

TRUTH WILL OUT

Why General Douglas MacArthur Voted "Not Guilty" in the
Court-Martial of "Billy" Mitchell

October 28 - December 17, 1925



The Defense. (l. to r.) Col. Herbert A. White, Military Counsel; the author, William H. Webb; Rep. Frank R. Reid, Illinois, Individual Counsel; Col. William Mitchell; Mrs. Mitchell; Sydney Miller, father of Mrs. Mitchell. (Photo—Int'l Newsreel Corp.)

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Assistant to the Chief Defense Counsel,
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On September 1, 1925, there was news that the Navy's PN-9 flight from San Francisco to Hawaii under the command of Commander John Rodgers was lost at sea. Two days later the Navy's dirigible, the Shenandoah, was destroyed in a line-storm over Ohio while on a flight from Lakehurst, New Jersey, over state fairs in the Midwest, and many lives were lost.

Two days later Colonel William Mitchell, Air Service, U.S. Army, then stationed at Fort Sam Houston in San Antonio, Texas, where he had been assigned after his term as Assistant Chief of the Army's Air Service with the rank of Brigadier General had expired, issued a statement to several Texas newspaper men, including the wire services, which began as follows:

"I have been asked from all parts of the country to give my opinion about the reasons for the frightful disasters that have occurred during the last few days.

"My opinion is as follows: These accidents are the result of the incompetency, the criminal negligence, and the almost treasonable administration of our national defense by the Navy and War Departments."

Then, in a statement of approximately 6,080 words, Colonel Mitchell went into detail as to his reasons for the charges he made, outlining the sad plight of aviation and its mishandling by groundlings who knew nothing about airplanes or air power.

On September 9th, Colonel Mitchell gave reporters another statement - an even more inflammatory challenge, and one that could not be ignored. President Coolidge ordered his court-martial (an unprecedented action) and on October 28th the trial began in an abandoned warehouse at the foot of the Capitol grounds.

Charges and specifications brought against the Colonel were that he had violated the 96th Article of War by "conduct prejudicial to good order and military discipline," a catch-all article that it had been said was used by the Army to punish an officer who kicked a horse.

Congressman Frank R. Reid of Illinois, who was serving as a member of a Select Committee of the House of Representatives to investigate all phases of aviation, military and civil, was chosen by Colonel Mitchell as his chief defense counsel. On the first day of the trial, Mr. Reid

challenged the President of the court, Major General Charles P. Summerall, and Brigadier General Albert L. Bowley, on the ground of prejudice, hostility and animosity toward the accused, and they were promptly dismissed from the panel. The Superintendent of the Military Academy at West Point, Major General Fred W. Sladen, was then removed by peremptory challenge.

Whereupon Representative Reid filed a number of pleas, including one to the jurisdiction of the court, for a bill of particulars, and for dismissal of the charges as no offense had been proved, all of which were denied by the court. Counsel then gave the court a list of witnesses to be summoned and documents to be subpoenaed to prove that in his two lengthy statements Colonel Mitchell had spoken the truth and only the truth. The court then said that it would receive the evidence and after it was introduced it would rule whether it constituted a defense to the charges.

The defense then presented dozens of witnesses and scores of documents and, by a preponderance of the evidence, proved that Colonel Mitchell had told the truth about the deplorable condition of our national defense and the mismanagement of aviation by the War and Navy Departments. Whereupon the court refused to rule (as it had repeatedly promised to do during the trial) whether or not truth was a defense, so Colonel Mitchell directed his counsel to withdraw from the case and make no closing argument. Instead, the Colonel read a statement to the court in which he said that its refusal to rule on this vital point proved that the trial was the culmination of efforts by the General Staff of the Army and the General Board of the Navy to depreciate the value of air power, and keep it in auxiliary position which compromised the whole system of national defense.

On December 17, 1925, exactly 22 years to the day after the Wright brothers had made their memorable first powered flight at Kill Devil Hill, near Kitty Hawk, North Carolina, the court-martial found Colonel Mitchell guilty and ordered him suspended from all rank, pay and allowances for five years (during which time, of course, he would be forced to remain in the Army and subject to the whims of his superiors, a sentence equivalent to peonage).

During the seven weeks and two days of the trial, the famous General Douglas MacArthur, who was one of the



Representative Frank R. Reid, Illinois, Counsel for the Defense.

panel of six generals, took no part in the proceedings but was uncharacteristically silent, and Mitchell described him as sitting in the court with "his features as cold as carved stone." But after the court had adjourned, some of the newspaper reporters who had been covering the trial went into the room where the court held its secret deliberations and fished out of the waste basket the slips on which the generals had voted and thought they recognized General MacArthur's handwriting. Many years later, while General MacArthur was heading the occupation of Japan after



ABOUT THE AUTHOR

(Based on Who's Who in America, 1962-63 edition, page 2202).

William H. Webb was admitted to the bar in 1926 then was in private practice in Washington, D.C., Chicago and Aurora, Illinois. He served on the Flood Control Commission, House of Representatives, 1926-31; Assistant to the Secretary, National Rivers and Harbors Commission, 1932-33; Assistant to the President, 1933-37; Executive Vice President since 1927. During the Great War, Mr. Webb served with the A.E.F. in France, 1917-19. As a 2nd Lieutenant, he was aide-de-camp to the Commanding General of the 160th Infantry Brigade, 80th Division. Later, he was assigned to negotiate peace after the armistice. He served as Secretary of the Field Mission to Berlin, Latvia, Lithuania, Estonia and Finland, 1919. Mr. Webb is author of numerous articles on waterways, flood control, etc., and now resides in Bethesda, Maryland.



The Court Martial. Gen. Douglas MacArthur is fourth from left. (Photo—Underwood & Underwood)

World War II, Senator Alexander Wiley of Wisconsin wrote to him and related this story and asked him if it were true. MacArthur wrote the Senator that he had cast the lone dissenting vote against Mitchell's conviction, that Mitchell knew it and had "never ceased to express his gratitude."

When General MacArthur was flying back to the United States, after he had been relieved of his command in Korea by President Truman, his aide and pilot, Colonel Anthony F. Story, who was at the controls of the Bataan, the silvery Constellation which was bringing home the last of the victorious generals of World War II, turned to the General and said: "General, why were you so tough on Billy Mitchell?" "He looked at me," said Colonel Story, "as if I had accused him of striking his mother. Tough? You're talking to the wrong man. Get this straight: I not only spoke up for Mitchell during the trial whenever I got a chance, but I was the only member of the board who voted to acquit him ... I voted for him because I believed that most of the things he said about the future of aviation were right."¹

Finally, in his Memoirs published in 1964 shortly before his death, General MacArthur told his version of the

court-martial of "Billy" Mitchell:

"In the summer of 1925, I was assigned to Baltimore to command the III Corps Area. My service there was the usual routine of a senior commander, broken by two special incidents, one most disagreeable, one most pleasant. The first was the court-martial of my fellow townsman, Billy Mitchell. He was an officer who had greatly distinguished himself as our outstanding combat air commander of the war. A strong proponent of the predominance of air power and of a unified control of all air forces, Billy challenged the concept of the Navy as a first line of defense, and mobilized Congressional and public opinion to permit bombing tests against old battleships. In these tests, the former German dreadnaught, OSTFRIESLAND, was hit and sunk along with a German submarine, destroyer, light cruiser, and two obsolete American warships. Our Navy, from that time on, began to build its forces around the air carrier.

"Mitchell's friction with the military hierarchy continued to increase. Because of the government's failure to develop the air service, he became an outspoken critic of the country's aviation policy. For months he figured in the newspaper headlines almost daily. The crisis came when the



L. to R: William Webb, Col. White, Col. Mitchell, Rep. Reid, Judge Frank G. Plain of Aurora, Ill., Asst. to Rep. Reid. (Photo—Pacific & Atlantic Photos, Inc.)

loss of the Navy dirigible Shenandoah during an electrical storm caused him to publicly state that such accidents are the result of 'incompetency, criminal negligence and almost treasonable administration of the National Defense by the War and Navy Departments.'

"I was detailed a member of the court, one of the most distasteful orders I ever received. I was thoroughly in accord with the concept of the massive power of the air and that its development should be greatly accelerated. I had publicly stated, 'Neither ground nor sea forces can operate safely unless the air over them is controlled by our own air power.' It is part of my military philosophy that a senior officer should not be silenced for being at variance with his superiors in rank and with accepted doctrine. I have always felt that the country's interest was paramount, and that when a ranking officer, out of purely patriotic motives, risked his own personal future in such opposition, he should not be summarily suppressed. Superior authority can, of course, do so if it wishes, but the one thing in this world that cannot be stopped is a sound idea. The individual may be martyred, but his thoughts live on.

"In such a court-martial as Mitchell's only a two-thirds vote is necessary to convict. When the verdict was reached many believed I had betrayed my friend, and certain rabid and irresponsible columnists even assailed me for joining 'in the persecution of Mitchell.' Nothing could be further from the truth. I did what I could in his behalf and I helped save him from dismissal. That he was wrong in the violence of his language is self-evident; that he was right in his thesis is equally true and incontrovertible.

"Mitchell was court-martialed for this violent personal attack and sentenced to suspension from duty for two and a half years. He promptly resigned his commission as an officer, and devoted the remaining ten years of his life to propagating his gospel of the air. He died in 1936 and did not witness the vindication of much that he advocated. Had he lived through World War II, he would have seen the fulfillment of many of his prophecies of air warfare: strategic bombardment, mass airborne operations, the military importance of Alaska and the polar areas, and the eclipse of the battleship by the airplane. His governmental redress came from Congress, which in 1946 authorized a special gold medal in his honor."²

FOOTNOTES

-The American Weekly, May 6, 1956.

"Reminiscences" — By General of the Army Douglas MacArthur, 1964. Copyright c 1964 by Time, Inc.



Col. Mitchell in MB-3A. (Photo-USAF No. 10670A.S.)