOGNIZING HIS ADVERSARY'S MILITARY TACTICS, CAPT. BERNARD CALLED COCHISE "ONE OF THE MOST INTELLIGENT HOSTILE INDIANS ON THIS CONTINENT" AND ADDED THAT HIS WARRIORS WERE "RECKLESSLY BRAVE." TWO U.S. SOLDIERS ALSO DIED IN THE FIGHT, SGT. STEPHEN S. FULLER AND PVT. THOMAS COLLINS. THEY ARE BURIED IN UNMARKED GRAVES NEAR THE BATTLE SITE.

FOLLOWING THE BATTLE OF CHIRICAHUA PASS, 33 OF THE PARTICIPATING SOLDIERS RECEIVED THE MEDAL OF HONOR. THIS MARKER COMMEMORATES THE BATTLE SITE WHERE MORE MEDAL OF HONOR RECIPIENTS WERE RECOGNIZED IN A SINGLE-DAY ENGAGEMENT THAN ANY OTHER IN U.S. ARMY HISTORY. THE RECIPIENTS ARE:

PVT. JOHN CARR	1ST SGT. FRANCIS OLIVER	PVT. WILLIAM SMITH
CPL. CHARLES H. DICKENS	PVT. EDWARD PENGALLY	PVT. WILLIAM H. SMITH
PVT. JOHN L. DONAHUE	CPL. THOMAS POWERS	PVT. ORIZOBA SPENCE
PVT. EDWIN L. ELWOOD	PVT. JAMES RUSSELL	PVT. GEORGE SPRINGER
PVT. JOHN GEORGIAN	PVT. CHARLES SCHROETER	SADDLER CHRISTIAN STEINER
BLACKSMITH MOSHER A. HARDING	PVT. ROBERT B. SCOTT	PVT. THOMAS SULLIVAN
SGT. FREDERICK JARVIS	WAGONER GRIFFIN SEWARD	PVT. JAMES SUMNER
TRUMPETER BARTHOLOMEW T. KEENAN	SGT. ANDREW J. SMITH	SGT. JOHN THOMPSON
PVT. CHARLES KELLEY	PVT. THEODORE F. SMITH	PVT. JOHN TRACY
CPL. NICHOLAS MEAHER	PVT. THOMAS SMITH	PVT. CHARLES H. WARD
PVT. EDWARD MURPHY	PVT. THOMAS J. SMITH	PVT. ENOCH R. WEISS

MARKER DONATED BY THE COCHISE COUNTY ARIZONA HISTORICAL SOCIETY IN 2021

SGT. FULLER AND PVT. COLLINS WERE INCLUDED ON CAPT. BERNARD'S LIST OF SOLDIERS RECOMMENDED FOR THE MEDAL OF HONOR. REMARKABLY, DESPITE FINAL APPROVAL BY THE COMMANDING GENERAL OF THE ARMY WILLIAM T. SHERMAN, SGT. FULLER AND PVT. COLLINS WERE DENIED THEIR MEDALS WITH THEIR NAMES STRUCK FROM THE APPROVED LIST AND THE WORDS "KILLED NO MEDAL" ADDED AFTER BOTH OF THEIR NAMES. IN WHAT IS NOW CONSIDERED AN INCREDULOUS MISINTERPRETATION OF THE 1862 MEDAL OF HONOR STATUTE, THE ARMY HAD THEN CONSIDERED SOLDIERS WHO WERE KILLED IN BATTLE AS INELIGIBLE TO RECEIVE THE MEDAL OF HONOR. THIS POLICY WAS CORRECTED IN 1918, ALTHOUGH THERE ARE NUMEROUS EXAMPLES FROM 1862 TO 1918 WHERE SOLDIERS KILLED IN BATTLE DID RECEIVE THE MEDAL OF HONOR DESPITE THE ARMY POLICY TO THE CONTRARY. THIS MARKER RECOGNIZES THAT SGT. STEPHEN S. FULLER AND PVT. THOMAS COLLINS EARNED THE MEDAL OF HONOR EVEN IF THE ARMY HAS FAILED TO RECOGNIZE GENERAL SHERMAN'S APPROVAL.