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### Brevet commissions for service in Indian Wars

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## BREVET COMMISSIONS FOR SERVICE IN INDIAN WARS.

JUNE 6, 1882.—Referred to the House Calendar and ordered to be printed.

Mr. STEELE, from the Committee on Military Affairs, submitted the following

### REPORT:

[To accompany bill H. R. 4783.]

*The Committee on Military Affairs, to whom was referred the bill H. R. 4788, having considered the same, respectfully report:*

Previous to the passage of the act of March 1, 1869, embodied in section 1209, Revised Statutes, brevet commissions were conferred upon officers of the Army in such numbers, and with such an appearance of favoritism, that Congress interposed a check, which reads as follows:

SEC. 1209. Revised Statutes. The President, by and with the advice and consent of the Senate, may, in time of war, confer commissions by brevet upon commissioned officers of the Army, for distinguished conduct and public service in presence of the enemy.

The meaning of this section is plain, that this distinction shall no longer be conferred without service, or at the instance of friends, but that it shall be confined to a time of war, and for distinguished service in the presence of an enemy. Since the passage of this act a number of officers of the Army have been nominated by the Executive for brevet commissions for gallant conduct and special services in the different Indian wars that have, from time to time, been waged upon our frontiers.

The Senate Military Committee has withheld favorable report upon those nominations, "not because of any doubt in the minds of the committee as to the meritorious character of the services rendered, but because of a doubt as to whether Indian wars are 'wars' within the meaning of the statute."

It is hardly necessary to make an argument on this point. Certain it is that in these wars armed bodies of troops are used; that fortifications are constructed; that battles are fought, and that large numbers of officers and men have been killed. The only difference there seems to be between these and other wars, is that where the troops are engaged against a civilized foe and are captured they are treated with humanity and in accordance with the laws of civilized warfare. In an Indian war, for an officer or soldier to be captured by the enemy means death by torture, with all horrors that savage barbarism can invent.

In urging this action on the part of Congress, Brevet Major-General Crook says:

[Extract from General George Crook's annual report of military operations in the Department of the Platte, 1880.]

I would respectfully recommend that Congress be requested to pass an act conferring brevets upon officers conspicuous for gallantry in Indian wars. Of all wars in

which our troops have been engaged, these are, as I have before had occasion to remark, the most dangerous, the most thankless, and the most trying. Certainly it is not asking too much to seek for the simple justice of a recognition which brings with it neither increase of rank nor pay, and has no value whatever beyond the gratification afforded the worthy recipient and the emulation it will surely excite among his comrades and associates.

It has been the custom for some years to award medals of honor to private soldiers distinguished for gallantry in these same campaigns. Why should the meager honor of a brevet be withheld from the officers who have commanded them?

With the great improvement in arms in the hands of the savages, the perils of conflicts with them have immensely increased since the close of the rebellion, as our ghastly list of killed and wounded officers and soldiers will certify. And besides losses in killed and wounded we must take into account the great numbers of strong men who have become prematurely old from the exposure, privations, and trials of the service. I don't believe that any force in the world has ever been called upon to do so much, in the ratio of its effective strength, as has the little handful of men on the frontier we call the Regular Army.

I earnestly hope that this subject may receive the attention it deserves.

The following petition has been submitted to Congress, signed by Brevet Major-General John Pope, Brevet Major-General Crook, and nearly three hundred officers of all grades, from lieutenant to brigadier-general:

#### PETITION.

*To the honorable Senate and House of Representatives of the United States:*

We, the undersigned officers of the United States Army, respectfully and earnestly pray for the passage of an act permitting the issuing of brevet commissions to officers for conspicuous gallantry and meritorious services in Indian campaigns. Believing the Indian wars are the most perilous, and at the same time the most thankless and trying of all wars, we ask only a just recognition of services, which carries with it neither increase of rank or pay, and has no value whatever, beyond the gratification it affords to the worthy recipient and the emulation it will assuredly excite among his comrades and associates. If your honorable body could view the large number of officers who have been disabled through disease, hardships, and wounds contracted in Indian campaigns, we firmly believe no other argument would be required by you to pass such a bill as prayed for to benefit those who have been recommended for brevet commissions, and those who may hereafter be so recommended.

It is worthy of remark that neither of the distinguished officers named, Generals Pope or Crook, can be personally affected by the provisions of this act, as they have already received brevet commissions of as high grades as is customary to confer in the Army.

There are now in the Army some twenty-two officers who have brevet commissions for service in Indian campaigns. These commissions carry no pay, give no precedence, *per se*, in command, nor yet entitle the holder to be officially addressed by his brevet title. They simply convey to the officer an official recognition of service, committed to parchment, and of which he and his children have a right to be proud. This act simply declares that conspicuous service in Indian wars shall be as much entitled to recognition as service in any other warfare. The bill is carefully worded to cover this point, which may properly be said to be a technical one only. It does not take a dollar out of the Treasury, nor by its provisions is any officer placed above his fellow officer in rank.

Of the officers who have been recommended to receive brevets for gallant conduct in engagements with Indians, and to whom commissions have never been issued, nine or ten are dead, some killed by the Indians themselves. While it would, perhaps, be invidious to mention the names of the gallant officers now living who have fairly won those honorary titles upon the field of battle, it will not be out of place to mention one who performed most gallant deeds in those engagements, and fought to the last in an Indian fight, in which he was killed. Second Lieut.

E. R. Theller, Twenty-first Infantry, was, in 1875, passing through a section of Arizona infested with Apaches, who attacked and captured the wagons accompanying him. Although traveling in an ambulance, with his family, this gallant officer took the few men of his escort, went back, and in the face of a force largely superior to his retook his wagons and inflicted severe chastisement upon the savages. For this General Crook recommended him for a brevet of first lieutenant. Again, in the "lava beds" of California, he led his company in a charge against the Modocs in an impregnable position. His conduct on that occasion was conspicuously gallant, and General Jeff. C. Davis recommended him for the brevet of captain. A few years later, during the Nez Percé war in Idaho, in a desperate fight with that warlike band, Lieutenant Theller, with his detachment, was cut off from the remainder of his command. He fought his way partly out, with great skill and bravery, and when last seen alive he had one of his wounded men on his own horse, while he, on foot, fought with therest till absolutely shot to pieces and killed. For this no recommendation was made, because the former brevets had not been confirmed.

Your committee respectfully submit that as this officer won these titles by heroic conduct, and died upon one of these battle-fields, that we should decide that, so far as his brevet commissions are concerned, Indian war is *war*.

It would undoubtedly be some comfort to his widow to know that, although he died in one of the lonely gorges of an out of the way frontier, and by the hands of a savage, his death was just as honorable as if he met it at the hands of a civilized foe in a war conducted upon the principles of modern civilization.

Your committee are unanimously of the opinion that the bill should pass, and so recommend.

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