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Preface

This book is an outgrowth of research on the Prisoner of War (POW) Medal. Retracing the service of my grandfather, Army First Lieutenant George W. Mears, inspired my doctoral research on how international law influenced the treatment of internees of neutral countries. This led me to advocate for POW decorations for US servicemen held hostage in Iran and US airmen interned in Switzerland. I discovered that the Department of Defense’s policy on the POW Medal had unlawfully restricted eligibility for more than twenty years by precluding from consideration any captives not held by formal enemies. An amendment to the applicable law already allowed consideration in these cases; however, the Pentagon refused to correct its policy because it had amassed numerous legal opinions based on outdated law and was unwilling to acknowledge two decades of errors. Several retired Air Force attorneys helped me convince the Air Force leadership to endorse new legislation. In 2013 Congress amended the governing law to allow captives of nonenemies to be recognized as POWs for medal purposes, so long as their treatment was comparable to that of POWs held during armed conflict.

Understanding the legislative intent behind the POW Medal required the adoption of a treatise on statutory interpretation. This led me to emphasize textual interpretation, such as seeking out definitions contemporary to the drafting of provisions and searching for statutes in pari materia. Thus, I traced the origins of several associated statutes and policies that were the textual donors for POW Medal criteria. I eventually focused on the Medal of Honor, which shared many threshold prerequisites with current combat decorations. I initially believed the Medal of Honor’s legislative background would be well documented due to its prestige, but this assumption proved incorrect. I discovered that the medal actually consisted of several distinct decorations at various times and involved a number of competing statutes and policies that rewarded different types of heroism. I eventually analyzed nearly every statute on the Medal of Honor and interpreted the law through the lenses of congressional testimony, committee reports and hearings, archival records,
and other primary sources. As I unraveled this Gordian knot over several years, I realized that a surprising amount of the story was either misunderstood or had yet to be told—likely a consequence of the protracted and contradictory nature of the statutory and policy evolution and the inaccessibility of clarifying records.

As is the case for any book of this scope, I owe debts of gratitude to many people. There is a significant opportunity cost to so much research and writing, particularly since I was simultaneously enrolled in law school. My wife, Christy, graciously tolerated this situation and contributed days of her own time proofreading and listening to my ruminations. My uncle, James Mears, gave me feedback over several years on drafts and related ideas. Fred Borch, the regimental historian for the Army Judge Advocate General’s Corps and the author of many books on military awards, first suggested the article that later grew into this book; he also provided advice on an early draft. Robert Goldich and Dr. David Burrelli, formerly military manpower specialists for the Congressional Research Service, both commented on early drafts and were excellent sounding boards. Professors Tung Yin and William Funk of Lewis & Clark Law School provided legal feedback on early drafts as part of independent study courses. Professor Paul Springer of the Air Command and Staff College gave me substantive and editorial advice that transformed this book from a mere fraction of its current coverage; he also introduced me to my publisher. Dr. Elliott Converse, who led the African American Medal of Honor review in the 1990s, provided substantive and editorial feedback on a late draft. Tim Frank, formerly a historian at the Naval History and Heritage Command, was instrumental in providing policy records on the US Navy’s interwar noncombat decorations, without which the related chapter would be inchoate. Dr. James McNaughton, Dr. Donald Carter, and Dr. Joel Meyerson of the US Army’s Center of Military History kindly sent me primary sources and recollections of their reviews of awards tainted by discrimination. Tom Vanden Brook of USA Today helpfully provided a number of recent administration records that allowed me to reconstruct the debate over whether to revisit medals awarded in contemporary conflicts. Dr. Sharon McDonald provided numerous records on the David White controversy, which rounded out my discussion of symbolic awards. Doug Sterner provided an exhaustive database to verify that my numbers were correct. Last, I am grateful to the kind reviewers who recommended that this book be published and, of course, to my publisher for making it happen.
Introduction

On November 16, 2010, Army Staff Sergeant Salvatore A. Giunta stood at rigid attention in the White House while President Barack Obama narrated his presentation of the US military’s highest decoration for gallantry: the Medal of Honor. The president referenced Giunta’s actions some three years earlier, when his infantry platoon had been viciously ambushed in the Korengal Valley of Afghanistan. Giunta, then a twenty-two-year-old specialist, was already bleeding from two gunshot wounds, but in a fury of action he killed an enemy assailant and wounded another in order to recover two captured American soldiers. He risked his life to save his friends and received America’s most coveted medal in return. However, Giunta acknowledged that he wore the medal heavily, claiming it was “bittersweet” because his friends still perished, and calling those events “one of the worst days of my life.”

Giunta’s decoration was exceptional not only because of his extraordinary actions but also because it was the first in-person presentation of a Medal of Honor for an ongoing conflict in nearly forty years. The ceremony came amid congressional scrutiny and claims that the Medal of Honor had been awarded far too conservatively during the wars in Iraq and Afghanistan. One Army officer critically opined that the service had become “overhesitant to reward bravery that doesn’t result in death.” In truth, this claim was debatable, as the intensity of American conflicts had changed considerably in the several decades since the Vietnam War, which might explain the drop-off in medals. However, the Medal of Honor itself had also evolved, not only in recent years but throughout its existence. At the time it was established by Congress during the Civil War, the Medal of Honor was far from a unitary decoration. At least two distinct awards bearing its name existed for more than a century, as both the Army and the Navy forged separate governing regulations backed by different authorizing statutes.

The Army and Navy Medals of Honor became a subject of public interest in the late nineteenth century with the publication of several volumes documenting the
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A prestigious award and its recipients by both private individuals and the military services. However, these early treatments often contained only the government’s official description of qualifying actions, and they provided very little in the way of history behind the policy, legislation, or regulatory criteria for the awards. This was likely a consequence of the somewhat inchoate policy development at the time, as well as a general deference to the government. In the case of the Army, no formal regulation on the Medal of Honor was published until 1897, meaning that the decision to award a medal was largely subjective.

The Army’s Medal of Honor witnessed a period of abrupt transformation between the late nineteenth and early twentieth centuries, resulting in considerable soul-searching by War Department officials and the congressional committees responsible for implementing and amending the Army’s award legislation. In the wake of this shift, in 1948 the newly reorganized Department of the Army published a remarkably transparent volume charting the evolution of the award. The work was surprising for its acknowledgment that the award had been largely shaped by past abuses, including several mistakes by the Army itself. Perhaps equally important, the Department of the Army saw fit to include an exhaustive listing of primary sources that charted the early development of the medal, thus providing an excellent audit trail for future generations of policy officials and scholars.

The Department of the Navy published a companion Medal of Honor volume in 1950; it mirrored the War Department’s publication in many respects and was likely a reaction to it. However, in several important ways the Navy’s publication diverged from the Army’s. Notably, the Navy’s volume provided no reflective history documenting the medal’s evolution and very little in the way of primary sources. In fact, the only sources listed were brief excerpts from authorizing legislation. This was likely due to internal ambivalence about the difference between the Army and Navy medals, particularly the Navy’s tradition of awarding Medals of Honor for heroism that had little or no link to combat action. This tradition soon came under scrutiny.

Between World War I and the Vietnam War, the Navy oscillated between adopting the Army’s more stringent combat requirements for the medal and maintaining its traditional flexibility to award the decoration for noncombat valor. Awarding the medal for noncombat actions became increasingly questionable because of the Army’s self-excoriating purge of medals that were retroactively deemed unwise or unlawful, and also because of the creation of lesser medals specifically designed to reward valor not related to wartime or combat. The statutory authorization to award noncombat Medals of Honor was not removed until 1963, but modern government accounts occasionally revise the award’s history and represent that this shift occurred in 1942. Ostensibly, officials would have preferred an earlier change, as this would place the Navy’s modern award criteria on more solid ground. Such
misrepresentations, whether intentional or not, point to a clear need for more scholarly research in this field.

The military services never again matched the quality of the Army’s 1948 Medal of Honor publication, preferring to leave the subject to private historians. A number of authors examined the evolution of the medal in the 1960s. Joseph Schott’s *Above and Beyond* (1963) is perhaps the first comprehensive treatment of the medal’s history, although it lacks an audit trail to verify information.9 John Pullen’s *A Shower of Stars* (1966) also charts the medal’s early evolution, although the author focuses on the events surrounding the medals awarded to members of the 27th Maine Volunteer Infantry Regiment and later revoked by the Army in 1917.10

Most modern publications on the Medal of Honor are intended for a popular audience, so they devote little space to the legislative basis for the awards or the evolution of policy and legislation; nor do they provide archival audit trails for other scholars. Examples include Peter Collier and Nick Del Calzo’s *Medal of Honor* (2011), James Willbanks’s *America’s Heroes* (2011), Allen Mikaelian and Mike Wallace’s *Medal of Honor* (2002), and Kent DeLong’s *War Heroes* (1993), all of which profile a limited number of Medal of Honor recipients throughout history.11 The editors of Boston Publishing Company’s *The Medal of Honor* (2014), commissioned by the Congressional Medal of Honor Society, is a high-quality version of this type of book, as it includes detailed historical snippets documenting the medal’s evolution.12 Other variations on the survey theme include Barrett Tillman’s *Heroes* (2006), which focuses on Army recipients throughout history.13

Notable exceptions to the general literature on the medal include the legal-themed publications by Fred Borch, a retired Army lawyer and current regimental historian and archivist for the Army Judge Advocate General’s Corps.14 Borch’s treatments include statutory analysis, evolution of the awards themselves, and case studies from different periods. Also notable for providing historical and legislative background are the well-researched reports compiled by the Congressional Research Service, which are excellent resources for exploring contemporary congressional debates on awards.15

Perhaps the only one who has attempted to document all Medals of Honor, and indeed all recipients of US valor decorations, is Douglas Sterner. Sterner has published numerous books devoted to cataloging valor decorations, and he also exposes those who impersonate medal recipients, known as “stolen valor.”16 Sterner maintains a website with voluminous figures, including statistics on recipients broken down by war.17 These works, along with recent government websites inspired in part by Sterner’s advocacy, are helpful references to verify basic information such as time period and other citation-related facts.18 In addition, Ronald Owens’s *Medal of Honor* (2004), a comprehensive statistical work, is useful for compiling data differentiated by war, service, and other categories.19
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There are also many narrow studies on subgroups of Medal of Honor recipients that focus on specific wars, types of war fighters, qualifying acts, or racial, religious, or geographic characteristics. Examples include Edward Murphy's *Vietnam Medal of Honor Heroes* (2005) and David Zabecki's *American Artillery and the Medal of Honor* (2008). Barrett Tillman's *Above and Beyond* (2002) documents all aviation-related Medals of Honor. A study commissioned by the Army and published in 1997 documents the racial discrimination that prevented the recognition of African American heroism during World War II and led to a number of medal upgrades authorized by Congress. This study is also noteworthy because it delves into World War II military personnel sources from the National Archives. A subsequent historical study of Asian American discrimination during World War II, also commissioned by the Army, resulted in a number of medal upgrades as well.

One religious-themed study is West Point historian Sherman Fleek's *Saints of Valor* (2011), which documents all members of the Mormon Church who received Medals of Honor. Finally, geographic studies such as Charles Neal’s *Valor across the Lone Star* (2002) document all Medal of Honor recipients from a specific time and place, in this case, Texas during the Civil War period.

This book fills the current historiographical void by charting the complete policy and legislative evolution of both the Army and Navy Medals of Honor. This includes the Air Force Medal of Honor as well; because that service was subordinate to the Army until 1947, it largely inherited the Army’s policy and legislation. The chronological history of the medal begins with its inception during the Civil War and continues through the ongoing wars in Iraq and Afghanistan. This portion of the book offers representative medal actions for all major conflicts and services, along with legislative and policy changes contemporary to each period. Areas of emphasis are retroactive Army awards for the Civil War and associated problems in the late nineteenth century, World War I legislation that modernized the Army’s statutory award authorization and expanded the number of decorations for both services, the Navy’s grappling with both combat and noncombat Medals of Honor for the first half of the twentieth century, the Vietnam-era act that ended noncombat awards and largely standardized the Medal of Honor among all services, and concern over the perceived decline in medals awarded for recent operations in the ongoing global war on terror.

Separate chapters also explore the tradition of awarding Medals of Honor via legislative bills of relief, extralegislative awards that likely violated statutory authority, administrative routes to valor awards, restoration of awards revoked by the Army in 1917, judicial review of military actions in federal court, and legislative actions intended to atone for historical discrimination against ethnic minorities. Finally, the conclusion includes a synopsis of how the Medal of Honor has evolved, as well as recommendations on how retroactive and future policy should be administered.
Although there is a rich and interesting history behind the prosecution of fraudulent claims to the Medal of Honor, that subject is beyond the scope of this book.

In particular, this book covers controversial awards and policies that were later deemed unwise. Uncommon valor has always existed in the US military services, but the modern Medal of Honor’s stringent requirements are attributable to the awarding of medals for deeds that did not require gallantry and intrepidity, risk of life, or actions above and beyond the call of duty. Thus, to understand the different legal thresholds for the award, it is necessary to study numerous actions that fail to qualify for the Medal of Honor under modern statute and policy, and also explain the cases that motivated shifts in policy and law.

As the first exhaustive account of the legislative and policy history behind the Medal of Honor, this book aims to unravel the historical and popular confusion behind many controversial decisions by ascertaining the intent of both legislators and policymakers. It is my hope that in gaining an understanding of the medal’s evolution, the reader will better comprehend its present and future.
PART ONE

Legal and Policy History
CHAPTER ONE

From the Revolution through the Civil War

Background and Inception

The Medal of Honor was born during the Civil War, when the Army and Navy were authorized to award the medal by different statutes. At times, the award was characterized by extremely vague as well as sporadic enforcement of qualification criteria. The award was not created in a vacuum; it was likely styled to reflect other emerging gallantry awards already in use in several European nations. However, the imprecise statutes and regulations that characterized the Army's and Navy's early Medals of Honor meant that there was a broad range of recipients, some of which the services would later come to regret.

The precise timing of the Medal of Honor’s authorization was heavily influenced by American attitudes toward medals and decorations, in that these types of awards were commonly shunned in the early republic. In the European tradition, military decorations were often associated with monarchs and aristocrats, and as such, they were seen as contrary to America’s founding egalitarian and democratic principles. As a result, the emergence of American military decorations was delayed by the new nation’s reluctance to be seen as too European in character. Nevertheless, when American military medals did emerge, they were undoubtedly influenced by their European counterparts.

Ancient Roman military awards may have been part of the foundation of European military award practices in the nineteenth century—practices that eventually influenced the United States. The Romans placed great emphasis on martial courage, or virtus, and granted awards for a variety of actions related to virtus: a soldier who wounded an enemy received a spear, a soldier who “wounded and despoiled” an enemy received a cup, and a cavalry soldier received a phalerae, which took the form of a bronze medallion. However, these awards were given out only during skirmishes, when soldiers undertook these risks voluntarily. Alternatively, if they engaged in combat in battlefield formation, such awards were not available, for then it was the soldier’s duty to fight. In many ways, this emphasis on voluntary
heroism was comparable to the modern American practice of rewarding the non-duty-bound assumption of risk with the highest honor, although notably, this was not the case when the Medal of Honor was first created.

After the fall of Rome, few European states formally recognized heroism; this situation lasted for centuries, at least until Napoleon’s time. Napoleon instigated a shift that saw the adoption of medals for bravery in virtually every European nation. In 1802 he created the Légion d’Honneur, which was quite different from many preexisting state honors that were based on monarchical knighthood orders. In contrast, the Légion had a much broader membership than the aristocracy: it spanned the socioeconomic classes and recognized both soldiers and civilians who “rendered major services to the state.” Thus, the Légion was part of the transformation from state honors based on birth to those based on merit or achievement, a reflection of the ideals of both the Enlightenment and the French Revolution. The Légion was not a strictly military award, although soldiers accounted for more than 90 percent of its members, which made it a predominantly military order. Recipients were granted a medal that depicted Napoleon and consisted of a five-pointed cross with a “crown” of oak and laurel, suspended by a red ribbon. Even after Napoleon’s overture, the restored monarchy retained the Légion d’Honneur, ensuring that it continued to influence France as well as other nations.

Prussia’s (and later Germany’s) highest honor—the Iron Cross—was established in March 1813, just after Prussia’s declaration of war against France. It was expressly modeled after the Légion d’Honneur, although it was notably more exclusive. The Iron Cross was bestowed only during wartime, was reserved exclusively for Prussians, and was solely a gallantry award. A novel aspect of the award was that it was available to all soldiers, regardless of rank or social class, and it had little material value—reflecting the “age of iron.” The decoration was part of Prussia’s military reform and was intended to level the playing field for recipients, with a nod toward the state’s increasing reliance on conscripts rather than professional soldiers. The Iron Cross had two classes, and the “Grand Cross” was reserved for commanders who achieved decisive victories or captured strategic fortresses.

Great Britain’s highest gallantry award, the Victoria Cross, was introduced in 1856 during the Crimean War against Russia. The timing of the authorization was significant, as it preceded America’s creation of the Medal of Honor by only five years. Prior to the Victoria Cross’s introduction, medals of any kind were relatively rare in Great Britain, and they were often funded by private citizens. At the inception of the Crimean War, the British army had no medal to reward individual heroism, whereas several other European states had already developed decorations that recognized heroic actions without regard to class or rank. The Victoria Cross was largely a response to public pressure and to the perception that other military award systems—particularly the one in France—were more effective at recognizing heroism at the lower and middling ranks.
According to the royal warrant authorizing the Victoria Cross, it was “ordained with a view to place all persons on a perfectly equal footing in relation to eligibility for the Decoration, that neither rank, nor long service, nor wounds, nor any other circumstance or condition whatsoever, save the merit of conspicuous bravery shall be held to establish a sufficient claim to the honour.” Further, the medal was to be awarded only “to those officers or men that have served . . . in the presence of the enemy, and shall have performed some signal act of valour or devotion to their country.”

The Victoria Cross was perhaps one of the Medal of Honor’s primary influences, particularly because it was governed by fairly strict criteria from the outset and quickly evolved to reward exceptional rather than duty-bound performance. Its goal, according to one historian, was not “to encourage extraordinarily gallant acts by the daring few, but rather . . . to instill bravery in each and every soldier so that he will stand firm in the face of the most terrifying threat.” Thus, “the ordinary soldier is not expected to imitate recipients of the Victoria Cross,” but rather “to admire them, to compare himself with them, to judge himself by reference to them, [and] to evaluate his own behaviour in terms of their behaviour.”

While European traditions undoubtedly influenced US military awards, it is important to note that America had its own short-lived military awards tradition preceding the Medal of Honor. Starting during the Revolutionary War, the Continental Congress conceived of several individual decorations intended to reward success in battle. The earliest was referred to in authorizing legislation as a “medal of gold,” the predecessor of today’s Congressional Gold Medal. The first striking was authorized for General George Washington in 1776, and it was intended to commemorate the Continental Army’s possession of Boston. A letter from Congress referred to the award as “a Golden Medal, adapted to the Occasion, to be struck, and when finished, to be presented.” The design, which undoubtedly served as a model for future awards, featured an obverse side with an undraped bust of the general and a Latin inscription that translated to “The American Congress to George Washington, commander-in-chief of the armies, the assertor of liberty.” On the reverse, the medal featured Washington and his staff on horseback, presumably at Dorchester Heights above Boston, with the general gesturing toward the departing British fleet. The reverse inscription translated to “The enemy put to flight for the first time” and “Boston retaken, March 17, 1776.”

Another six Congressional Gold Medals were awarded to generals or admirals during the Revolution, establishing it as a military-themed decoration during this period. Nevertheless, the medals were quite different from modern military decorations; they were authorized on an individual basis only after a successful military action, and they went almost exclusively to senior military officers in recognition of their leadership during successful battles, rather than personal acts of valor. Therefore, these medals were more akin to European awards of the period than to mod-
ern US military decorations, given that their informal rank prerequisites effectively disqualified the average soldier. Also, unlike modern decorations, the medals were not meant to be worn; they weighed more than four ounces and were not designed to be attached to a ribbon or other suspension device. At least in this sense, they more closely resembled commemorative coins than modern military decorations.

Early American military awards were not exclusively granted to officers, however. The Continental Congress also authorized individual awards—known as Fidelity Medallions or André capture medals—to three New York militiamen in November 1780 for apprehending British spy Major John André near Tarrytown, New York. According to the Congress, André’s capture exposed the “dangerous and traitorous conspiracy of Benedict Arnold,” who betrayed his country by planning to turn over the strategic post of West Point to British forces in exchange for money and a military commission. Thus, “the insidious designs of the enemy [were] baffled, and the United States rescued from impending danger.” As a reward, the Continental Congress awarded the men both an annual pension of $200 and “a silver medal, on one side of which shall be a shield with this inscription, ‘Fidelity,’ and on the other the following motto, ‘Vincit amor patriæ,’” meaning “love of country conquers.”

Unlike the Congressional Gold Medal, the Fidelity Medallion contained a loop for attachment to a ribbon and was therefore intended to be worn. However, like its predecessors, this award was authorized only after the fact to individual recipients. Although the award itself did not explicitly mention or depict André’s capture, Congress clearly intended for these awards to commemorate only this discrete event. The authorizing legislation specifically named the authorized recipients and clearly stated the individual grounds for recognition.

Any chance that the Fidelity Medallion might have been authorized for future events was effectively ended by an acrimonious public debate. When one of the militiamen later attempted to secure a larger pension from Congress, the request drew the ire of Representative John Chappell, chairman of the Committee on Pensions and Revolutionary Claims. According to Chappell, the militiaman “did nothing more than his duty” and “was neither wounded, nor in any way injured, nor even exposed to a greater degree of hardship than thousands of soldiers who were then in the service.” Yet the militiaman requested a pension in excess of that authorized for disabled Revolutionary War veterans, which led Chappell to conclude that “it can hardly be proper to grant it to the petitioner.” Representative Benjamin Tallmadge, a former Army major who had guarded André, added to the fervor by suggesting that the militiamen had detained him only “to search for plunder, and not to detect treason,” and claimed they likely would have released André if he had possessed a sufficient sum to bribe them with. Although other members of Congress were skeptical of these charges, the debate cast a cloud over the militiamen’s supposedly virtuous actions and undoubtedly tainted the public’s memory of both their heroics and their medals.
The first US military decoration that was truly comparable to modern valor medals was the Badge of Military Merit, which was unilaterally established by General Washington in August 1782 while encamped in Newburgh, New York. According to Washington, who created the award on his own authority, the Badge of Military Merit was intended to foster “a virtuous Ambition” in his soldiers and “encourage every species of Merit.” The award recognized “Instances of unusual galantry [sic]” as well as “extraordinary Fidelity [and] essential Service in any way.” Thus, it was the first American valor decoration of general application to most soldiers, although it was notably both a valor and a service award. Recipients of the Badge of Military Merit were permitted to wear a visible badge, much like modern military decorations. According to Washington, “whenever any singularly meritorious Action is performed, the Author of it shall be permitted to wear on his Facings over the Left Breast the Figure of a Heart in Purple Cloth.” Although the award was given to at least three noncommissioned officers, it fell into disuse after the Revolutionary War. The award was later “revived” in 1932 by General Douglas MacArthur to provide a retroactive lineage for the newly created Purple Heart Medal, but in reality, the two decorations had little or no connection beyond their physical shape and color.

Later, the Certificate of Merit was authorized in 1847 to reward any soldier who “shall distinguish himself, or may have distinguished himself, in the service” during the Mexican-American War. However, the honor was merely a signed commendation that had no physical presence on a soldier’s uniform, so it was not a medal in the proper sense and therefore had less prestige. Not long after the Mexican War’s end, the Army ceased awarding these certificates until the 1870s—a consequence of the statute’s restrictive language. Thus, when the first versions of the Medal of Honor were created during the Civil War, there were no other military decorations that recognized either valor or service, whether on or off the battlefield. This partly explains why the early Medal of Honor was often awarded for lesser forms of valor than it is today. Other contributing factors were statutes that delegated nearly unlimited unilateral authority to the heads of the military services to award the medal, and the lack of effective policy or oversight to standardize early awards.

The first authorization of the striking and awarding of Medals of Honor was for the Navy, under a statute enacted in December 1861. Republican James W. Grimes of Iowa, chairman of the Senate Naval Committee, introduced the bill. According to Senator Grimes, the Medal of Honor would “furnish a great stimulus to exertion” on the part of the enlisted petty officers, sailors, and marines authorized to receive it. In his opinion, the decoration was preferable to other incentives such as promotion because “nine tenths of [those men] would prefer a ‘medal of honor,’ won in some bloody conflict, and worn upon the breast on inspection days, to the highest commission the President could bestow upon them.” Whether enlisted members actually preferred a medal to a promotion or some other incentive was
arguable; given the relative obscurity of the award in its infancy, many likely would have opted for an alternative. A separate section of the same bill offered targeted incentives for Navy officers, but notably not Medals of Honor. Specifically, the bill afforded retired Navy officers the privilege of being “restored to the active list” if they were recognized “for their services and gallantry in action against an enemy.” According to Grimes, “this provision was intended as an incentive to deeds of noble daring, as a reward for their performance.”

Once passed, the 1861 law authorized the secretary of the Navy to prepare “two hundred ‘medals of honor’ . . . which shall be bestowed upon such petty officers, seamen, landsmen, and marines as shall most distinguish themselves by their gallantry in action and other seamanlike qualities during the present war.” The act also authorized recipients a lump-sum gratuity of $1,000 from the Treasury, which was likely far more attractive than the medal itself. The act gave the Navy secretary broad discretion to award the medal for a wide array of circumstances; the wording “and other seamanlike qualities” meant that gallantry in action was not an absolute prerequisite. However, the award was restricted to enlisted personnel, since the language of the statute did not enumerate officers as among those eligible. Also, because the statute used the phrase “during the present war,” the award was authorized only for actions that occurred during the Civil War. It is possible that Congress did not foresee extending the award into perpetuity and viewed it as a temporary and exceptional measure tied strictly to the Civil War, which was unparalleled in its magnitude and corresponding threat to the republic.

Thus, the earliest version of the Medal of Honor was separate and distinct from previous American military decorations. The authorization clearly anticipated an unknown number of qualifying actions that had not yet occurred, perhaps the sharpest departure from earlier medals. Further, the exact boundaries of qualifying actions were extremely vague, meaning that Congress effectively delegated this authority to military officials. The award was also more egalitarian than its earlier counterparts, as it extended recognition to the lowest echelons of the military while simultaneously denying it to the highest. Based on Senator Grimes’s commentary, this step was intentional, as the enlisted ranks were perceived as the targeted strata that required the most motivation. Conversely, officers were apparently regarded as professionals who ought not require the same motivation to accomplish duty-bound actions in combat conditions.

In 1862 Congress passed another bill authorizing more Medals of Honor for the Navy, specifying that “seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted . . . they shall receive a gratuity of one hundred dollars, and a medal of honor to be prepared by the Navy Department.” The wording “or by extraordinary heroism in the line of their profession” was clearly intended as an exception to combat-related valor, since it notably lacked the “in battle” requirement of the other qualifying provision. Also,
this act did not restrict its application to “the present war,” which meant that the medal could arguably be extended beyond the temporal limits of the Civil War. The 1862 act did not expressly amend or repeal the Navy’s 1861 Medal of Honor act, so both laws stood on their own as independent bases for the medal. In 1864 Congress enacted another bill that repeated the exact wording of the 1862 act and therefore simply extended the authorization for ongoing promotions and Medals of Honor.20

The Navy regulations of 1865 colorfully described the Medal of Honor as “a device emblematic of the Union crushing the monster Rebellion.” This was a reference to the medal’s depiction of the Union “personified” as the goddess Minerva with a shield and fasces, repulsing Discord, or the secessionist South. The shape of the medal itself was “a star of five rays” suspended “by the flukes of an anchor.” The medal was designed by Philadelphia silversmiths William Wilson & Sons, overseen by the US Mint in Philadelphia. According to the mint’s director, James Pollock,