

108TH CONGRESS  
1ST SESSION

# S. 540

To authorize the presentation of gold 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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 5, 2003

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To authorize the presentation of gold 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 gold medal.

#### TITLE II—COMANCHE CODE TALKERS

Sec. 201. Findings.  
 Sec. 202. Congressional gold medal.

#### TITLE III—CHOCTAW CODE TALKERS

Sec. 301. Findings.  
 Sec. 302. Congressional gold medal.

#### TITLE IV—GENERAL PROVISIONS

Sec. 401. Definition of Indian tribe.  
 Sec. 402. Medals for other Code Talkers.  
 Sec. 403. Provisions applicable to all medals under this Act.  
 Sec. 404. Duplicate medals.  
 Sec. 405. Status as national medals.  
 Sec. 405. 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.

## 12 **TITLE I—SIOUX CODE TALKERS**

### 13 **SEC. 101. FINDINGS.**

14 Congress finds that—

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

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

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

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

18 **SEC. 102. CONGRESSIONAL GOLD MEDAL.**

19          The Speaker of the House of Representatives and the  
20          President Pro Tempore of the Senate shall make appro-  
21          priate arrangements for the presentation, on behalf of  
22          Congress, of a gold medal of appropriate design, to each  
23          Sioux Code Talker, including—

24                 (1) Eddie Eagle Boy;

25                 (2) Simon Brokenleg;

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

## 10 **TITLE II—COMANCHE CODE**

### 11 **TALKERS**

#### 12 **SEC. 201. FINDINGS.**

13 Congress finds that—

14 (1) the Japanese Empire attacked Pearl Har-  
15 bor, Hawaii, on December 7, 1941, and Congress  
16 declared war on Japan the following day;

17 (2) the military code developed by the United  
18 States for transmitting messages had been deci-  
19 phered by the Axis powers, and United States mili-  
20 tary intelligence sought to develop a new means to  
21 counter the enemy;

22 (3) the Federal Government called on the Co-  
23 manche Nation to support the military effort by re-  
24 cruiting and enlisting Comanche men to serve in the

1 United States Army to develop a secret code based  
2 on the Comanche language;

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

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

5 and

6 (B) discouraged from using their own lan-  
7 guage;

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

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

16 (A) proved to be unbreakable; and

17 (B) was used extensively throughout the  
18 European war theater;

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

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

24 (A) contributed greatly to the Allied war  
25 effort in Europe;

1 (B) were instrumental in winning the war  
2 in Europe; and

3 (C) their efforts saved countless lives;

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

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

9 **SEC. 202. CONGRESSIONAL GOLD MEDAL.**

10 The Speaker of the House of Representatives and the  
11 President Pro Tempore of the Senate shall make appro-  
12 priate arrangements for the presentation, on behalf of  
13 Congress, of a gold medal of appropriate design to each  
14 of the following Comanche Code Talkers of World War  
15 II, in recognition of contributions of those individuals to  
16 the United States:

17 (1) Charles Chibitty.

18 (2) Haddon Codynah.

19 (3) Robert Holder.

20 (4) Forrest Kassarvoid.

21 (5) Willington Mihecoby.

22 (6) Perry Noyebad.

23 (7) Clifford Otitivo.

24 (8) Simmons Parker.

25 (9) Melvin Permansu.

1 (10) Dick Red Elk.

2 (11) Elgin Red Elk.

3 (12) Larry Saupitty.

4 (13) Morris Sunrise.

5 (14) Willie Yackeschi.

6 **TITLE III—CHOCTAW CODE**  
7 **TALKERS**

8 **SEC. 301. FINDINGS.**

9 Congress finds that—

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

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

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

23 (4) members of the Choctaw Nation were—

24 (A) enlisted in the force known as the  
25 American Expeditionary Force, which began

1 hostile actions in France in the fall of 1917;  
2 and

3 (B) incorporated in a company of Indian  
4 enlistees serving in the 142d Infantry Company  
5 of the 36th Division;

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

14 (6) because of the proximity and static nature  
15 of the battle lines, a method to communicate without  
16 the knowledge of the enemy was needed;

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

20 (8) while the use of such native languages was  
21 discouraged by the Federal Government, the com-  
22 mander sought out and recruited 18 Choctaw Indi-  
23 ans to assist in transmitting field telephone commu-  
24 nications during an upcoming campaign;

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

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

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

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

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

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

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

24           (13) based on that successful experience, Choc-  
25 tow Indians were withdrawn from frontline units for

1 training in transmission of codes so as to be more  
2 widely used when the war came to an end;

3 (14) the Germans never succeeded in breaking  
4 the Choctaw code;

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

9 (16) this action by members of the Choctaw  
10 Nation—

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

14 (B) adds to the proud legacy of such serv-  
15 ices; and

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

20 **SEC. 302. CONGRESSIONAL GOLD MEDAL.**

21 The Speaker of the House of Representatives and the  
22 President Pro Tempore of the Senate shall make appro-  
23 priate arrangements for the presentation, on behalf of  
24 Congress, of a gold medal of appropriate design honoring  
25 the Choctaw Code Talkers.

**TITLE IV—GENERAL  
PROVISIONS**

**3 SEC. 401. DEFINITION OF INDIAN TRIBE.**

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

**7 SEC. 402. MEDALS FOR OTHER CODE TALKERS.**

8       (a) PRESENTATION AUTHORIZED.—In addition to  
9 the gold medals authorized to be presented under sections  
10 102, 202, and 302, the Speaker of the House of Rep-  
11 resentatives and the President Pro Tempore of the Senate  
12 shall make appropriate arrangements for the presentation,  
13 on behalf of Congress, of a gold medal of appropriate de-  
14 sign to any other Native American Code Talker identified  
15 by the Secretary of Defense under subsection (b) who has  
16 not previously received a congressional gold medal.

17       (b) IDENTIFICATION OF OTHER NATIVE AMERICAN  
18 CODE TALKERS.—

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

24           (2) DETERMINATION.—The Secretary of De-  
25 fense shall—

1 (A) determine eligibility under paragraph  
2 (1); and

3 (B) not later than 120 days after the date  
4 of enactment of this Act, establish a list of the  
5 names of individuals eligible to receive a medal  
6 under paragraph (1).

7 **SEC. 403. PROVISIONS APPLICABLE TO ALL MEDALS**  
8 **UNDER THIS ACT.**

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

13 (b) **DESIGN AND STRIKING.**—

14 (1) **IN GENERAL.**—For purposes of any presen-  
15 tation of a gold medal under this Act, the Secretary  
16 of the Treasury shall strike gold medals with suit-  
17 able emblems, devices, and inscriptions, to be deter-  
18 mined by the Secretary of the Treasury.

19 (2) **DESIGNS EMBLEMATIC OF TRIBAL AFFILI-**  
20 **ATION.**—The design of the gold medals struck under  
21 this Act for Native American Code Talkers who are  
22 members of the same Indian tribe shall be emblem-  
23 atic of the participation of the Code Talkers of that  
24 Indian tribe.

1 **SEC. 404. DUPLICATE MEDALS.**

2 The Secretary of the Treasury may strike and sell  
3 duplicates in bronze of the gold medals struck under this  
4 Act—

5 (1) in accordance with such regulations as the  
6 Secretary may promulgate; and

7 (2) at a price sufficient to cover the costs of the  
8 medals (including labor, materials, dies, use of ma-  
9 chinery, and overhead expenses, and the cost of the  
10 bronze medal).

11 **SEC. 405. STATUS AS NATIONAL MEDALS.**

12 A medal struck under this Act shall be considered  
13 to be a national medal for the purpose of chapter 51 of  
14 title 31, United States Code.

15 **SEC. 405. FUNDING.**

16 (a) **AUTHORITY TO USE FUND AMOUNTS.**—There is  
17 authorized to be charged against the United States Mint  
18 Public Enterprise Fund such amounts as are necessary  
19 to strike and award medals authorized by this Act.

20 (b) **PROCEEDS OF SALE.**—All amounts received from  
21 the sale of duplicate bronze medals under section 404 shall  
22 be deposited in the United States Mint Public Enterprise  
23 Fund.

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