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Brevet Rank of Certain Officers

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1887.—Ordered to be printed.

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

REPORT:

[To accompany bill H. R. 6758.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6758) "to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns," report back the bill favorably.

The committee have received numerous letters from Army officers of all grades, urging that there should be this recognition of the gallant and arduous services frequently incident to campaigns against hostile Indians. Among other letters so received is the following from General George Crook, whose long and valuable experience in Indian wars entitle his suggestions to great weight:

OMAHA, February 11, 1887.

MY DEAR GENERAL: I see by the papers that the bill allowing brevets for Indian service has passed the House. I do hope you will do all you can to have it pass the Senate, as it is a righteous and just bill. Gallant service should be recognized without reference to the kind of foe engaged. You are well aware of the onerous and dangerous nature of this Indian service, and as brevets is all that is asked, I hope they will not be withheld longer from the persons who so richly deserve them.

Yours, sincerely,

GEORGE CROOK.

To CHARLES F. MANDERSON.

Among other matter received by the committee is the following circular from a number of military officers interested in the subject, and which contains suggestions of such value that the committee adopted it as part of their report:

INDIAN SERVICE BREVET BILL.

In the rival rush of measures calling for millions of the public money, a bill which proposes to do a great act of justice, and thereby to promote the efficiency of an important branch of the Government service without costing a dollar, seems to stand very little chance of receiving attention, but perhaps on one of the days assigned for the consideration of military bills it may be brought up for action.

The measure, as reported, authorizes the President to nominate and, with the consent of the Senate, to appoint to brevet rank all officers, active or retired, who have been recommended to this distinction for gallant service in action against hostile Indians since January 1, 1867. The rank thus proposed is entirely honorary, carrying no additional pay; the aim is simply to reward special deeds of heroism. In any other country the gallant exploits of the last twenty years in border warfare would have been acknowledged not only by awarding increased rank but increased pay.

During the war for the Union brevet rank was constantly conferred; and a distinguished general officer once said, brevet commissions certainly belong to Indian wars,

if any, inasmuch as they call for the largest measure of risk, exposure, and toil; and every possible stimulus of honor and profit should be held out to encourage officers to struggle for success. In war with civilized nations the soldier has an opportunity to make a name that will be remembered in history; whereas the minor character of Indian operations prevents them from attracting as great attention and from securing permanent distinction to the participants. Yet the labor and the peril are as great in these small operations as in larger ones. The responsibility, courage, endurance, and good judgment required are also as great in Indian warfare; while over it hangs the terrible consciousness that capture often means death by torture with all the fiendish atrocities that savagery can invent. Even were this danger of a horrible death taken away, there is no more reason for depriving heroism of its just reward when displayed in the lonely cañons of the Sierra Madre than when shown in storming the defenses of Petersburg.

There is still another reason why the pending measure ought to be enacted. There now exists a statute which authorizes the conferring of brevet rank upon commissioned officers "for distinguished conduct and public service in presence of the enemy." Why, then, is not this sufficient? Simply because certain jurists of the Senate have in past years successfully called in question whether a Geronimo or a Sitting Bull is an "enemy" in the sense meant by the statute. It may seem incredible that for twenty years, in the matter of interpretation, the doubt has always been against officers nominated for brevets on account of splendid acts of heroism. This, however, is the case, and in one instance of adverse action on such nominations the Senate Military Committee expressly said that it had no doubt of the meritorious character of the services rendered. Thus a score or more of officers have been deprived of the reward they would otherwise have received, and many of them are now with the dead. The interpretation of the existing statute may be entirely sound; but, if so, all the more reason is there for enacting the pending bill.

When once the recognition of gallantry in Indian hostilities is secured by brevet promotion for officers it will be easy to extend its benefits in certain desirable ways for the reward of like exceptional gallantry among enlisted men.

As by existing law brevet rank does "not entitle an officer to any increase of pay or to precedence or command, except by special assignment of the President in time of war," it will be seen that the passage of the pending measure can have no effect other than that of conferring an honorary distinction upon officers for meritorious acts of heroism in the presence of the enemy during service against hostile Indians.

Your committee quite agree with the Committee on Military Affairs of the House of Representatives, and adopt their report, as follows:

The existing law relating to brevet rank is contained in sections 1209 and 1210, Revised Statutes (taken from section 2 of the act of March 1, 1869), and provides that the President, "by and with the advice and consent of the Senate, may, *in time of war*, confer commissions by brevet * * * for distinguished conduct and public services in presence of the enemy," &c.

This law has been construed by the War Department and by the Attorney-General as authorizing the conferring of brevet commissions upon officers of the Army for meritorious services in engagements with or campaigns against hostile Indians, *if made during the existence of Indian hostilities*.

The War Department formerly acted upon this construction of the law, and in 1869 submitted a number of brevets for services in Indian campaigns, some of which were confirmed by the Senate. No brevet nominations have, however, been confirmed by the Senate since 1869.

In 1874 and in 1875 nominations for brevet appointments, based on services rendered in the Modoc and Arizona Indian campaigns, were submitted to the Senate but were not confirmed.

In January, 1876, all these nominations were resubmitted, but the Senate again adjourned without action.

No further nominations have been made, save in one instance, that of Lieut. E. S. Farrow, Twenty-first Infantry, made in April, 1880, and not confirmed.

In 1878 the President requested the views of the Secretary of War as to the propriety of again submitting to the Senate nominations for brevets for service in Indian campaigns.

The Secretary referred the question to the General of the Army (General Sherman) for his views, and in response the General remarked:

"If brevet commissions are right, and should be conferred for any wars whatever, they should be for Indian wars, because these wars call for the largest measures of risk, exposure, and toil, and every possible stimulus of honor and profit should be held out to encourage officers to struggle for success."

We fully concur in this expression of the General of the Army. We can conceive of no reason that would be valid in any war that would not be equally valid for granting brevets in Indian wars.

There is rather more reason for it than less. In other campaigns there is a certain glory or distinction to be won, and an opportunity for promotion and reward, which, owing to the limited theater of operations, and the peculiar nature of wars against savages, does not and cannot exist in these campaigns. And yet every highest attribute of a good soldier and officer is called for in these wars. Courage, skill, vigilance, endurance, wisdom, judgment, and unflagging energy, while usually remote from and beyond communication with officers of high rank, are all demanded in these disagreeable and thankless campaigns to protect our remote frontiers.

It is true that under existing laws the brevet commission carries with it no rank or pay or command, except in the single instance of assignment to duty by the President on the brevet commission, when officers are "actually engaged in hostilities" (act March 3, 1863).

With that exception they confer a mere title. It may be no more than a mere ribbon, or a cross, or other decoration, but it is a visible symbol of the appreciation of a commanding general and of the recognition of the nation through its Chief Magistrate and Senate.

Believing that there is some just doubt about the construction and meaning of the present law, and that such recognition would be only justice to some exceedingly meritorious officers, your committee recommend that the bill be amended for greater certainty by striking out in line 8 the words "commanding general," and inserting in lieu thereof the words "department commander," and that as so amended the bill do pass.

The committee, therefore, recommend the passage of the bill without amendment.

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