VARIATIONS IN VALOR? AMERICAN CONFLICT, THE "INDIAN WARS," AND THE CONGRESSIONAL MEDAL OF HONOR

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Abstract

The Medal of Honor is the highest award given to United States soldiers. It assumes extreme risk and sacrifice in action against an enemy. It is often awarded posthumously. This paper will examine two themes: first, a significant variation in the award of the Medal across conflicts. Further, this paper will discuss the awarding patterns of the Medal of Honor according to the size, time period, and location of each conflict. Second, this paper proposes that the awarding of the Medal during the "Indian Wars" shows significant fluctuations, and explores the cultural and political context of this disparity.

Introduction

The Medal of Honor is the highest military decoration given to soldiers in the U.S. Military. It carries an assumption of extreme risk and sacrifice, of going above and beyond the call of duty in action against an enemy of the United States. Due to the nature of this medal it is often awarded posthumously.

This paper examines two key themes. The first is that there is a significant variation in the chance of the Medal of Honor being awarded across conflicts; the reasons why this might be the case will be examined. The second theme concerns the awarding of the Medal of Honor during the "Indian Wars" (as they are termed in U.S. military histories). This paper notes, again, significant fluctuations in the award of the Medal of Honor, and explores the cultural and political context of extreme variations in award. Further, this paper demonstrates how a process of dehumanization of Indigenous Peoples may have led to a proliferation of awards, and, possibly, a dilution of the regard in which the U.S. Medal of Honor was held.

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In spite of the question mark in this article's title, there is no intent suggesting that human valor varies across the history of the American soldier. In a recent study from West Point's Modern War Institute, a sample of combat veterans were asked about the experience of combat.[1] They reported an increase in heart rate, rapid breathing, muscle tension, and tunnel vision in combat – the physical 'fight or flight' response. A majority stated that they "didn't think," but simply acted during combat, and one-third of respondents made clear the fear they felt at the time. People experience war in different ways, but there are clear patterns of response, and we assume those patterns held for soldiers in the past as well as the present. Bravery and valorous conduct can, and often does, occur when a soldier's life is at risk. It is important not to judge any individual's conduct in battle, but to examine closely the way that conduct has been marked by the United States government and military in awarding the Medal of Honor across different conflicts. The variation in the decisions and processes that led to the Medal of Honor being awarded at very different rates across different times and places are intriguing. The chances of being awarded a Medal of Honor were much higher in some conflicts than others, and there are patterns in the nature of these conflicts that seem to be reflected in the award of Medals. This article examines these conflicts in detail and seeks to understand why such significant variation exists.

The next question in this article asks how different conflicts were perceived by both combatants and the political and military leaders in the United States between 1860 and the present, with special reference to the period of the "Indian Wars." As stated, this is not an assessment of bravery, but of perception and interpretation, and of changing cultural hierarchies. This article makes four assertions: first, that the "size" of the United States military deployment, as measured by the number of active personnel within the theater of operations, is inversely related to the likelihood that a soldier will be awarded a Medal of Honor. Second, that any given soldier was less likely to receive a medal when a war had been officially declared. It should be

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[1] Bazin Aaron, *Baptism by Fire: A Survey of First Combat Experiences*, MODERN WAR INSTITUTE AT WEST POINT (Aug. 12, 2021), https://mwi.usma.edu/baptism-fire-survey-first-combat-experiences/.

noted that declared wars also had larger numbers of active personnel deployed (as in the first assertion). Third, this article asserts that, particularly during the time period of the "Indian Wars", there is a positive relationship between specific racial and/or ethnic characteristics of enemy forces and the likelihood of the awarding of the Medal of Honor. Lastly, this paper presents an exploratory inquiry into how the Medal of Honor might illustrate the larger processes of the "Indian Wars" in the light of what has been termed "genocidal massacres."

Origin and History of the (Congressional) Medal of Honor

Approximately seven months after the beginning of the American Civil War, after several battles had been fought, Senator James W. Grimes of Iowa introduced a bill calling for new 'medals of honor' to promote efficiency in the United States Navy. Grimes' Bill passed on December 21, 1861, stating that the new medals "shall be bestowed upon such petty officers, seamen, landsmen and marines as shall distinguish themselves by their gallantry in action and other seamen like qualities during the present war."[2] Shortly after, President Lincoln signed the bill into law. In February of 1862, a second bill was introduced by Massachusetts Senator, Henry Wilson, authorizing the President to "distribute medals to privates in the Army of the United States who shall distinguish themselves in battle."[3] After debate and consideration, the re-written Bill that reached President Lincoln read:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to cause two thousand "medals of honor" to be prepared with suitable emblematic devices, and to direct that the same be presented, in the name of the Congress, to such non-commissioned officers and privates as shall most distinguish themselves*

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[2] H.R. Con. Res. 280, 37th Cong. (1862) (enacted); *see* LIEUTENANT COLONEL W.F. MCPHERON, THE MEDAL OF HONOR 1861-1865 32 (Army Information Digest vol. 17 1967).

[3] MCPHERON, *supra* note 2.

> *by their gallantry in action, and other soldier-like qualities, during the present insurrection.*[4]

While the original law restricted awards to non-commissioned officers and privates, the giving of awards to officers was authorized in March 1863.[5]

A high expectation was fixed for these new Medals of Honor, and specific requirements were set for their award. At least two eyewitnesses had to provide "incontestable evidence" that the actions of the soldier in question should "be so outstanding, that it clearly distinguishes gallantry beyond the call of duty from lesser forms of bravery, involve the risk of life, and be the type of deed, which, if not done, would not subject the recipient to any unjustified criticism."[6] The Medal of Honor is sometimes referred to as the "Congressional Medal of Honor," because the President presents it in the name of the United States Congress. Over time, separate versions of the Medal of Honor were authorized for the Navy, Army, and Air Force.[7]

There was a lack of clarity in the laws establishing the Medal of Honor, and the experience of the very first recipient, Private Jacob Parrot, illustrates the ambiguities that the "fog of war" can throw over the assessment of "gallantry." In April 1862, Private Parrot, with twenty-one other soldiers disguised as civilians, under the command of the civilian scout and secret agent James J. Andrews, raided behind enemy lines into North Georgia aiming to steal a Confederate locomotive.[8] Their orders were to disrupt Confederate rail traffic, drive the locomotive north to Chattanooga Tennessee, and rendezvous with an advancing Union army. In Big Shanty, Georgia, the soldiers successfully hijacked a Confederate locomotive known as "The General."

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[4] S.J. Res. 82, 37th Cong. (1862) (enacted).

[5] Mark C. Mollan, *The Army Medal of Honor: The First Fifty-five Years*, 33 PROLOGUE 128-139 (2001).

[6] U.S. Cong., Senate Comm. on Labor and Public Welfare, Subcomm. on Veterans' Affairs, *Medal of Honor Recipients 1863-1973*, 90th Cong., 2d sess. (Washington: GPO, 1968), p. 1.

[7] *See* DWIGHT S. MEARS, THE MEDAL OF HONOR: THE EVOLUTION OF AMERICA'S HIGHEST MILITARY DECORATION 9-26 (U. Press of Kansas, 2018).

[8] *See* RUSSELL S. BONDS, STEALING THE GENERAL: THE GREAT LOCOMOTIVE CHASE AND THE FIRST MEDAL OF HONOR, (Westholme Publishing, 1st ed. 2006).

Traveling North, the raiders destroyed tracks and telegraph lines, but soon Confederate locomotives had joined the chase.[9] After covering eighty-seven miles "The General" ran out of fuel, and the raiders scattered. The civilian, Andrews, was captured and hung as a spy. Parrot was also captured and severely beaten, but escaped, only to be re-captured and ultimately released in a prisoner exchange.[10] His Medal of Honor citation read: "One of the 19 of 22 men (including 2 civilians) who, by direction of Gen. Mitchell (or Buell) penetrated nearly 200 miles south into enemy territory and captured a railroad train at Big Shanty, Ga., in an attempt to destroy the bridges and tracks between Chattanooga and Atlanta."[11]

Occurring shortly after the legal establishment of the Medal of Honor, it is doubtful that the politicians voting to establish the Medal imagined scenes of bravery and sacrifice that included a group of soldiers attacking while disguised as civilians, or being led and "commanded" by a civilian spy. Since operating in disguise violated accepted customs of war, the captives received cruel treatment from the Confederates.[12] At the same time, the audacity and novelty of stealing a locomotive and racing against their foes caught the public imagination.

Other Medals of Honor were soon awarded in equally surprising circumstances. Mary Edwards Walker[13] was a medical doctor volunteering in a hospital in Washington, D.C. when she crossed enemy lines to treat wounded civilians and was captured and arrested as a

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[9] James Gindlesperger, *The Great Locomotive Chase: The First Awarded Medal of Honor*, CONGRESSIONAL MEDAL OF HONOR SOCIETY (Mar. 1, 2023), https://www.cmohs.org/news-events/history/the-great-locomotive-chase-the-first-awarded-medal-of-honor/.

[10] *Id*.

[11] Jacob Parrott, THE HALL OF VALOR PROJECT (Feb. 3, 2022) https://valor.militarytimes.com/hero/1433.

[12] *See also* Toni Pfanner, *Military Uniform and the Law of War*, 86 INT'L COMM. OF THE RED CROSS (2004) (finding it was common practice that a soldier operating in disguise was treated as a spy and summarily executed. Later these assumptions were codified in the Hague Conventions.).

[13] Kerri Lee Alexander, *Dr. Mary Edwards Walker*, NAT'L WOMEN'S HIST. MUSEUM (2019), https://www.womenshistory.org/education-resources/biographies/mary-edwards-walker.

spy.[14] Later released in a prisoner exchange, she was awarded the Medal of Honor after the war ended, making her the only woman to receive it. Her Medal was revoked in 1917 when a number of other Medal of Honor recipients were deemed ineligible; it was then restored to Walker (posthumously) in 1977.[15] For the entire Civil War, 1,523 Medals of Honor were awarded, however some of these were awarded many years after the war, and a handful were awarded more than 100 years after the war had ended.[16] The "Indian Wars" and the Civil War were in many ways parallel and interpenetrating conflicts, but this article demonstrates that they were treated very differently in terms of the award of medals.

The Unique Nature of the Indian Wars

The "Indian Wars" are anomalous within the list of thirteen conflicts examined in this article for several reasons. With the exception of the Civil War, the "Indian Wars" are unique conflicts which take place upon or immediately adjacent to United States territory. There is also a significant lack of clarity or agreement about the size and number of these conflicts with Indigenous Peoples. The United States Army Center of Military History lists fourteen "Indian Wars Campaigns" ranging from 1790 to 1891.[17] Meanwhile, Nunnally's *American Indian Wars* (2007), lists some 1,362 conflicts (campaigns, battles, skirmishes, massacres) between "native peoples and settlers and the United States Military" between 1513 and 1901.[18]

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[14] *Id*.
[15] *Id*.
[16] While we include Civil War Medals of Honor in our tabulation, we do not include them within the analysis and arguments we make in this paper for two reasons. Firstly, at the beginning of the Civil War there were few expectations or requirements concerning who would be awarded medals. Secondly, in the years after the Civil War, many veterans simply wrote to the War Office with requests for the medal with scant proof of their heroism, yet received the medal in the mail.
[17] *Indian War Campaigns*, U.S. ARMY CTR. OF MILITARY HIST., https://history.army.mil/html/reference/army_flag/iw.html.
[18] MICHAEL L. NUNNALLY, AMERICAN INDIAN WARS: A CHRONOLOGY OF CONFRONTATIONS BETWEEN NATIVE PEOPLES AND SETTLERS AND THE UNITED STATES MILITARY, 1500S-1901 (2010) (clearly, there was no "United States Military" before 1776, so Nunnally's title is somewhat misleading but his meaning is

The "Indian Wars" were also, by far, the longest of America's wars. However, the actual length is not officially fixed and can be debated. The United States Government tends to date the "Indian Wars" from 1862.[19] Yet in July 1776, Continental Militia numbering 170 soldiers attacked Chickamauga and Cherokee Indian communities at Island Flats Tennessee.[20] On August 1, 1776, a Continental Army force of 300 under the command of Major Andrew Williamson attacked and burned the Seneca town of Oconore.[21] Over the following two weeks, Williamson's forces besieged and burned nine more towns. In September 1776, in North Carolina, thirty-six Cherokee towns were sacked and burned by another Continental force of 2,000 soldiers under General Rutherford.[22] These early campaigns against Indigenous Peoples were supported by a consensus amongst the American leadership that such aggression was morally acceptable within the emerging "Laws of War."

In the 17th century, as European militaries became more professional, the Dutchman Hugo Grotius[23] had published *Law of War and Peace*, a reaction in large part to the savagery he witnessed during the Eighty Years War between Spain and the Netherlands, and the Thirty Years War between the Catholic and Protestant states of Europe. Both conflicts were marked by extreme violence on civilian populations, enslavement, torture, and the creation of mass refugees.[24] Grotius argued for rules to be applied to conflict in order to lessen atrocities and the suffering of non-combatants.[25]

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clear).

[19] *Indian War Campaigns*, *supra* note 17.

[20] NUNNALLY, *supra* note 18, at 48.

[21] THE AM. REV. IN S.C., https://www.carolana.com/SC/Revolution/revolution_seneca_town.html (2008).

[22] TOM HATLEY, THE DIVIDING PATHS: CHEROKEES AND SOUTH CAROLINIANS THROUGH THE ERA OF REVOLUTION (Oxford Univ. Press, 1995).

[23] HUGO GROTIUS, ON THE LAW OF WAR AND PEACE (Cambridge Univ. Press, Student Ed. 2012).

[24] ANTON VAN DER LEM, REVOLT IN THE NETHERLANDS: THE EIGHTY YEARS WAR, 1568-1648, 88, 97, 135 (Reaktion Books, 2019); GEOFF MORTIMER, EYEWITNESS ACCOUNTS OF THE THIRTY YEARS WAR 1618-48, 42, 65, 127, 168, 175 (Palgrave Macmillan, 2002).

[25] GROTIUS, *supra* note 23, at 327.

By the 18th century, the ideas of Grotius had been elaborated by Emmerich de Vattel. His book *Le Droit des Gens* (1758)[26] gained wide dissemination – and was well known to the founders of the American Republic in its English translation *The Law of Nations* (1787). Some saw it as a keystone of Enlightenment thinking. Vattel argued that there must be just reasons for mounting war; that the property of civilians should be preserved, and that homes and buildings such as temples and tombs should be spared; that women, children, the sick and the aged, should not be attacked or punished unless they actively resisted; and that prisoners should not be killed once they had surrendered.[27]

This legal framework would ultimately evolve into international instruments, but Vattel noted a set of exceptions that applied, particularly, to the conflicts underway in North America. The foremost exception was that the *Law of Nations* did not apply to the Indigenous Peoples of North America. As Robin Fabel points out, "because they were themselves merciless, believed Vattel, … savage nations could expect no mercy. Not only might savage prisoners be mistreated but they ought to be killed, the better to persuade survivors of their tribe to adopt human practices." Though Vattel denounced legal slavery as a "disgrace to humanity," he approved of the enslavement of Indigenous People as a lawful alternative to simply killing indigenous prisoners.[28]

These "*Laws of War*" distinguish the campaigns of various size and intent prosecuted against the Indigenous Peoples of North America. One reason the conflicts are seen as distinct and not part of an overarching "Indian War," is that the participants lacked clear definitions. At times, the assaults focused on specific enemy "tribal" groupings. At other times attacks were random and arbitrary, directed against any group or person perceived to be "Indian."[29] Yet still in

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[26] EMMERICH DE VATTEL, THE LAW OF NATIONS; OR, PRINCIPLES OF THE LAW OF NATURE, APPLIED TO THE CONDUCT AND AFFAIRS OF NATIONS AND SOVEREIGNS, (Joseph Chitty ed., Cambridge Univ. Press, 2011).

[27] *Id*.

[28] Robin F.A. Fabel, *The Laws of War in the 1812 Conflict*, 14 J. AM. STUD. 199 (1980).

[29] NUNNALLY, *supra* note 18, at 98.

other instances, groups of armed Europeans acted in concert with Indigenous allies to attack other Indigenous Peoples, and/or other Europeans, and/or mixed allied groupings of Indigenous Peoples and European enemies. Some of these mixed groups would also have likely included enslaved Indigenous People, as well as enslaved or sometimes free Africans and/or African-Americans.[30] It is also the case that Indigenous Peoples brought diverse "definitions" to who and what might be the object of their resistance, and in the same way that Europeans often failed to distinguish differences within the Indigenous population, Indigenous People also failed to see beyond the foreignness and color of those they chose to attack.

A key distinguishing feature of the "Indian Wars" on the part of the Europeans is that these conflicts are primarily aggressive, invasive campaigns, or reactive, often haphazard, tactical assaults against a perceived threat. They were carried out against Indigenous populations to reduce their military threat, but also often with the strategic aim of claiming land and resources for the American Republic, and for exercising control over, removing, or extirpating the Indigenous inhabitants. In direct contrast to legally declared wars, many of these campaigns were carried out in spite of "peace treaties"[31] agreed by the United States government; treaties that often set out territorial boundaries for Indigenous lands which were guaranteed in perpetuity. Within these conflicts, post-1863, the Medal of Honor was awarded with some regularity, and the rate of its presentation reflected significant variation across all conflicts involving the U.S. across time, and across the nature of conflicts.

An argument can be made that the United States' war on Indigenous People began in 1776 with conscious, deliberate, and officially sanctioned military actions, sometimes against armed belligerents, but also upon the towns, farms, and crops, as well as the civilian populations, of Indigenous communities. Such assaults occurred within days of the foundation of the new republic. By this reckoning, the temporal framework of the "Indian Wars" involving the United States of America extends some 124 years, not the thirty eight years

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[30] *Id*. at 29.

[31] Mark Hirsch, *1871: The End of Indian Treaty-Making*, 15 NAT'L MUSEUM OF THE AM. INDIAN 40 (2014).

given as the "official" period of the "Indian Wars" in some United States government histories.[32] However, to locate the awarding of the Medal of Honor within the 124-year history, variations in the frequency of awards across different conflicts must first be examined.

Variations in the Award of the Medal of Honor

The Medal of Honor continues to be awarded to United States military personnel in conflicts both large and small. The following discussion focuses on thirteen of these conflicts. The First (1915) and Second (1919-1920) Haitian Campaigns are excluded for purposes of research[33], during which eight Medals of Honor were awarded. This is due to the fact that these Campaigns were less of an armed conflict and more of a *coup d'état* imposed on Haiti by the United States government. Likewise, most Haitian "belligerents" were not soldiers or rebels, but simply civilians killed or wounded while taking part in public protest. We do include the Second Samoan Civil War, within which four Medals of Honor were awarded, but we note that the number of United States military personnel deployed in the defeat known as the Second Battle of Vailele[34] (the only key battle of this "Civil War" on April 1, 1889) totaled only 114, temporarily landed alongside British troops. In historical hindsight it is hard to distinguish this "campaign" as anything but a small raid supporting one side in an Indigenous leadership struggle. In total, we examine thirteen conflicts, but note that only three of these thirteen, the First World War, the Second World War, and the Spanish-American War, were wars officially declared by Congress.[35]

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[32] Richard W. Stewart, *The Army In The Indian Wars, 1865*-1890, LEGENDS OF AMERICA (2007), https://www.legendsofamerica.com/na-armyindianwars/5/.

[33] John Tierney, Jr., *America's "Black Vietnam": Haiti's Cacos vs. The Marine Corps, 1915-22*, THE INST. OF WORLD POL. (Sept. 1, 1981), https://www.iwp.edu/articles/1981/09/01/americas-black-vietnam-haitis-cacos-vs-the-marine-corps-1915-22/.

[34] *More Fighting in Samoa; The British and Friendly Natives Attack Mataafa's Warriors*, N.Y. TIMES, April 28, 1899, at 1.

[35] *Declarations of War by Congress*, UNITED STATES SENATE, https://www.senate.gov/about/powers-procedures/declarations-of-war.htm.

There has been significant variation in the rate of awards of the Medal of Honor across different conflicts. Table 1 ranks in order thirteen conflicts in which the United States has engaged by the likelihood that a soldier would be awarded a Medal of Honor in that conflict. The conflicts are listed from those in which the soldier was *most* likely to be awarded the Medal of Honor to those in which a soldier was *least* likely to be awarded the Medal of Honor. This likelihood was calculated for each conflict by dividing the total number of medals awarded by the total average number of active military personnel within the theater of operations (not the size of the entire United States Military at that time). For example, in the Second Samoan War, there were 114 active military personnel within the theater of operations and four Medals awarded, while in the Spanish American War there were approximately 262,000 active military personnel in theater and 110 Medals awarded.

TABLE 1 - Rank of likelihood of award of U.S. Medal of Honor by Conflict (Highest to Lowest), with Dates of Conflict, and Number of Medals of Honor Awarded

Conflict	Dates	Likelihood	Total Medals Awarded	Troops in Theatre in Operations
Second Samoan Civil War †	1898-99	.0350	4	114
Korea Campaign†	1871	.0230	15	650
Boxer Rebellion†	1899-1901	.0168	59	3,520
Mexican War (Veracruz) †	1914 (April-	.0066	56	8,360

	Nov.)			
Indian Wars†	1862-1900	.0040	426	106,000
American Civil War	1861-1865	.00069	1,523	2,200,000
2nd Nicaraguan Campaign†	1927-1930	.00066	2	3,000
Philippines Conflict†	1899-1902	.00064	80	125,000
Spanish/American War*	1898 (April-Aug.)	.00042	110	261,000
Vietnam War‡	1955-1975	.000097	262	2,700,000
Korean War‡	1950-1953	.000085	146	1,700,000
Second World War*	1941-1945	.000062	472	7,600,000
First World War*	1917-1918	.000043	121	2,800,000

* a declared war against Industrialized states (primarily European, but including Japan)

† conflict in aid of territorial/political expansion and control, enemy is non-Caucasian/European

‡ conflict within the global Cold War

In general, the number of Medals of Honor awarded is inversely related to the number of active military personnel in the theater of operations for each conflict. Also, soldiers were less likely to be awarded the Medal of Honor if the conflict in which they fought was one in which the United States Congress officially declared war on specific enemies. It is possible that this inverse relationship of "declaration" and fewer medals is linked to the larger numbers of the military personnel brought to bear in the conflict – or it may not. The United States Congress has declared war on another country thirteen times, but these account for only five conflicts: The War of 1812 and the Mexican-American War (1846) (both fought before the inauguration of the Medal of Honor); the Spanish-American War (1898); the First World War (1917) being two Declarations, one against Germany, and one against Austria-Hungary; and the Second World War (1941-45) being six declarations, against Japan, Germany, Italy, Bulgaria, Hungary, and Romania.[36]

One might expect the length of conflict to be associated with a greater likelihood of awarding the Medal of Honor, if only because there is more time for campaigns to be waged, and longer conflicts tend to be larger conflicts, yet length of conflict is not clearly related to award. For example, the Vietnam War, which lasted twenty years, is significantly longer than other United States conflicts, yet it is the conflict with the fourth-lowest likelihood of the award of the Medal of Honor. Another way to view these relationships is through a scatterplot of medals against the number of troops in theater as seen in Figure 1. Since the distribution of Medals of Honor during the Civil War was relatively unregulated[37], this war is not included in Figure 1.

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[36] *Id*.

[37] In June 1863, for example, the entire body of the 27th Maine Infantry were awarded Medals of Honor just for re-enlisting. These awards were the majority of the 911 names struck from the Medal of Honor roll after the Civil War. *See* JOHN J. PULLEN, A SHOWER OF STARS: THE MEDAL OF HONOR AND THE 27TH MAINE (1966).

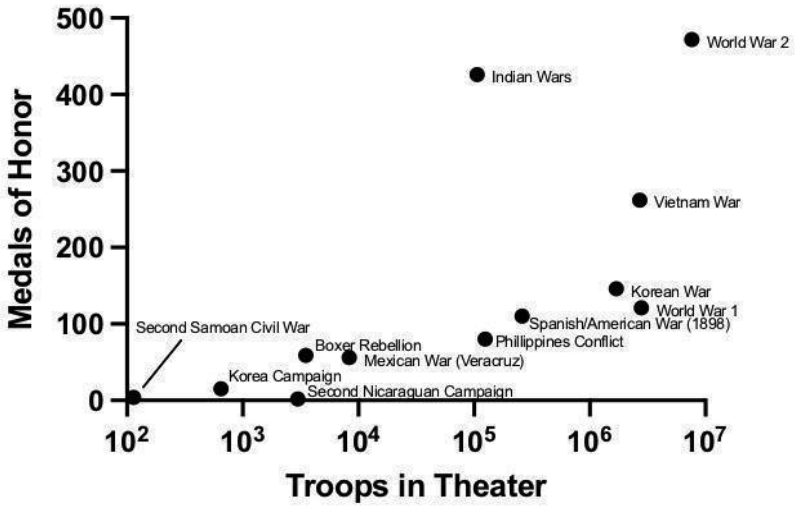

FIGURE 1 – Scatter Plot Distribution of Medals of Honor against Number of Troops in Theatre

The "Indian Wars" are clearly an outlier in this simple bivariate distribution. However, if the "Indian Wars" are excluded from the calculation, the linear relationship between size of forces in theater and distribution of Medals of Honor becomes even more clear. Figure 2, alters the presentation of the data in two ways: first the "Indian Wars" are excluded from the calculation of the linear relationship, and second, the Troops in Theatre variable are plotted against a logarithmic scale creating the variable "LOG-Troops in Theatre," and a scatterplot of LOG-Troops against Medal of Honor frequency is executed. In this distribution, the "Indian Wars" stand out even more strongly as an anomaly in this collection of conflicts.

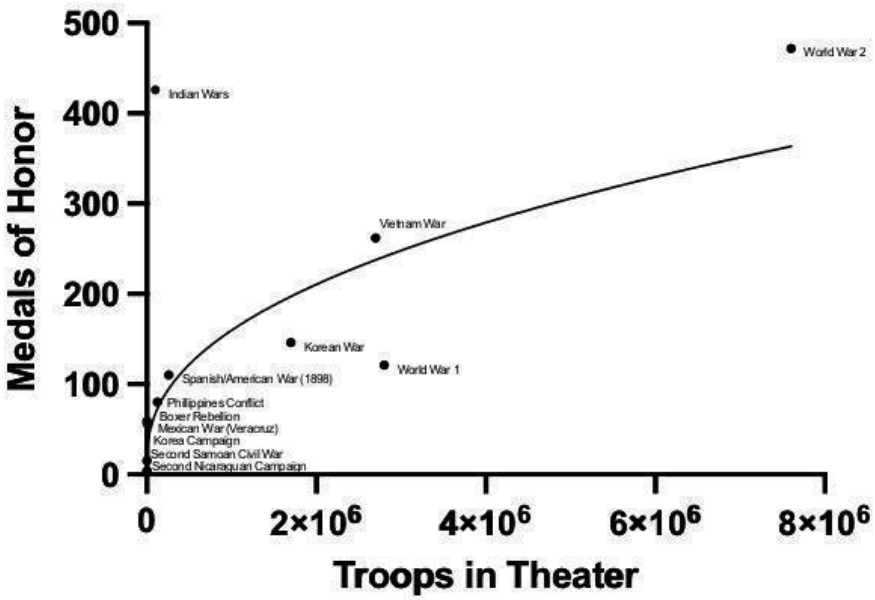

FIGURE 2 – Scatterplot of Medals of Honor against the Log of Number of Troops in Theater, excluding "Indian Wars"

The "line of best fit" demonstrates the relationship between the number of medals awarded and the size of forces within the theater of operations.[38] The Pseudo R-Squared (0.8425) also suggests a strong relationship when the "Indian Wars" are excluded.

If the frequency of awarding the Medals of Honor during the "Indian Wars"' is anomalous, two sets of key questions emerge. First, why was this relatively small group of combatants awarded the Medal of Honor at such a high rate, and in what ways did they differ from other American soldiers in other conflicts? Second, how does this awarding of medals relate to this specific period of time and history? The war and conflict between Indigenous Peoples and Europeans had been going on with little respite from the early 1500s (and certainly since 1776). What is unique about the thirty-eight year period, from

[38] Fitted to the equation y=axb+c, where b is a fraction.

1862 to 1900, that would generate such an explosion of recognized "gallantry"?

This article suggests that whatever the length of the conflict, or the size of the deployment, there seems to be a relationship between specific racial and/or ethnic characteristics of the enemy forces and the likelihood of the awarding of the Medal of Honor. It is not just the "Indian Wars" that demonstrates this pattern, but it may be that the "Indian Wars" *set* the pattern. Note that the conflicts with an even higher rate of award than the "Indian Wars" were conflicts against Samoans, Koreans, Chinese, and Mexicans. With the exception of the Civil War and the First and Second World Wars, all enemies in the Table above might have been seen through a racist lens.

This article also suggests that fundamentally racist assumptions about the Indigenous Peoples of North America led European belligerents to conceptualize them as inferior "enemies," and therefore less needful of objective assessment as an "enemy" within European expectations in the conduct of war. One significant outcome of this conscious process of dehumanization was to enable a logic of extermination to be applied to Indigenous Peoples – the "merciless Indian Savages" in the words of the Declaration of Independence.[39] In parallel, this dehumanization, lowering the regard or esteem in which an enemy might be held, may have led to a dilution of the regard in which the U.S. Medal of Honor was itself held, and to a devalued proliferation of awards during the "Indian Campaigns" for a raft of military actions that ranged from the trivial to the genocidal.

Means, Motivation, and Opportunity

The decades after the American Civil War were marked by growth, chaos, migration, political upheaval, dramatic social change, two economic depressions, imperialist expansion overseas, and the effective completion of the centuries-long displacement of the Indigenous Peoples of North America within the United States territory.[40] If this dramatic and hard final push into the West is conceptualized as an

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[39] THE DECLARATION OF INDEPENDENCE para. 29 (U.S. 1776).

[40] *See* CHARLES POSTEL, EQUALITY: AN AMERICAN DILEMMA 1866-1896 (Farrar, Straus, & Giroux, 2019).

act of criminal assault and displacement, then it is a short step to interpret it within the explanatory "triangle" of criminal action.[41] This "triangle" asserts that for any crime to take place, the perpetrator(s) must be *motivated* to act criminally, have the *means* to do so, and have the *opportunity* to do so.[42] To fully illuminate these factors within American society, culture, and politics in the period of 1868-1898 would require treatment far beyond the range of this article, but some key points can be made to support the link between this particular time and place and the way that Medals of Honor were awarded with such abundance.

Following the Civil War, there was significant *motivation* for large numbers of American citizens to move West into lands held by Indigenous Peoples. The West was understood to be challenging, but also seen as unclaimed, unploughed, and seemingly open to settlement. Not surprisingly, settlers from the North and South were motivated to seek new opportunities there, including soldiers who had remained in the military and were deployed West. It is unlikely that those seeking new lives in the West considered their plans or actions criminal – after all, the government was enabling this movement through a number of legal provisions.

The 1862 Homestead Act was one of the powerful sets of *means* by which settlers could displace and seize what had been land occupied by Indigenous Peoples. Any U.S. citizen, or intended citizen, who had never fought against the U.S. Government could file an application and claim 160 acres of Government land.[43] For five years following the claim, the homesteaders were expected to live on the land and make "improvements." After five years the homesteader could file for legal title by showing proof of residency and improvements to a local government land office.[44] Such freely available land

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[41] Lawrence E. Cohen & Marcus Felson, *Social Change and Crime Rate Trends: A Routine Activity Approach,* 44 AM. SOCIO. REV. 588 (1979) (explaining this "triangle" which is a concept now widely used amongst both law enforcement and public health practitioners).

[42] *Id.*

[43] *See* RICHARD EDWARDS, JACOB K. FRIEFELD & REBECCA S. WINGO, HOMESTEADING THE PLAINS: TOWARD A NEW HISTORY (Univ. of Nebraska Press, 2019) (detailing a favorable treatment of the Homestead Act).

[44] *Id.* at 10.

was more than a means – it was, for many families, especially immigrant families, a golden *opportunity*. As time passed, more and more "government" land was made available and Indigenous Peoples were "legally" or illegally dispossessed of their lands or reservations by the government.[45] But to achieve clearance and access to millions of acres of Western land required an escalation in the removal of the original inhabitants. While motivation and opportunity were there, the question of *means* moved from the existing tactics of encroachment, skirmishing, and confinement on reservations, to a more aggressive clearance of Indigenous Peoples, and an increase not just in battles fought between armed men of both sides, but to a strategic focus on what one historian has termed "genocidal massacre."[46]

Massacres and the Medal of Honor

From the late 1860s there were a number of reasons why both civilians and the U.S. Government, and by extension, the U.S. military, would want to take control of the land held by Indigenous Peoples. But a pressing question is why the *intensity* of the conflict increased in the later period of the "Indian Wars" into what Kiernan[47] calls "genocidal massacres." Leo Kuper[48] established the sociological concept of the "genocidal massacre" as shorter, limited episodes of killing directed at a specific community, often targeted because of its membership in a larger group. Kuper also noted that genocidal massacres often serve as object lessons for other members of the group. Both authors point out that there is no such category of "genocidal massacres" within the 1948 Genocide Convention, but argue it is a useful sub-category of the broader term of "genocide."

For example, such assaults increased dramatically after the discovery of gold in California.[49] The Gold Rush which occurred in

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[45] *Id.* at 6.

[46] LEO KUPER, GENOCIDE: ITS POLITICAL USE IN THE TWENTIETH CENTURY 92 (Yale Univ. Press, 1981).

[47] BEN KIERNAN, BLOOD AND SOIL: A WORLD OF GENOCIDE AND EXTERMINATION FROM SPARTA TO DARFUR 13 (Yale Univ. Press, 2007).

[48] KUPER, *supra* note 46, at 59.

[49] T. Robert Przeklasa, *And the Elders and Scholars Wept: A Retrospective on the Symposium: Killing California Indians: Genocide in the Gold Rush Era*, 9

1849, placed the Indigenous population squarely in the way of large numbers of would-be prospectors and settlers. From 1849 to 1869 the Indigenous population in California declined by 80%, much of it through violence.[50] California's first governor, Peter Burnett, had stated "That a war of extermination will continue to be waged between the races until the Indian race becomes extinct must be expected", and in the late 1840s, set aside state funds to arm local militias.[51] These militias operated with semi-autonomy, attacking Indigenous Peoples with impunity. Local governments in several communities set bounties for scalps or heads, and paid for the horses taken from Indigenous People. The result was a loosely organized campaign that is demonstrated, in part, by the frequency of massacres of Indigenous Peoples within that twenty-year period.

TABLE 2 – Documented Massacres in the Modoc/California "Indian Wars" (Upper Estimate 2,110 deaths)

Location	Year	Known Morality/Group
Stanislaus, CA	1837	200 Sierra Miwoks
Clear Lake, CA	1941-42	150 Pomos
Moth Island, CA	1843	170 Wiyots/Mattoles

GENOCIDE STUD. & PREVENTION: AN INT'L J. 120 (2015), https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1304&context=gsp; *see also Gold, Greed & Genocide*, INT'L INDIAN TREATY COUNCIL (Jan. 1, 2023), https://www.iitc.org/gold-greed-genocide.

[50] Erin Blackmore, *California's Little-Known Genocide,* HIST. (Dec. 4, 2020), https://www.history.com/news/californias-little-known-genocide#:~:text=An%20estimated%20100%2C000%20Native%20Americans,murder%20up%20to%2016%2C000%20people; *see also* Margaret A. Field, Genocide and the Indians of California, 1769-1873 (1993) (Graduate Master's Theses, Univ. of Mass. Boston), https://scholarworks.umb.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1142&context=masters_theses.

[51] *Peter Burnett*, THE GOVERNORS' GALLERY, https://governors.library.ca.gov/addresses/s_01-Burnett2.html.

Cokadjal, CA	1850	75-150 Pomos
Bloody Island, CA	1850	60-800 Pomos
Lost River, CA	1852	31-90 Modocs
Bridge Gulch, CA	1852	140-200 Wintus
Humbolt Bay, CA	1860	80-200 Yuroks/Wiyots
Ownes Lake, CA	1865	20-100 Paiutes/Shoshones
Colorado River, CA/NV	1866	50 Utes

As the displacement of Indigenous Peoples was being completed in California, the final efforts to "clear" Indian lands were increasing on the Great Plains and in the Southwest. The Medal of Honor had not been awarded in the militia actions in California since most of these attacks occurred before it was established, and they were less likely to be carried out by U.S. military personnel. By the late 1860s, the focus of anti-Indigenous military action shifted decisively from California to the Great Plains and Southwest.

The military personnel used to prosecute a "war of extermination"[52] in the West and Southwest were detachments of the U.S. Army, often veterans of the Civil War. In the Civil War, these soldiers had fought enemy soldiers, but there had been no general killing of civilians on either side, nor of women or children. As the "Indian Wars" neared their climax, American soldiers and Indigenous warriors still came into conflict, but attacks and massacres directed against Indigenous Peoples, and the targeting of women and children, increased. This leads to a question central to the inquiry presented in this article: How were trained U.S. soldiers led to accept, or convinced, that it was appropriate to kill women and children? Clearly racism played a significant part, but might it have been possible that selective and extensive award of the Medal of Honor after such operations helped to legitimize those actions? The major offense against the Indigenous

[52] KIERNAN, *supra* note 47, at 351.

population that began in the late 1860s was accompanied by a dramatic increase in the award of the Medal of Honor. Is it possible that such awards following on from conflicts that included massacres were, in part, to support the *post facto* interpretation and rationalization of these acts as necessary, patriotic, even heroic?

The pace of the conflict intensified from 1867 on. Early that year General William Sherman, then commanding forces in the West, wrote to General Grant that, "[w]e must act with vindictive earnestness against the Sioux, even to their extermination, men, women and children. Nothing else will reach the root of this case."[53] The massacre that occurred at Marias River is well-documented and illustrates how such operations were carried out.

Early on January 23, 1870, 200 U.S. Cavalry troops led by Major Eugene Baker surrounded a Piegan camp holding about 300 people on the Marias River in Montana. Chief Heavy Runner went out to meet Major Baker, handing him some papers, which the Major read, tore up, and then threw away. As Chief Heavy Runner turned back to his lodge, he was gunned down. The Troopers then opened fire from the ridges above the camp, shooting into the lodges filled with sleeping people. The soldiers then attacked the camp, cutting open the lodges and killing men, women, and children indiscriminately. As most of the men of the village were away on a hunt, there was little resistance. One soldier later related, "we killed some with axes" and "gave them an awful massacring [sic]."[54] In 1871 the United States Congress decided to make no further treaties with Indigenous Peoples, thus cutting off diplomatic or legal recourse in the face of armed campaigns.[55] In 1873, General Sherman ordered Brig. Gen. Canby to fight the Indigenous Peoples so that "no other reservation for them will be necessary except graves… ."[56]

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[53] *Id*. at 358.

[54] Roger C. Henderson, *The Piikuni and the U.S. Army's Piegan Expedition: Competing Narratives of the 1870 Massacre on the Marias River*, 68 MONTANA. THE MAGAZINE OF WESTERN HISTORY 48–96 (2018).

[55] *Id.*

[56] KIERNAN, *supra* note 47, at 359.

TABLE 3 – Documented Massacres in Great Plains/Southwest "Indian Wars" (Upper Estimate 2,825 deaths)

Location	State	Year	Known Morality/Group
Penateka	Texas	1840	128-130 Comanches
Blue Water Creek	Nebraska	1855	74-150 Lakotas
Little Robe Creek	Oklahoma	1858	76 Commanches
Mankato	Minnesota	1862	38 Dakota
Bear River	Wyoming	1863	350 Northwest Shoshones
White Stone Hill	North Dakota	1863	100-300 Dakotas and Lakotas
Sand Creek	Colorado	1864	500-600 Arapahoes and Cheyenne
Spanish Fork Canyon	Utah	1866	30+ Utes
Guano Valley	Oregon	1866	80-81 Northern Paiutes
Washita	Oklahoma	1868	150 Arapahoes, Cheyenne, and Sioux
Marias River	Montana	1870	217 Piegans (Blackfeet)

Camp Grant	Arizona	1871	85-144 Apaches (27 children removed)
Sappa Creek*	Kansas	1875	27 Cheyenne
Big Hole*	Montana	1877	42-200 Nez Perce
Antelope Creek	Nebraska	1879	26 Northern Cheyenne
Wounded Knee*	South Dakota	1890	300 Lakotas
* Medals of Honor awarded to U.S. Soldiers: Sappa Creek (8); Big Hole (5); Wounded Knee (20).			

It is notable that the intensification of war-making against Indigenous Peoples from 1867 was paralleled by the increase in the number of the Medals of Honor awarded to soldiers. There was also a parallel reduction in the details of the citations explaining why the recipient merited the award. As noted above, "incontestable evidence" was required that the acts of bravery "be so outstanding, that it clearly distinguishes gallantry beyond the call of duty from lesser forms of bravery, involve the risk of life, and be the type of deed, which, if not done, would not subject the recipient to any unjustified criticism."[57] At the peak of the offensive actions against Indigenous Peoples after 1867, the Medal of Honor Citations became starkly brief: the sole phrase "Gallantry in Action" is repeated regularly. Other citations were more explicit if still brief: "Runs down and kills an Indian"[58], or in one case in 1890, a single word, "Bravery."[59] Other citations are more descriptive, but still difficult to translate: "Fearless exposure and

[57] Carl Sandburg, *Hist. of the Medal*, AM. VALOR (Oct. 15, 2021), https://www.pbs.org/weta/americanvalor/history/.
[58] *Indian War Campaigns Medal of Honor Recipients Lloyd Milton Brett*, U.S. ARMY, https://www.army.mil/medalofhonor/citations3.html.
[59] *Indian War Campaigns Medal of Honor Recipients Richard J. Nolan*, U.S. ARMY, https://www.army.mil/medalofhonor/citations3.html.

dashing bravery in cutting off the Indians' pony herd, thereby greatly crippling the hostiles."[60] The intent of some military actions would seem to be obfuscated in the Medal of Honor citations. This seems especially clear in the final military massacre of the period at Wounded Knee, South Dakota in 1890.

There were a good number of witnesses to the events at Wounded Knee: soldiers and civilians, including journalists, and survivors of the massacre. The core of the stories that emerged from that day suggests that a struggle to take a rifle from one indigenous man, Black Coyote, led to it being discharged. Afterwards, firing by the soldiers, and seemingly without explicit orders, escalated rapidly. Thomas Tibbles, a journalist present, described that moment: "[s]uddenly, I heard a single shot from the direction of the troops. Then three or four. A few more. And immediately, a volley. At once came a general rattle of rifle firing, then the Hotchkiss guns."[61] The Hotchkiss guns were small, portable cannons, in this instance, loaded with grape shot. These were first directed at the tipis of the village, shredding them and killing whoever was inside. When the firing began, the soldiers surrounded the village in a rough circle, leading to the death of some soldiers by "friendly fire." It is also thought that some soldiers were killed by the long-range Hotchkiss guns that raked the village. The indigenous people who survived the heavy firing at the lodges began to run for shelter into a ravine next to the village. Men (some of whom had been disarmed the previous day), women, and children ran into the ravine to escape the fusillade. Many were cut down before they could reach it.

At this point it is agreed that the Cavalry officers lost control of the soldiers. Some fanned out in the village executing the wounded while others left the battlefield to pursue indigenous people fleeing across the prairie. Still, other soldiers took up firing positions on the edge of the ravine, firing down into those sheltering there.[62] Less than

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[60] *Lloyd Milton Brett*, CONG. MEDAL OF HONOR SOC'Y, https://www.cmohs.org/recipients/lloyd-m-brett.

[61] ALVIN M. JOSEPHY JR., 500 NATIONS: AN ILLUSTRATED HISTORY OF NORTH AMERICAN INDIANS (2002).

[62] *See generally* Nelson A. Miles, Nelson A. Miles Papers (Mar. 13, 1917) (unpublished manuscript) (on file with the Library of Congress) ("The official reports

an hour after the first discharge of a rifle, it is estimated that 300 of the approximately 350 population of the village were dead. Major General Nelson A. Miles, Commander of the Division of the Missouri, wrote confidentially to George W. Baird who had been Miles' Adjutant during the Nez Perce War:

> Wholesale massacre occurred and I have never heard of a more brutal, cold-blooded massacre than that at Wounded Knee. About two hundred Indian women and children were killed and wounded; women with little children on their backs, and small children powder-burned by the men who killed them being so near as to burn the flesh and clothing with the powder of their guns and nursing babes with five bullet holes through them.[63]

Capt. Edward S. Godfrey, who commanded Company D of the Seventh Cavalry wrote about the moment when the soldiers began to fire all at once and without clear aim:

> I know the men did not aim deliberately and they were greatly excited. I don't believe they saw their sights. They fired rapidly but it seemed to me only a few seconds till there was not a living thing before us; warriors, squaws, children, ponies and dogs . . . went down before that unaimed fire . . . .[64]

The random killing of women and children, as well as the wounded, marks this as a massacre, yet the citations leading to the awarding of twenty Medals of Honor paint a rather different picture.

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make the number killed 90 warriors and approximately 200 women and children.") (reporting some 300 snow covered forms during his inspection of the field three days later).

[63] Nelson Appleton Miles, *Letter to G. W. Baird*, WESTERN AM. COLLECTION (1891).

[64] Brevet Major E. S. Godfrey, *Cavalry Fire Discipline*, 19 J. OF THE MIL. SERV. INSTIT. OF THE U.S. 252, 259 (1896).

For example, the following four men took part in firing into the people finding shelter in the ravine beside the village. Their citations[65] read:

> Austin, William G. – "While the Indians were concealed in a ravine, assisted men on the skirmish line, directing their fire, etc., and using every effort to dislodge the enemy."
>
> Gresham, John C. – "Voluntarily led a party into a ravine to dislodge Sioux Indians concealed therein. He was wounded during this action."
>
> McMillan, Albert W. – "While engaged with Indians concealed in a ravine, he assisted the men on the skirmish line, directed their fire, encouraged them by example, and used every effort to dislodge the enemy."
>
> Sullivan, Thomas – "Conspicuous bravery in action against Indians concealed in a ravine on 29 December 1890, while serving with Company E, 7th U.S. Cavalry, in action at Wounded Knee Creek, South Dakota."

Other citations arising from the massacre are brief, and without detail:

> Hermann Ziegner – "Conspicuous bravery."
>
> George Hobday – "Conspicuous and gallant conduct in battle."
>
> Marvin Hillcock – "Distinguished bravery."
>
> Mathew H. Hamilton – "Bravery in action."

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[65] *List of Medal of Honor recipients for the Wounded Knee Massacre*, Mil. Wikihttps://military-history.fandom.com/wiki/List_of_Medal_of_Honor_recipients_for_the_Wounded_Knee_Massacre (referencing the following eight citations).

> Frederick E. Toy – "Bravery." Toy's commanding officer reported to the Adjutant General that Toy did "deliberately aim at and hit two individuals who had run into the ravine."[66]

In Table 1, the likelihood that a soldier would receive a Medal of Honor in different conflicts was calculated. For comparison, of the 114 soldiers who fought in the Second Samoan War, four received Medals of Honor, for a likelihood of .035 (35 medals per 1,000 soldiers). For the larger "Indian Wars" the likelihood was .0040 (40 medals per 10,000 soldiers). But by comparison, the award of Medals of Honor after the massacre at Wounded Knee was the most prolific in U.S. history – at a rate of .04 (40 medals per 1,000 soldiers). In this case there were 500 soldiers in the field that day, of whom twenty-five were recommended for Medals of Honor, and twenty were awarded. Five officers were recommended for promotions to higher rank, but because they had lost control of their soldiers, these promotions were disallowed.[67] Green[68] made a detailed study of each medal awarded after Wounded Knee. He found a number of anomalies in the awards, noting the "almost random and capricious nature of the process." He notes that the citations supporting most of the recommendations were very brief, "with few, if any, details of the specific acts of heroism."

A massacre had been committed in a moment, but explanations, rationalizations, and interpretations went for years. General Miles, who had first denounced the massacre, then passed recommendations for medals and promotions up the chain of command. Public opinion was largely favorable to the military and the outcome of the "battle." Five days after the massacre, the editor of the *Aberdeen Saturday Pioneer* (South Dakota), L. Frank Baum[69] wrote in an editorial:

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[66] Sam Russell, *First Sergeant Frederick Ernest Toy, G Troop, 7th Cavalry – Conspicuous Bravery and Coolness in Action*, WORLD PRESS BLOG (April 11, 2018), https://armyatwoundedknee.com/2018/04/11/first-sergeant-frederick-ernest-toy-g-troop-7th-cavalry-conspicuous-bravery-and-coolness-in-action/.

[67] Nelson A. Miles to the Adjutant General, Oct. 21 1891, Adjutant General's Off., RG 96, Nat'l Archives.

[68] *See* Jerry Green, *The Medals of Wounded Knee*, 75 NEB. HIST. 200-208 (1994).

[69] Jose Barreiro & Tim Johnson, *America is Indian Country: Opinions and Perspectives from Indian Country Today*, KUPER FULCRUM PUBL'G 150-151 (2005) (Baum is better known as the author of *The Wizard of Oz)*.

> *The peculiar policy of the government in employing so weak and vacillating a person as General Miles to look after the uneasy Indians, has resulted in a terrible loss of blood to our soldiers, and a battle which, at its best, is a disgrace to the war department. There has been plenty of time for prompt and decisive measures, the employment of which would have prevented this disaster.*
>
> *The Pioneer has before declared that our only safety depends upon the total extermination [sic] of the Indians. Having wronged them for centuries we had better, in order to protect our civilization, follow it up by one more wrong and wipe these untamed and untamable creatures from the face of the earth. In this lies future safety for our settlers and the soldiers who are under incompetent commands. Otherwise, we may expect future years to be as full of trouble with the redskins as those have been in the past.*

Baum neatly expresses what seemed to be the general view that the massacre was regrettable – "a disgrace to the war department" but in the long run for the best – "In this lies future safety for our settlers …" Neither the government's response, nor that of the press, could be termed a "cover-up" since the facts of the "battle" were widely known. It was the interpretation which made clear the official position, that the most important action was "*to protect our civilization*" – an interpretation that could be said to be supported and cemented by the awarding of the Medals of Honor. That "civilization" was enormously different from that of even twenty years before. In 1891, there were electric light bulbs, telephones, adding machines, smoke detectors, and the first tractors and automobiles with internal combustion engines. The extermination of unneeded and unwanted Indigenous People was considered unfortunate but rational.

TABLE 4 – Medals of Honor Awarded by Year

Year	Medals
1868*	4
1869	54
1870*	28
1871*	5
1872	20
1873	13
1874	25
1875*	12
1876	51
1877*	42
1878	0
1879*	14
1880	3
1881	9
1882	5
1883	0 (only 1 recorded battle)
1884	0 (no recorded battles)

1885	0 (5 ambushes by Apaches	
1886	4 (campaigns against Apache)	
1887	0	
1888	0	
1889	0	
1890*	21 (20 Wounded Knee massacre)	
1891	5	
1892-97	0	
1898	1 (last Medal of Indian Wars)	

* Years with documented massacres

Conclusion

The "Battle" of Wounded Knee brings this article full circle in discussion of the long war between the European and American governments on one side and the Indigenous Peoples of North America

on the other. By examining the total number of documented conflicts, the "Indian Wars" involving the United States of America extends some 124 years, not the thirty eight years given as the "official" period in some U.S. government histories.[70] We note that these conflicts have in common key attributes which bind them together. Firstly, all of these conflicts are campaigns, of various size or intent, prosecuted against the Indigenous Peoples of North America, directly or supported by, the government of the United States, or a subset of the government such as the local militias raised in California, or civilian vigilantes. A second distinguishing feature of the "Indian Wars" is that, unlike all other significant conflicts in U.S. military history, these conflicts primarily arose from aggressive, invasive campaigns, sometimes including reactive, often haphazard, tactical assaults against a perceived threat. "Indian Wars" were carried out against Indigenous populations to reduce their military capability, but with two additional attributes not usually found in U.S. military history. The first is that noncombatants were regularly, and intentionally, treated as legitimate targets. The second attribute is that these were wars of conquest, fought with the strategic aim of claiming land and resources for the American Republic, and for exercising control over, removing, or exterminating the Indigenous inhabitants. This paper puts forth the argument that the conceptualization of the "Indian Wars" has been deliberately obscured by presenting this war of conquest as simply a long series of individual and unrelated skirmishes and battles, spread across time and space, against this or that sub-group of Indigenous Peoples.

This paper further argues that this reductionist assessment of Indigenous Peoples arose in part due to their specific devaluation from human to sub-human in the 18th century in the "Rules" or "Laws" of war as promoted and sometimes practiced by Europeans. Within this conceptual framework, emphasized in the Republic's founding document, the label of "savage" was applied to the original inhabitants of the continent placing them into a category that warranted and justified their extermination. That categorization ensured that in both negotia-

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[70] Richard W Stewart, *The Army in the Indian Wars, 1865-1890*, LEGENDS OF AMERICA, https://www.legendsofamerica.com/na-armyindianwars/.

tion and conflict Indigenous Peoples were never accorded the full status of human beings or non-combatants in the sense set out by Grotius, de Vattel, and others in the "laws of wars."

The concept of "genocidal massacre," though not part of the official definition of genocide, might be applied to a significant number of assaults on Indigenous Peoples as demonstrated by the listings of massacres that reflect the criteria within the definition of genocide. At the same time, internal decision-making processes of military staff as they determined to whom and under what circumstances they might award the Medal of Honor cannot be accessed, except in scant surviving records. It may have been that the increase in the award of the Medal of Honor was driven by careerist imperatives amongst officers. It is clear that the Medal of Honor was awarded with greater frequency in the Civil War and the "Indian Wars" than within the wars of the 20th century. As Green's article concludes, "We may never know the reasons for the issuance of all the Wounded Knee medals, although this examination has provided evidence of the almost random and capricious nature of the process. More elaborate speculations on the motivations of the military leaders will have to wait."[71] Those motivations are also beyond the scope of this article; however, it can be asserted with confidence that there are clear patterns of awards occurring across time and space, and within larger historical movements, patterns that deserve further inquiry. With that said, the Medal of Honor in the "Indian Wars" shifted its original rationale of rewarding extreme bravery and sacrifice to something less. Put simply, it is difficult to reconcile genocide and martial honor.

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[71] Green, *supra* note 68.