



September 17, 2021

The Honorable Kai Kahele
United States House of Representatives
1205 Longworth House Office Building
Washington DC 20515

Dear Representative Kahele:

We are writing on behalf of the undersigned Tribal Nation organizations to voice our support for H.R. 2226, the Remove the Stain Act. The bill would rescind the Medals of Honor awarded to members of the 7th Cavalry who participated in the Wounded Knee Massacre on December 29, 1890. The Wounded Knee Massacre took place between unarmed Native Americans and soldiers, who were heavily armed with standard issue army rifles and four Hotchkiss guns with 37 mm barrels capable of firing 43 rounds per minute. Nearly two-thirds of the Lakota People who were massacred were unarmed women and children who were participating in a ceremony to restore their traditional homelands. Poor tactical placement of the soldiers meant that most of the casualties suffered by the United States troops were inflicted by friendly fire.

Major General Nelson Miles said a “[w]holesale massacre occurred and I have never heard of a more brutal, cold-blooded massacre than that at Wounded Knee” and recognized that the 7th Cavalry had killed a very large number of women and children. Despite General Miles contemporaneous statements and findings, the United States awarded 20 Medals of Honor to soldiers of the U.S. 7th Cavalry for their participation in the Wounded Knee Massacre. These Medals dishonor the brave American soldiers who in fact "distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty" as required to be eligible to receive a Medal of Honor.

In 2001, the Cheyenne River Sioux Tribal Council called upon the United States to revoke the Medals of Honor from the soldiers of the U.S. 7th Cavalry for the massacre of unarmed men, women, children, babies, and elders of the Minnicoujou Band of the Great Sioux Nation on December 29, 1890, at Wounded Knee Creek. Since that resolution many Intertribal organizations have passed similar resolutions supporting the revocation of those Medals of Honor. Again, we renew our request that the Medal be revoked.

Innocent, unarmed, men, women, and children under a white flag of truce were massacred by the 7th Cavalry. The United States compounded the horror of murder by awarding 20 medals of honor to the 7th Cavalry soldiers for bravery. A pervasive sadness exists on the Cheyenne River Reservation and Pine Ridge Reservation, the home of many descendants of the Wounded Knee Massacre of 1890. There has never been closure to the sad and horrible massacre where innocent, unarmed men, women, and children were massacred under a white flag of truce.

We support the passage of HR 2226, the Remove the Stain Act. Please contact me if you need any further information or wish to discuss further.

Sincerely,

Affiliated Tribes of Northwest Indians

Great Plains Tribal Chairmen's Association

Midwest Alliance of Sovereign Tribes

National Congress of American Indians

National Indian Gaming Association

United South and Eastern Tribes Sovereignty Protection Fund



National Native American Heritage Month, 2021

During this National Native Heritage Month, Barb and I want to offer our prayers and condolences to our brothers and sisters who have lost loved ones. We understand the losses firsthand and we know the memories of those we lost are painful, and still healing. When our granddaughter, Donna Brandis, was 7 years old, she called us crying and we asked what was wrong. She said, “My Heart isn’t hurting anymore for Gramma Nina, and it makes me so sad I can’t stop crying.” Those words from a seven-year-old were a learning moment for us.

Barb and I begin this acknowledgement by offering our prayers. We do this because of all our brothers and sisters that we lost - loved ones we lost before Native American Day/Month was first signed into law in 2008. Unlike our granddaughter, who lost her great grandmother as a result of natural causes, the ancestors of the Wounded Knee Massacre descendants were murdered one hundred and eighteen years before the law was signed - and there is still no justice for them. The hearts of these descendants will never stop hurting and the pain will never go away. Only now, one hundred and thirty years later during Native American Heritage Month, do we have a chance at helping the healing process for these descendants.

On November 2, 2021, 17 members of Congress wrote a letter to President Biden. The letter asked him to use his authority to rescind the Medals of Honor from those soldiers that caused the Wounded Knee Massacre. (See letter here <https://www.warren.senate.gov/oversight/letters/warren-merkley-kahele-lead-bicameral-letter-urging-biden-to-rescind-medals-of-honor-awarded-to-soldiers-who-perpetrated-wounded-knee-massacre>.)

This story was covered by the New York Times, a publication which has 7.8 million subscribers and 130 million online viewers. This has brought national attention to the atrocities that occurred at the Wounded Knee Massacre. (See the story here <https://www.nytimes.com/2021/11/03/us/politics/rescind-medals-wounded-knee-massacre.html>)

On January 15, 2020, we received a written Response from Vice-President Biden (now President Biden) at the Four Directions and Nevada Tribes Native American Presidential Forum concerning the Medals of Honors as follows:

1. Do you support the revocation of the Medals of Honor for the 1890 Wounded Knee Massacre?

“Yes. The Congressional Medal of Honor is our Nation’s highest award for gallantry in combat, in defense of our Nation’s highest ideals and principles. That this medal was awarded for the massacre of hundreds of unarmed Native Americans, including women and children, is abhorrent to those very ideals and lessens what the award represents in integrity and personal sacrifice for all others who have received it.”

In parting let us truly make the Native American Heritage Month, as well as Native American Heritage Day on November 26th, 2021, meaningful - not only to us but to our ancestors who were brutally murdered at the Wounded Knee Massacre on December 29th, 1890 by removing those Medals of Honor awarded to those soldiers.

I ask that you contact President Biden to let him know that the time to heal is now, and for him to use his Executive Powers to Remove The Stain from the Medals of Honor.

Please see contact information below:

President: Joseph Biden

Online: <http://www.whitehouse.gov/contact/>

Comments: 202-456-1111

Switchboard: 202-456-1414

TTY/TTD: 202-456-6213

Letters can be sent to the President at the following address:

The White House

Office of the President

1600 Pennsylvania Avenue, N.W.

Washington, DC 20500

BIDEN PRESIDENT

January 15, 2020

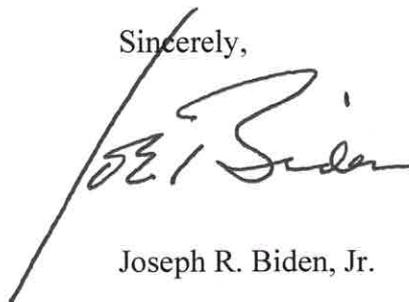
To the organizers and attendees of the Four Directions and Nevada Tribes Native American Presidential Forum,

I'm sorry I can't be with you today, but I am humbled to extend my well-wishes as you gather to discuss the important issues facing millions of Native American voters and their families. At a time when our nation is facing unprecedented challenges, your voices and your leadership are essential in our pursuit to get this country back on track.

I am running for president to restore the soul of the nation and to expand the promise of America to all who inhabit its shores and I promise you, if elected, our Native communities will have a friend, a partner, and an advocate in the White House.

We have a lot of work ahead of us, but I know we're up to the task. I know what this country is capable of when we work together. My prayer for you, and for us all, is that in these moments when we must decide who we are and what we stand for, we will remember the strength and fortitude of communities like yours. The progress we've made on Indian Country's most urgent issues is because of all of you. You've demanded attention. You've fought for solutions and changes to the law, and you continue to fight for the authority to ensure justice and fairness for everyone in your nations. I am grateful for and inspired by your courage, and I look forward to working with you to make real our vision for an America that guarantees the rights, freedoms, and dignity of all people.

Sincerely,



Joseph R. Biden, Jr.

Biden for President • P.O. Box 58178 • Philadelphia, PA 19102

PAID FOR BY BIDEN FOR PRESIDENT



1. Do you support the revocation of the Medals of Honor for the 1890 Wounded Knee Massacre?

Yes. The Congressional Medal of Honor is our Nation's highest award for gallantry in combat, in defense of our Nation's highest ideals and principles. That this medal was awarded for the massacre of hundreds of unarmed Native Americans, including women and children, is abhorrent to those very ideals and lessens what the award represents in integrity and personal sacrifice for all others who have received it.

2. According to the United States Department of Justice, American Indian women are ten times more likely to be murdered than the national average. Four in five American Indian women will experience violence in their lifetimes. Homicide is the third leading cause of death for American Indian girls and women between the ages of 10 and 24. The MMIW crisis has long been a quiet crisis, as federal authorities and federal law enforcement fail to accurately report data or work to find the women who disappear or are murdered. As President of the United States, how would you use your authority to address the Missing and Murdered Indigenous Women crisis in Indian Country?

What's happening to indigenous women on reservations and across the United States is unconscionable and outrageous. And, it's devastating that families are conducting their own searches for missing loved ones. It must end.

I've spent my entire career working to end violence against women. In 1990, I wrote the Violence Against Women Act, and fought for it to be passed four years later. I'm proud to have fought for tribes' rightful authority to protect Native women from abuse, a battle we won in 2013, when we got the Violence Against Women Act reauthorization to recognize tribes' inherent power to exercise special criminal jurisdiction over non-Indian offenders who commit domestic violence, dating violence, or violate a protection order.

Progress is possible. But for missing and murdered indigenous women and their families, justice remains out of reach.

In October 2019, I sent the vice chair of my campaign Cathy Russell, who was U.S. Ambassador-At-Large for Global Women's Issues in the Obama-Biden Administration, to represent me at the first-ever forum on Missing and Murdered Indigenous Women in the United States. She heard directly from families who lost daughters, sisters, and friends -- and then were left alone to search for their loved ones.

The epidemic of violence against indigenous women and girls is a stain on our past and present. But it does not have to be our future. That's why I support the 2019 reauthorization of VAWA that the House of Representatives has passed, which would expand tribal jurisdiction provisions to address crimes including sexual violence, sex trafficking, and stalking. If it has not become law by the time I enter the White House, it will be one of my top legislative priorities.

We also need better data, better coordination between state, federal, local, and tribal law enforcement agencies, and access for all to health and culturally sensitive social services.

That's why, as president, I will take a comprehensive approach, one that closes the data gap, increases funding and supports tribes in building their own programs, expands tribal authority, grows coordination among law enforcement agencies and provides additional resources to tribal enforcement, and expands access to culturally sensitive resources for victims and survivors. I will ensure that federal law enforcement prioritizes public safety in Indian Country and with engagement from tribal communities.

I believe that this epidemic, and how we decide to address it, cuts to the very core of how we measure ourselves as a society. In 2014, at the White House Tribal Nations Conference, I promised that I would stand by your side in this fight. In 2020 and beyond, I will keep that promise, and join you hand in hand to end this epidemic.

3. Tribal sovereignty is under attack—before the Courts and Congress. In a recent example, Preserving Access to Cost Effective Drugs Act was introduced in the Senate in June and marked up by the Senate Judiciary Committee. The legislation would abrogate the sovereign immunity of tribes in multiple instances and pave the way for further erosion of the inherent authority of tribes to make decisions as sovereign nations. As President of the United States, what will you do to strengthen the government-to-government relationship, uphold treaties and the federal government's trust responsibility, and strengthen tribal sovereignty?

Tribal self-governance and sovereignty, as well as support for the federal trust responsibility to Tribal Nations, should be cornerstones of federal policy. Tribal Nations must be empowered to govern native communities and that the United States must work harder to meet its solemn trust and treaty obligations. I am committed to strongly defending tribal sovereignty from encroachment.

The Obama-Biden Administration paved the way for reconciliation by settling long-standing trust, accounting, and management disputes totaling more than \$3.3 billion and achieving the historic \$3.4 billion Cobell settlement, creating the Land Buy-back program which has restored millions of acres of land to Tribal governments. The Obama-Biden Administration also settled twelve important water rights settlements totaling \$3 billion, more than any other Administration in history, allowing Tribal governments to build important infrastructure for clean drinking water and economic development.

And, the Obama-Biden Administration strengthened the Nation-to-Nation relationship including by creating White House Council on Native American Affairs and the White House Tribal Nations Conference, prioritizing tribal consultation, and appointing Native Americans in high-level government positions to ensure tribal leaders and representatives have a voice in the highest levels of federal government.

As president, I will continue to support and protect our commitment to Tribal Nations and native people, and will restore to the White House and throughout the Administration an effort to build productive, collaborative Nation-to-Nation relationships with tribes and indigenous peoples. I will immediately reinstate and make permanent the White House Council on Native American Affairs and the annual White House Tribal Nations Conference. And, I will expand self-governance opportunities throughout the federal government and provide additional funding and support for tribes to develop institutional capacity.

- 4. Presidential political appointments, including White House, judicial, agency, and cabinet appointments, must be knowledgeable and experienced in issues impacting Indian Country. Treaties, the federal trust responsibility, and the government-to-government relationship between tribes and the federal government must be upheld by every political appointee, not just those in the Department of the Interior. Too often, however, appointees lack experience in Indian affairs. In federal courts and in the Supreme Court, we similarly see troubling trends as justices are considering cases meant to undermine tribal sovereignty. For example, in October 2018, a federal judge ruled that the longstanding 1978 Indian Child Welfare Act was unconstitutional. Because federal Indian law is litigated with astonishing frequency in federal courts and in the Supreme Court, judges with experience and expertise in federal Indian law and tribal courts are essential to uphold tribal sovereignty and ensure a fair interpretation of treaties and the United States Constitution. As President of the United States, how will you ensure that your Administration includes Native American appointees across the federal family, including the judiciary, so that tribal voices are included in decisions that have tribal implications?**

As president, I will nominate and appoint people who look like the country they serve, including Native Americans. That will be true across my Administration, but I also recognize the special importance of appointing Native Americans to play critical roles in upholding the government-to-government relationship. That's why the Obama-Biden Administration not only appointed Native Americans to traditionally-held positions, like Assistant Secretary of Indian Affairs and Director of Indian Health Service, but we also appointed Native Americans to other senior-level roles including Deputy Secretary of the Interior, Solicitor of the Department of Interior, senior roles in the White House Domestic Policy Council and the White House Office of Intergovernmental Affairs, and U.S. representative to the United Nations Human Rights Council in Geneva. And the Obama-Biden Administration appointed the first Native female judge to U.S. district court. As president, I will continue to ensure tribal nations have a strong voice and role in the federal government will work to nominate additional judges that are Native American, understand federal Indian law, respect tribal sovereignty, and will uphold both our treaties and the U.S Constitution.

- 5. American Indians hold the lowest percentage of bachelor's degree in the nation. Only 16 percent of American Indians hold a bachelor's degree, while 42 percent of the white population holds a bachelor's degree. Yet, American Indians have the second highest rate of student loan default, at 42 percent. Furthermore, Native students**

overwhelmingly rely on federal aid to attend college, with 85 percent of Native students receiving some type of federal grant aid. As a result, programs like Pell and loan forgiveness proposals have unique implications in Indian Country. How will you protect and expand programs like Pell and address barriers to higher education faced by Native students?

I have proposed a bold plan to ensure every Native student has access to education beyond a high school diploma.

I will double the maximum value of Pell grants to support students with tuition or any other expense, from housing to books, at any program, whether it be a high-quality training program, community college, a Tribal College and University, or other four-year school..

I also will provide two years of community college without debt, which will immediately offer individuals a way to become work-ready with a two-year degree or an industry certification. And, I will invest \$70 billion in Tribal Colleges and Universities and Minority Serving Institutions, including grants to four-year Tribal Colleges to help lower the cost of attendance for students; increase enrollment, retention, and completion; develop new research centers of excellence; expand career pathways for graduate students; build high tech labs and facilities; and more. In addition to investments at the school, I will invest in broadband infrastructure in rural communities and triple funding to expand broadband access in rural areas.

And I will tackle the barriers that prevent students from completing their community college degree or training credential. There are too many students who don't complete their education or training programs not because of a lack of will, but because of other responsibilities they are juggling, such as a job to pay their bills or caring for children. Because my community college initiative will be a first-dollar program, students will be able to use their Pell grants, state aid, and other aid to help them cover expenses beyond tuition and fees. In addition, I will provide grants to tribes to provide wraparound support services for students, which can range from public benefits and additional financial aid to cover textbook and transportation costs that often keep students from staying enrolled, to child care and mental health services, faculty mentoring, tutoring, and peer support groups. I will also establish a federal grant program to help community colleges create emergency grant programs for students who experience an unexpected financial challenge that threatens their ability to stay enrolled. And, I will create seamless pathways between high school, job training, community college, and four-year programs to help students get their degrees and credentials faster.

While my plan will make college much more affordable, I will also help tackle student debt. Under my plan, individuals making \$25,000 or less per year will not owe any payments on their undergraduate federal student loans and also won't accrue any interest on those loans. Everyone else will pay 5% of their discretionary income over \$25,000 toward their loans. After 20 years, the remainder of the loans for people who have responsibly made payments through the program will be 100% forgiven, tax-free. Individuals with new and existing loans

will be automatically enrolled in the income-based repayment program, with the opportunity to opt out if they wish.

And, I will fix the existing Public Service Loan Forgiveness Program, as well as create a new program that offers \$10,000 of undergraduate or graduate student debt relief for every year of national or community service, up to five years.

6. The impacts of climate change are disproportionately felt by tribal communities. Coastal tribes and Alaska Native communities are especially vulnerable to sea level rise and increasingly catastrophic natural disasters. The Tribal Coastal Resiliency Act was introduced in the House earlier this year, and subcommittee hearings were held earlier this summer. The Act would empower tribes with resources to adapt and plan for climate change, prioritizing both sovereignty and the environment. How will your administration tackle climate change and the specific climate challenges faced by tribal communities?

Climate change poses an existential threat – not just to our environment, but to our health, our communities, our national security, and our economic well-being. And, it poses particular threats to indigenous tribes, from those that have to relocate because of erosion and rising sea-levels on the coasts to those across the Southwest, Great Plains, Pacific Northwest experiencing varied impacts including droughts, flooding, and changes in biodiversity that threaten their economic dependence on their land and water, to the 40% of the federally recognized tribes that live in Alaska where the melting sea ice and permafrost are damaging necessary infrastructure and harming communities.

As president, I will lead the world to address the climate emergency and lead through the power of our example, by ensuring the U.S. achieves a 100% clean energy economy and net-zero emissions no later than 2050. I have a bold plan to achieve this by launching a Clean Energy Revolution and ensuring that communities disproportionately harmed by climate change and pollution, including indigenous communities, are the first to benefit from new grant programs.

I will make a historic investment in clean energy and climate research, development and implementation, including solar and wind, to accelerate the adaptation of these technologies, especially in those most impacted by climate change. And, I will build a stronger, more resilient nation by making smart infrastructure investments to rebuild the nation and to ensure that our buildings, water, transportation, and energy infrastructure can withstand the impacts of climate change. This includes investing in coastal restoration and empowering tribal governments to protect their people on the front lines of climate change. I will ensure communities harmed by climate change and pollution are the first to benefit from the Clean Economy Revolution, including by giving them first preference in competitive grant programs.

On day one of my Administration, I will issue executive orders to protect biodiversity, slow extinction rates and leverage natural climate solutions by conserving 30% of America's lands and waters by 2030. And, I will protect America's natural treasures by permanently protecting

the Arctic National Wildlife Refuge and other areas impacted by President Trump's attack on federal lands and waters, and establishing national parks and monuments that reflect America's natural heritage including reversing President Trump's proclamation on Bears Ears. I will ban new oil and gas permitting on public lands and waters, modify royalties to account for climate costs, and establish targeted programs to enhance reforestation and develop renewables on federal lands and waters with the goal of doubling offshore wind by 2030.

I will also take action against environmental injustices. I will stand up to the abuse of power by polluters who disproportionately harm indigenous communities and ensure that indigenous communities have access to clean, safe drinking water by investing in water infrastructure, holding polluters accountable, and supporting communities in upgrading their water systems. And I will also make it a priority for all agencies to engage in community-driven approaches to develop solutions for environmental injustices affecting indigenous communities.

Finally, I will rally the rest of the world to meet the threat of climate change. Climate change is a global challenge that requires decisive action from every country around the world. I know how to stand with America's allies, stand up to adversaries, and level with any world leader about what must be done. I will not only recommit the United States to the Paris Agreement on climate change, I will go much further than that. I will lead an effort to get every major country to ramp up the ambition of their domestic climate targets and make sure those commitments are transparent and enforceable.

- 7. Several states have high Native populations, such as North Dakota, South Dakota, New Mexico, Arizona, Oklahoma, Alaska, and Washington. Native voters in these states sometimes face tremendous obstacles to voting. In North Dakota, in the midst of midterm elections, the state worked to disenfranchise Native voters by changing its voter identification requirements. How will your administration combat voter identification laws meant to prevent Native people from exercising their right to vote?**

Voting is the purest, most fundamental act of citizenship. We've got to make it easier—not harder—for all Americans to exercise their right to vote, including Native Americans and Alaska Natives who for far too long have been disenfranchised. When I was elected to the Senate, one of the earliest things I worked on was extending and strengthening the Voting Rights Act. I led the fight to extend it twice for 25 years each, and co-sponsored the language “banning any voting procedure that has the ‘effect’ of discriminating by race.”

But in 2013, Supreme Court ruling in *Shelby County v. Holder* ripped the heart out of voter protections. While our Administration actively worked to enforce Native American voting rights, I know that many tribes in Alaska, Arizona, and counties in South Dakota, were counting on preclearance to protect their right to vote. Our Justice Department immediately reacted, criticizing election practices that suppress the Native vote. After consultation with tribal leaders, we proposed legislation that would ensure tribal governments could select at least one polling location.

As president, I will continue to not only protect the right of American Indian and Alaska Natives to vote, but to make it easier to vote. This includes leading the way to restore the Voting Rights Act and appointing leaders to the Justice Department who will challenge every law designed to suppress the Native vote. I'll also work to ensure Native American voters have access to additional voter registration sites and polling locations and can use their tribal ID card to vote if their state requires a voter ID. And, I'll fight for legislation to establish automatic voter registration, same-day voter registration, and other steps to make exercising one's right to vote easier for all Americans.

Congress of the United States
Washington, DC 20510

November 2, 2021

The Honorable President Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden:

We write to urge you to use executive authority to rescind the Medals of Honor awarded to the soldiers who participated in the Wounded Knee Massacre. We ask you to act swiftly to revoke these undue honors—a step that will help right this historical wrong and begin to heal the lasting wounds of many Native American descendants today.

On December 29, 1890, U.S. Army soldiers mercilessly slaughtered hundreds of Lakota men, women, and children at Wounded Knee on the Pine Ridge Indian Reservation in South Dakota during what came to be known as the Wounded Knee Massacre.¹ The Lakota people were practically defenseless as the soldiers shot them to death.² A year later, on December 17, 1891, 20 Medals of Honor were awarded to soldiers who had participated in the massacre.³ The massacre at Wounded Knee was one of the last military actions that occurred between Native Americans and the U.S. military as part of the larger “Indian Wars” campaign.⁴

The Medal of Honor is the highest military honor awarded in the United States across all service branches and should be reserved for “gallantry and intrepidity at the risk of his life above and beyond the call of duty.”⁵ The Medals of Honor awarded to U.S. Army personnel for their participation in the Wounded Knee Massacre were wrongly bestowed. The actions of these soldiers were not heroic, and allowing them to continue to bear the highest military honor glorifies what should be treated as a shameful episode in our nation’s history.

It has been over 30 years since Congress acknowledged the horror of the U.S. Army’s atrocity at Wounded Knee. The 101st Congress adopted a concurrent resolution acknowledging the 100th anniversary of the massacre and “expresse[d] its deep regret on behalf of the United States” for

¹ S.Con.Res. 153 (101st Congress).

² Jerry Green, “The Medals of Wounded Knee,” *Nebraska History* 75 (1994), pp. 200-208, <http://www.nebraskahistory.org/publish/publicat/history/full-text/NH1994MedalsWKnee.pdf>.

³ *Id.*

⁴ U.S. Army Center of Military History, “Indian War Campaigns,” https://history.army.mil/html/reference/army_flag/iw.html.

⁵ 10 U.S.C. § 8291; Army Publishing Directorate, “Personnel-General Military Awards,” March 3, 2015, pp. 89, https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN18147_R600_8_22_admin2_FINAL.pdf.

the “terrible tragedy.”⁶ The resolution was an important first step in recognizing the disgraceful events at Wounded Knee. Decades later, it is beyond time for executive action to follow suit and attempt to remedy the enduring pain still felt by many.

The National Congress of American Indians adopted a resolution calling for the Wounded Knee Medals of Honor to be revoked and stated that the awards to the perpetrators of this massacre “dishonors the Medals of Honor and is a message of hostility and genocide by the United States against the Great Sioux Nation and our precious relatives who were massacred at Wounded Knee.”⁷ The Cheyenne River Sioux Tribe passed a resolution in 2001 calling on the federal government to “renounce the issuance of said medals” and stated that these medals should be “null and void” in light of the violence towards unarmed noncombatants.⁸ In February 2021, the South Dakota State Senate unanimously adopted a resolution calling on the Federal government to investigate and possibly rescind the Medals of Honor.⁹ There continue to be compelling calls from Indian Country for the federal government to right this historical wrong.¹⁰ Some descendants of those massacred at Wounded Knee speak of a “pervasive sadness that exists on our reservation” and note that there “has never been closure to the horrific unprovoked massacre at Wounded Knee.”¹¹

There is precedent for reviewing and withdrawing Medals of Honor. In 1916, a federal review board reviewed all 2,625 Medals of Honor that had been awarded up to that point. Following the review, over 900 of the medals were rescinded.¹²

Under Army Regulations, Medals of Honor can be rescinded if additional information is presented showing an individual failed to meet the awards criteria.¹³ While revoking military valor medals is a rare occurrence, this step can be taken if later evidence shows the honor was improperly awarded.¹⁴ Furthermore these regulations state that “[o]nce an award has been approved, the same command may revoke the award if facts subsequently determined would

⁶ S.Con.Res. 153 (101st Congress). See also H.Con.Res. 386 (101st Congress).

⁷ National Congress of American Indians, Resolution #ABQ-19-074: To Support Legislation to Revoke the Medals of Honor Issued to Seventh Cavalry Soldiers for Actions During the Massacre of Wounded Knee, October 20-25, 2019, <https://www.ncai.org/ABQ-19-074.pdf>.

⁸ Cheyenne River Sioux Tribe, Resolution No. 132-01-CR, June 13, 2001, <https://www.warren.senate.gov/imo/media/doc/12.%20CRST%20Res.%20Rescind%20Medals%20Reso%202001.pdf>.

⁹ Grand Forks Herald, “South Dakota Senate unanimously backs opening inquiry into Wounded Knee Massacre medals,” Christopher Vondracek, February 22, 2021, <https://www.grandforksherald.com/news/government-and-politics/6899695-South-Dakota-Senate-unanimously-backs-opening-inquiry-into-Wounded-Knee-Massacre-medals>.

¹⁰ New York Times, “Tribes Want Medals Awarded for Wounded Knee Massacre Rescinded,” Mark Walker, April 23, 2021, <https://www.nytimes.com/2021/04/23/us/politics/tribes-medal-honor-wounded-knee.html>.

¹¹ Office of Senator Elizabeth Warren, “Warren, Merkley, and Kahele Reintroduce the Remove the Stain Act,” press release, March 26, 2021, <https://www.warren.senate.gov/newsroom/press-releases/warren-merkley-and-kahele-reintroduce-the-remove-the-stain-act>.

¹² Dwight S. Mears, “The Medal of Honor: The Evolution of America’s Highest Military Decoration,” Lawrence, Kansas, University Press of Kansas, 2018, <https://www.warren.senate.gov/download/medal-of-honor-evolution-of-americas-highest-military-decoration-ch4-the-1917-purge>.

¹³ Army Publishing Directorate, “Personnel-General Military Awards,” March 3, 2015, https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN18147_R600_8_22_admin2_FINAL.pdf.

¹⁴ *Id.* 1–16. Reconsideration or appeal of previous award recommendations.

have prevented original approval of the award had they been known at the time of approval.”¹⁵ In passing the concurrent resolution, the 101st Congress acknowledged the horrendous actions of the U.S. Army at Wounded Knee—facts that were clearly not sufficiently determined or acknowledged at the time the medals were conferred. We ask that you act swiftly to revoke these undue honors in light of the understanding—explicitly acknowledged by Congress—that the U.S. Army acted inappropriately at Wounded Knee.¹⁶

Medals of Honor are approved and awarded by the President of the United States.¹⁷ We believe that it is within your authority to confer with the Secretary of Defense and the secretaries of the military departments and revoke these honors when appropriate.

We have introduced the *Remove the Stain Act*, legislation to revoke the Medals of Honor awarded to the perpetrators of the Wounded Knee Massacre.¹⁸ This legislation has received widespread support from tribal nations, direct descendants of the Wounded Knee Massacre, tribal organizations, and veterans’ associations. However, an act of Congress is only one possible way this historical wrong can be remedied. You have the authority to revoke these medals immediately.

It has been over 130 years since the Wounded Knee Massacre, and yet, the actions of the U.S. Army and the bestowment of 20 Medals of Honor upon the perpetrators of the massacre remain a persistent shame on the nation. For the families and descendants of those massacred, the revocation of these 20 Medals of Honor would have a profound and lasting impact—as has the federal government’s ongoing choice to allow these wrongly bestowed honors to stand. It is well past time to remove this stain from our nation’s history, and we call on you to do so.

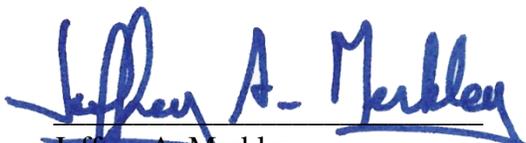
Thank you for your consideration.



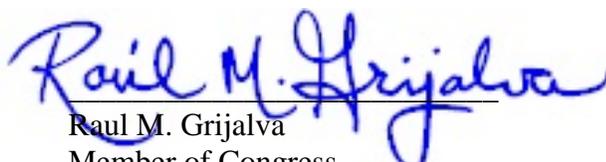
Elizabeth Warren
United States Senator



Kaiuli'I Kahele
Member of Congress



Jeffrey A. Merkley
United States Senator



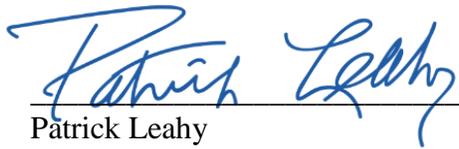
Raul M. Grijalva
Member of Congress

¹⁵ *Id.* 1–30. Revocation of personal decorations and suspension of authority to wear.

¹⁶ 10 U.S.C. § 1130.

¹⁷ 10 U.S.C. § 7271.

¹⁸ Office of Senator Elizabeth Warren, “Warren, Merkley, and Kahele Reintroduce the Remove the Stain Act,” press release, March 26, 2021, <https://www.warren.senate.gov/newsroom/press-releases/warren-merkley-and-kahele-reintroduce-the-remove-the-stain-act>; S. 1073. See also H.R. 2226 (117th Congress).



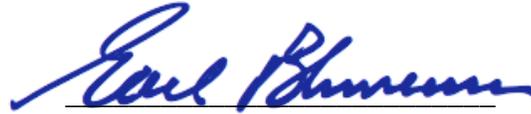
Patrick Leahy
United States Senator



Daniel T. Kildee
Member of Congress



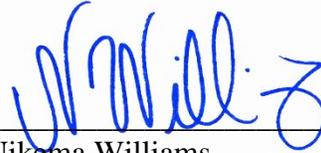
Ron Wyden
United States Senator



Earl Blumenauer
Member of Congress



Richard Blumenthal
United States Senator



Nikema Williams
Member of Congress



Tina Smith
United States Senator



Ruben Gallego
Member of Congress



Bernard Sanders
United States Senator



Sharice L. Davids
Member of Congress



Dianne Feinstein
United States Senator



Eleanor Holmes Norton
Member of Congress



Alex Padilla
United States Senator