

3-31-1888

Brevet Promotions of Army Officers

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Rep. No. 790, 50th Cong., 1st Sess. (1888)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1888.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1323.]

The Committee on Military Affairs, to whom was referred the bill (S. 1323) entitled "A bill to confer brevet promotions on officers of the United States Army particularly distinguished by heroic action in Indian warfare, and for other purposes," have had the same under consideration, in connection with two other bills (S. 2021 and 2028) on the same subject, and herewith report back the bill S. 1323, amended, and recommend its passage.

By section 1209 of the Revised Statutes (act approved March 1, 1869) it is provided 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," etc.

The Senate has refused to construe this provision as authorizing brevet rank to be conferred on officers who for "distinguished conduct and public services" in Indian wars would seem to be justly entitled to receive the benefits (honorary) of the law of 1869. The War Department and the Attorney-General have held that officers in Indian wars could be brevetted during *the existence* of Indian hostilities, and the reason assigned by the Senate for refusal to confirm has been that the Indian was not an "enemy," and that a conflict with Indians could not be termed "a time of war." Assuming this construction of the act of 1869 to be sound, your committee are of the opinion that the construction measures the extent of the reason why it should be extended to include officers who have distinguished themselves as aforesaid in Indian campaigns. In 1869 a number of brevets for services in Indian wars were submitted to the Senate, some of which were confirmed; but there have been no confirmations of this character since.

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.

On the general proposition, that of conferring brevet rank for distinguished services or heroic action in Indian wars, your committee can conceive of no good reason that would be valid in any war which would not apply with equal force in granting brevets in Indian wars, and concur with General W. T. Sherman, who says:

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.

A favorable report was made on this subject from this committee in the last Congress, at which time the committee was in receipt of numerous letters from Army officers of all grades urging that this brevet recognition be awarded; one of the documents, numerously signed by officers, contained the following:

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.

These views accord with those expressed by a House committee which considered this subject in the last Congress:

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 can not 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.

And with those expressed by General Crook, who said:

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.

Capt. E. A. Snow gives quite a graphic account of the heroism and valor displayed by men upon whom it is proposed to confer this brevet rank. He says:

WASHINGTON, D. C., *January 19, 1888.*

DEAR SIR: I have the honor to very respectfully submit to you the following, which are but a few from among many of the instances of personal valor on the battle-field that have come to my notice in Indian warfare:

Captain Bourke distinguished himself on the field so frequently in the Apache campaigns from 1870 to 1873 as to be four times mentioned in general orders for his gallant and heroic conduct, and in other campaigns has frequently been the recipient of honorable and praiseworthy mention for his valor and services in the field, and he has been several times recommended for brevet promotion; but under existing laws, being unable to confer this recognition for valor, the officers ceased to ask for it, or there would be a larger number of instances which I could refer to.

To omit many instances, I will observe that he distinguished himself by leading a charge, on the 17th of March, 1876, on Powder River, and in several charges on the Rosebud, on the 17th of June, 1876, in an engagement with the same Indians who massacred General Custer's command, and eight days before that fight. In this engagement, at the Rosebud, Captain Bourke saved my life after I was shot in the right elbow and left wrist joints, causing total disability. He rode into the very midst of the Indians and rescued me, although the nearest skirmish line was at least a thousand yards away. I could give other instances, but it would make this letter too long.

Major Henry, of the Tenth Cavalry, distinguished himself in this engagement, and so did Major Mills, of the Ninth Cavalry; and Major Mills whipped the Indians and won the first victory after the Custer massacre, and it was one of the most brilliant ones of the campaign. Colonel Hatch, of the Ninth Cavalry, distinguished at a more recent date, and many others. But it will occur that from the frequent and constant Indian warfare that the instances of valor are numerous, and your bill will enable the President and Senate to recognize it by a nominal promotion.

I have the honor to remain, sir, very respectfully, your obedient servant,

E. A. SNOW.

Hon. CHARLES F. MANDERSON,
United States Senator for Nebraska.

After full consideration of the subject-matter your committee have struck out the preamble of the bill (S. 1323) and have amended the title and the bill so as to allow brevet rank to be conferred on "all officers of the Army now on the active or retired lists, who, by their department commander and with the concurrence of the commanding general of the Army, have been or may be recommended for gallant service in action against hostile Indians since January 1, 1867," the brevet commissions to bear date only from the passage of this act; the date of the heroic action for which the brevet rank is conferred to appear in the commission; such rank to be only honorary, without privilege of precedence or command not already provided for by the statutes which embody the rules and articles governing the Army.

As amended, the measure has the approval of Lieutenant-General Sheridan, under date of March 29, 1888.

Your committee accordingly report the bill (S. 1323) back favorably, amended as heretofore stated, and recommend its passage.