

109TH CONGRESS
1ST SESSION

S. 1035

To authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2005

Mr. INHOFE (for himself, Mr. JOHNSON, Mr. THUNE, Mr. GRASSLEY, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Code Talkers Recognition Act”.

- 1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Expression of recognition.

TITLE I—SIOUX CODE TALKERS

Sec. 101. Findings.
 Sec. 102. Congressional commemorative medal.

TITLE II—COMANCHE CODE TALKERS

Sec. 201. Findings.
 Sec. 202. Congressional commemorative medal.

TITLE III—CHOCTAW CODE TALKERS

Sec. 301. Findings.
 Sec. 302. Congressional commemorative medal.

TITLE IV—SAC AND FOX CODE TALKERS

Sec. 401. Findings.
 Sec. 402. Congressional commemorative medal.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definition of Indian tribe.
 Sec. 502. Medals for other Code Talkers.
 Sec. 503. Provisions applicable to all medals under this Act.
 Sec. 504. Duplicate medals.
 Sec. 505. Status as national medals.
 Sec. 506. Funding.

3 **SEC. 2. EXPRESSION OF RECOGNITION.**

4 The purpose of the medals authorized by this Act is
 5 to express recognition by the United States and citizens
 6 of the United States of, and to honor, the Native Amer-
 7 ican Code Talkers who distinguished themselves in per-
 8 forming highly successful communications operations of a
 9 unique type that greatly assisted in saving countless lives
 10 and in hastening the end of World War I and World War
 11 II.

1 **TITLE I—SIOUX CODE TALKERS**

2 **SEC. 101. FINDINGS.**

3 Congress finds that—

4 (1) Sioux Indians used their native languages,
5 Dakota, Lakota, and Dakota Sioux, as code during
6 World War II;

7 (2) those individuals, who manned radio com-
8 munications networks to advise of enemy actions, be-
9 came known as the Sioux Code Talkers;

10 (3) under some of the heaviest combat action,
11 the Code Talkers worked around the clock to provide
12 information that saved the lives of many Americans
13 in war theaters in the Pacific and Europe, such as
14 the location of enemy troops and the number of
15 enemy guns; and

16 (4) the Sioux Code Talkers were so successful
17 that military commanders credit the code with sav-
18 ing the lives of countless American soldiers and
19 being instrumental to the success of the United
20 States in many battles during World War II.

21 **SEC. 102. CONGRESSIONAL COMMEMORATIVE MEDAL.**

22 The President Pro Tempore of the Senate and the
23 Speaker of the House of Representatives shall make ap-
24 propriate arrangements for the presentation, on behalf of

1 Congress, of a commemorative medal of appropriate de-
 2 sign, to each Sioux Code Talker, including—

- 3 (1) Eddie Eagle Boy;
- 4 (2) Simon Brokenleg;
- 5 (3) Iver Crow Eagle, Sr.;
- 6 (4) Edmund St. John;
- 7 (5) Walter C. John;
- 8 (6) John Bear King;
- 9 (7) Phillip “Stoney” LaBlanc;
- 10 (8) Baptiste Pumpkinseed;
- 11 (9) Guy Rondell;
- 12 (10) Charles Whitepipe; and
- 13 (11) Clarence Wolfguts.

14 **TITLE II—COMANCHE CODE** 15 **TALKERS**

16 **SEC. 201. FINDINGS.**

17 Congress finds that—

- 18 (1) the Japanese Empire attacked Pearl Har-
 19 bor, Hawaii, on December 7, 1941, and Congress
 20 declared war on Japan the following day;
- 21 (2) the military code developed by the United
 22 States for transmitting messages had been deci-
 23 phered by the Axis powers, and United States mili-
 24 tary intelligence sought to develop a new means to
 25 counter the enemy;

1 (3) the Federal Government called on the Co-
2 manche Nation to support the military effort by re-
3 cruiting and enlisting Comanche men to serve in the
4 United States Army to develop a secret code based
5 on the Comanche language;

6 (4) at the time, the Comanches were—

7 (A) considered to be second-class citizens;

8 and

9 (B) discouraged from using their own lan-
10 guage;

11 (5) the Comanches of the 4th Signal Division
12 became known as the “Comanche Code Talkers” and
13 helped to develop a code using their language to
14 communicate military messages during the D-Day
15 invasion and in the European theater during World
16 War II;

17 (6) to the frustration of the enemy, the code de-
18 veloped by those Native Americans—

19 (A) proved to be unbreakable; and

20 (B) was used extensively throughout the
21 European war theater;

22 (7) the Comanche language, discouraged in the
23 past, was instrumental in developing 1 of the most
24 significant and successful military codes of World
25 War II;

1 (8) the efforts of the Comanche Code Talkers—

2 (A) contributed greatly to the Allied war
3 effort in Europe;

4 (B) were instrumental in winning the war
5 in Europe; and

6 (C) saved countless lives;

7 (9) only 1 of the Comanche Code Talkers of
8 World War II remains alive today; and

9 (10) the time has come for Congress to honor
10 the Comanche Code Talkers for their valor and serv-
11 ice to the United States.

12 **SEC. 202. CONGRESSIONAL COMMEMORATIVE MEDAL.**

13 The President Pro Tempore of the Senate and the
14 Speaker of the House of Representatives shall make ap-
15 propriate arrangements for the presentation, on behalf of
16 Congress, of a commemorative medal of appropriate de-
17 sign to each of the following Comanche Code Talkers of
18 World War II, in recognition of contributions of those in-
19 dividuals to the United States:

20 (1) Charles Chibitty.

21 (2) Haddon Codynah.

22 (3) Robert Holder.

23 (4) Forrest Kassanovoid.

24 (5) Willington Mihecoby.

25 (6) Perry Noyebad.

1 (7) Clifford Otitivo.

2 (8) Simmons Parker.

3 (9) Melvin Permansu.

4 (10) Dick Red Elk.

5 (11) Elgin Red Elk.

6 (12) Larry Saupitty.

7 (13) Morris Sunrise.

8 (14) Willie Yackeschi.

9 **TITLE III—CHOCTAW CODE** 10 **TALKERS**

11 **SEC. 301. FINDINGS.**

12 Congress finds that—

13 (1) on April 6, 1917, the United States, after
14 extraordinary provocations, declared war on Ger-
15 many and entered World War I, the War to End All
16 Wars;

17 (2) at the time of that declaration of war, In-
18 dian people in the United States, including members
19 of the Choctaw Nation, were not accorded the status
20 of citizens of the United States;

21 (3) without regard to this lack of citizenship,
22 many members of the Choctaw Nation joined many
23 members of other Indian tribes and nations in enlist-
24 ing in the Armed Forces to fight on behalf of the
25 United States;

1 (4) members of the Choctaw Nation were—

2 (A) enlisted in the force known as the
3 American Expeditionary Force, which began
4 hostile actions in France in the fall of 1917;
5 and

6 (B) incorporated in a company of Indian
7 enlistees serving in the 142d Infantry Company
8 of the 36th Division;

9 (5) a major impediment to Allied operations in
10 general, and operations of the United States in par-
11 ticular, was the fact that the German forces had de-
12 ciphered all codes used for transmitting information
13 between Allied commands, leading to substantial loss
14 of men and materiel during the first year in which
15 the military of the United States engaged in combat
16 in World War I;

17 (6) because of the proximity and static nature
18 of the battle lines, a method to communicate without
19 the knowledge of the enemy was needed;

20 (7) a commander of the United States realized
21 the fact that he had under his command a number
22 of men who spoke a native language;

23 (8) while the use of such native languages was
24 discouraged by the Federal Government, the com-
25 mander sought out and recruited 18 Choctaw Indi-

1 ans to assist in transmitting field telephone commu-
2 nications during an upcoming campaign;

3 (9) because the language used by the Choctaw
4 soldiers in the transmission of information was not
5 based on a European language or on a mathematical
6 progression, the Germans were unable to understand
7 any of the transmissions;

8 (10) the Choctaw soldiers were placed in dif-
9 ferent command positions to achieve the widest prac-
10 ticable area for communications;

11 (11) the use of the Choctaw Code Talkers was
12 particularly important in—

13 (A) the movement of American soldiers in
14 October of 1918 (including securing forward
15 and exposed positions);

16 (B) the protection of supplies during
17 American action (including protecting gun em-
18 placements from enemy shelling); and

19 (C) in the preparation for the assault on
20 German positions in the final stages of combat
21 operations in the fall of 1918;

22 (12) in the opinion of the officers involved, the
23 use of Choctaw Indians to transmit information in
24 their native language saved men and munitions, and
25 was highly successful;

1 (13) based on that successful experience, Choctaw
2 Indians were withdrawn from frontline units for
3 training in transmission of codes so as to be more
4 widely used when the war came to an end;

5 (14) the Germans never succeeded in breaking
6 the Choctaw code;

7 (15) that was the first time in modern warfare
8 that the transmission of messages in a Native Amer-
9 ican language was used for the purpose of confusing
10 the enemy;

11 (16) this action by members of the Choctaw
12 Nation—

13 (A) is another example of the commitment
14 of Native Americans to the defense of the
15 United States; and

16 (B) adds to the proud legacy of such serv-
17 ice; and

18 (17) the Choctaw Nation has honored the ac-
19 tions of those 18 Choctaw Code Talkers through a
20 memorial bearing their names located at the en-
21 trance of the tribal complex in Durant, Oklahoma.

22 **SEC. 302. CONGRESSIONAL COMMEMORATIVE MEDAL.**

23 The President Pro Tempore of the Senate and the
24 Speaker of the House of Representatives shall make ap-
25 propriate arrangements for the presentation, on behalf of

1 Congress, of a commemorative medal of appropriate de-
2 sign honoring the Choctaw Code Talkers.

3 **TITLE IV—SAC AND FOX CODE**
4 **TALKERS**

5 **SEC. 401. FINDINGS.**

6 Congress finds that—

7 (1) Sac and Fox Indians used their native lan-
8 guage, Meskwaki, to transmit military code during
9 Word War II;

10 (2) those individuals, who manned radio com-
11 munications networks to advise of enemy actions, be-
12 came known as the Sac and Fox Code Talkers; and

13 (3) under heavy combat action, the Code Talk-
14 ers worked without sleep to provide information that
15 saved the lives of many Americans.

16 **SEC. 402. CONGRESSIONAL COMMEMORATIVE MEDAL.**

17 The President Pro Tempore of the Senate and the
18 Speaker of the House of Representatives shall make ap-
19 propriate arrangements for the presentation, on behalf of
20 Congress, of a commemorative medal of appropriate de-
21 sign, to each of the following Sac and Fox Code Talkers
22 of World War II, in recognition of the contributions of
23 those individuals to the United States:

24 (1) Frank Sanache.

25 (2) Willard Sanache.

- 1 (3) Dewey Youngbear.
- 2 (4) Edward Benson.
- 3 (5) Judie Wayne Wabaunasee.
- 4 (6) Mike Wayne Wabaunasee.
- 5 (7) Dewey Roberts.
- 6 (8) Melvin Twin.

7 **TITLE V—GENERAL PROVISIONS**

8 **SEC. 501. DEFINITION OF INDIAN TRIBE.**

9 In this title, the term “Indian tribe” has the meaning
 10 given the term in section 4 of the Indian Self-Determina-
 11 tion and Education Assistance Act (25 U.S.C. 4506).

12 **SEC. 502. MEDALS FOR OTHER CODE TALKERS.**

13 (a) PRESENTATION AUTHORIZED.—In addition to
 14 the commemorative medals authorized to be presented
 15 under sections 102, 202, 302, and 402, the President Pro
 16 Tempore of the Senate and the Speaker of the House of
 17 Representatives shall make appropriate arrangements for
 18 the presentation, on behalf of Congress, of a commemora-
 19 tive medal of appropriate design to any other Native
 20 American Code Talker identified by the Secretary of De-
 21 fense under subsection (b) who has not previously received
 22 a congressional commemorative medal.

23 (b) IDENTIFICATION OF OTHER NATIVE AMERICAN
 24 CODE TALKERS.—

1 (1) IN GENERAL.—Any Native American mem-
 2 ber of the United States Armed Forces who served
 3 as a Code Talker in any foreign conflict in which the
 4 United States was involved during the 20th Century
 5 shall be eligible for a commemorative medal under
 6 this section.

7 (2) DETERMINATION.—The Secretary of De-
 8 fense shall—

9 (A) determine eligibility under paragraph
 10 (1); and

11 (B) not later than 120 days after the date
 12 of enactment of this Act, establish a list of the
 13 names of individuals eligible to receive a medal
 14 under paragraph (1).

15 **SEC. 503. PROVISIONS APPLICABLE TO ALL MEDALS**
 16 **UNDER THIS ACT.**

17 (a) MEDALS AWARDED POSTHUMOUSLY.—A medal
 18 authorized by this Act may be awarded posthumously on
 19 behalf of, and presented to the next of kin or other rep-
 20 resentative of, a Native American Code Talker.

21 (b) DESIGN AND STRIKING.—

22 (1) IN GENERAL.—For purposes of any presen-
 23 tation of a commemorative medal under this Act, the
 24 Secretary of the Treasury shall strike gold medals

1 with suitable emblems, devices, and inscriptions, to
2 be determined by the Secretary of the Treasury.

3 (2) DESIGNS EMBLEMATIC OF TRIBAL AFFILI-
4 ATION.—The design of the commemorative medals
5 struck under this Act for Native American Code
6 Talkers who are members of the same Indian tribe
7 shall be emblematic of the participation of the Code
8 Talkers of that Indian tribe.

9 **SEC. 504. DUPLICATE MEDALS.**

10 The Secretary of the Treasury may strike and sell
11 duplicates in bronze of the commemorative medals struck
12 under this Act—

13 (1) in accordance with such regulations as the
14 Secretary may promulgate; and

15 (2) at a price sufficient to cover the costs of the
16 medals (including labor, materials, dies, use of ma-
17 chinery, and overhead expenses, and the cost of the
18 bronze medal).

19 **SEC. 505. STATUS AS NATIONAL MEDALS.**

20 Medals struck pursuant to this Act are national med-
21 als for purposes of chapter 51 of title 31, United States
22 Code.

23 **SEC. 506. FUNDING.**

24 (a) AUTHORITY TO USE FUND AMOUNTS.—There is
25 authorized to be charged against the United States Mint

1 Public Enterprise Fund such amounts as are necessary
2 to strike and award medals authorized by this Act.

3 (b) PROCEEDS OF SALE.—All amounts received from
4 the sale of duplicate bronze medals under section 504 shall
5 be deposited in the United States Mint Public Enterprise
6 Fund.

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