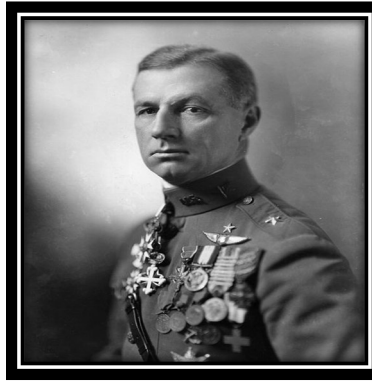


THE TRUE STORY BEHIND THE COURT-MARTIAL OF GENERAL BILLY MITCHELL

THE "FATHER OF THE AIR FORCE" CHALLENGED THE LIMITS OF FREEDOM OF SPEECH AND LOST

449



William Lendrum Mitchell (December 29, 1879 – February 19, 1936) was a United States Army general who is regarded as the father of the United States Air Force



AUG 1, 2012

Mitchell served in France during World War I and, by the conflict's end, commanded all American air combat units in that country. After the war, he was appointed deputy director of the Air Service and began advocating increased investment in air power, believing that this would prove vital in future wars. He argued particularly for the ability of bombers to sink battleships and organized a series of bombing runs against stationary ships designed to test the idea.

He antagonized many administrative leaders of the Army with his arguments and criticism and, in 1925, was returned from appointment as a brigadier general to his permanent rank of colonel due to his insubordination. Later that year, **he was court-martialed for insubordination after accusing Army and Navy leaders of an "almost treasonable administration of the national defense for investing in battleships instead of aircraft carriers."** **He resigned from the service shortly afterward.**

Mitchell received many honors following his death, **including a commission by President Franklin D. Roosevelt as a major general.** He is also the first person for whom an American military aircraft design, the North American B-25 Mitchell, is named. Milwaukee Mitchell International Airport in Milwaukee, Wisconsin is also named after Mitchell.



DAYTON, Ohio -- Gen. Billy Mitchell uniforms and medals on display in the National Museum of the United States Air Force Early Years Gallery. (U.S. Air Force photo)

By 1925, Billy Mitchell had alienated almost everybody in the War Department and Navy Department, to say nothing of President Calvin Coolidge. Strident in his advocacy of airpower, Mitchell did not hesitate to lash out when he disagreed with his superiors, which was often. **"The General Staff knows as much about the air as a hog does about skating," he said.**



Mitchell as Assistant Chief of Air Service (in non-regulation uniform)

William Mitchell (no middle name) came to fame as the combat leader of American air forces in France in World War I. He was promoted to the temporary grade of brigadier general and kept his star after the war because of his assignment as assistant chief of the Army Air Service.

When Mitchell's bombers sank the surplus German battleship *Ostfriesland* in a July 1921 demonstration, it was a strong blow for airpower. **It was also a huge embarrassment for the Navy, which had said he couldn't do it.** Mitchell's traditionalist boss, Army Chief Gen. John J. Pershing, sided with the Navy **in dismissing the significance of the demonstration.**

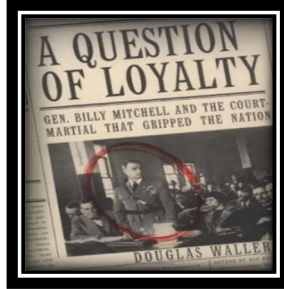


Billy Mitchell (standing) and his wife (to his left seated) react during a tense moment during the week-long trial

Mitchell continued his all-out public campaign for air power. He said the world stood on the threshold of an "aeronautical era" and that military airpower, independent of ground and sea forces, should be the first line of defense.

He was popular with the public and the press and had some supporters in Congress. He had a strong following among younger officers, and even a few moles in the Navy. **The generals and admirals wanted to be rid of him.**

Thus when his term as assistant air chief expired in March 1925, he was not reappointed. He was assigned to Fort Sam Houston in San Antonio as aviation officer for the Army's Eighth Corps Area, reverting to his permanent grade of colonel. It was an important job in a significant command, but Mitchell felt he had been demoted and sent to the boondocks. The airmen in Texas still called him "General."



Two Navy aircraft mishaps soon caused Mitchell's temper to boil over in even more spectacular fashion than usual. The worst of the accidents was the breakup of the Navy dirigible Shenandoah over Ava, Ohio, Sept. 3. The airship was on a publicity junket, due to pass over 27 cities at times announced in advance to please politicians and their constituents. Over Ohio, *Shenandoah* ran into a line squall of intense thunderstorms but did not divert around it, remaining on course for a state fair the next day.

Gripped by the storm, the airship pitched up to 6,300 feet, plunged to 3,200 feet, and was thrown back up to 6,200 feet. The keel broke and the airship was torn into three parts. The front section fell a mile to the ground, killing the skipper, Lt. Cmdr. Zachary Lansdowne, and 13 other crew members. Part of the ship was able to maneuver as a free balloon and landed, saving 27 lives.

The *Shenandoah* tragedy followed the news that a Navy PN-9 seaplane on a demonstration flight to Hawaii had gone down in the Pacific because of engine failure. Another aircraft on the flight was forced to land in the water 200 miles short of Hawaii when it ran out of fuel.

ROCKET FROM SAN ANTONIO

What enraged Mitchell as much as anything was the public reaction of Secretary of the Navy Curtis D. Wilbur, who said the accidents illustrated limitations of airpower. "Some people," said Wilbur, "make extravagant claims for aviation. Great things have been achieved. From our experience, however, I am convinced that the Atlantic and the Pacific are still the greatest bulwarks against any air invasion of the United States." Wilbur said the PN-9 incident showed how difficult it was to cross 2,100 miles of ocean without carrying bombs, much less to cross with 1,000-pound bombs.

In San Antonio Sept. 5, Mitchell called in the press and gave them a 5,000-word statement. "These accidents are the direct result of the incompetency, criminal negligence, and almost treasonable administration of the national defense by the Navy and War Departments," he said.



Mitchell (standing left) listens as the charges against are read. The prosecution opened and closed its case in one day, but it wouldn't be a short trial after that (Photo via Library Of Congress)

All aviation policies, schemes, and systems are dictated by nonflying officers of the Army or Navy who know practically nothing about it," he said. "The lives of the airmen are being used merely as pawns in their hands.

Officers and agents sent by the War and Navy Departments to Congress have almost always given incomplete, misleading, or false information about aeronautics."

Mitchell said *Shenandoah*, overweight in its structure and with low reserve buoyancy, had been sent on a propaganda mission without adequate safeguards. He then moved on to general criticism of Army and Navy aviation programs.

He wasn't finished.

Four days later, he called the reporters back and said, "If the department does not like the statement I made, let them take disciplinary action as they see fit, according to their judgment, court-martial or no court-martial. The investigation that is needed is of the War and Navy Departments and their conduct in the disgraceful administration of aviation."

Summoned to Washington to explain himself, Mitchell was greeted at the train station by cheering supporters and an American Legion fife and drum corps.



To see the actual video of the bombing from 1921 copy and paste the link below into your Browser

<https://www.youtube.com/watch?v=oROBrWplsqE>

ORDERS FROM COOLIDGE

President Coolidge was Mitchell's direct opposite in personality. A dour man of few words, he was satisfied to be known as "Silent Cal." He made his national reputation by putting down a police strike in Boston in 1919 when he was governor of Massachusetts.

The War Department inspector general recommended that Mitchell be tried by court-martial. The charges were not made by Mitchell's military superior but rather by the Secretary of War at the direction of the President.

Coolidge did not accuse Mitchell directly in public. That might have been seen as prejudicing the outcome of the trial. However, there was no doubt who Coolidge was talking about when he spoke to the American Legion convention in early October.

"Any organization of men in the military service bent on inflaming the public mind for the purpose of forcing government action through the pressure of public opinion is an exceedingly dangerous undertaking and precedent," Coolidge said. "It is for the civil authority to determine what appropriations shall be granted, what appointments shall be made, and what rules shall be adopted for the conduct of its armed forces. ... Whenever the military power starts dictating to the civil authority by whatever means adopted, the liberties of the country are beginning to end."

Mitchell was charged under the 96th Article of War, the catch-all general article that covered "disorders and neglects to the prejudice of good order and discipline [and] all conduct of a nature to bring discredit upon the military service." Mitchell ridiculed Article 96, saying, "Officers are tried under it for kicking a horse."



The French-built SPAD XVI which Mitchell piloted in the war, now exhibited inside, the National Air and Space Museum in Washington, D. C.

The Army held Mitchell's statements were prejudicial to good order and discipline, insubordinate, "contemptuous and disrespectful," and intended to discredit the War Department and Navy Department. With the Sept. 5 and 9 statements counted separately, **it added up to eight specifications to the charge.**



Margaret Lansdowne, widow of the skipper of the Shenandoah, told the court that the Navy had tried to influence her testimony. The Generals seated at the table are (l-r) Ewing Booth, Frank McCoy, Benjamin Poole, and Douglas MacArthur (Library of Congress photo)

Coolidge, hoping to tamp down the controversy and divert attention from the Mitchell court-martial, appointed a board, headed by New York banker Dwight W. Morrow, to look into the military aviation issue.



Billy Mitchell posing with his Vought VE-7 Bluebird aircraft at the Bolling Field Air Tournament (in Washington, D.C.), held on May 14-16, 1920.

CURTAIN UP

The court-martial began Oct. 28 in the Emery Building, an old red brick warehouse, at the foot of Capitol Hill in downtown Washington. Five hundred people, including 40 reporters and newsreel cameramen, lined the streets to see Colonel Mitchell and Mrs. Mitchell arrive.

Twelve senior generals, handpicked by the Army and the War Department, were appointed to the court. One of them, destined for greater things, was Mitchell's boyhood friend from Milwaukee, Douglas MacArthur. In addition, there was a "law member" of the court, Col. Blanton C. Winship, a legal officer assigned to assist and rule on legal questions.

Mitchell promptly challenged three of the generals off the court, including Maj. Gen. Charles P. Summerall, a future Army Chief of Staff who was to have been president of the court. The ousted generals were not replaced, as only six members were required for a trial. Maj. Gen. Robert L. Howze took over as president.

Mitchell's defense team was led by Rep. Frank R. Reid (R-Ill.), a first rate lawyer who met Mitchell at House Aircraft Committee hearings. He called members of the court "you men" and "you people," but the generals took it in stride. The prosecutor was the trial judge advocate, Col. Sherman Moreland, fully competent but no match for Reid in flash and dash.

Photos from the trial show members of the court with old-style high military collars. Mitchell wore his collar folded down in the more modern fashion favored by airmen, who claimed that high collars chafed their necks while flying.

The prosecution introduced its evidence on the morning of Nov. 2 and rested its case that afternoon.

Moreland called witnesses who established that Mitchell made the two statements and gave them to the press. In the Army's view, this was a prima facie breach of good order and discipline and sufficient for conviction.

It wasn't nearly over, though. Next day, Reid announced that he wanted to call 73 witnesses for the defense and asked for thousands of Army documents. He intended to argue the validity of what Mitchell had said. Moreland objected. All that mattered was Mitchell had made the statements. The substance of what he said counted only for mitigation and extenuation, if that.



However, the court did not rule against the evidence Reid wanted to present. Under the glare of public and press attention, Mitchell was given leeway that he would not have gotten under other circumstances. Reid and Mitchell had effectively converted the court-martial into a public debate about air power. The trial would continue for six more weeks.

GULLION EVENS THE ODDS

Reid introduced a parade of witnesses who gave evidence about equipment, training, misleading military assessments to Congress, Army disregard of advice from air officers, and endangerment of pilots from orders by nonflying superiors. He established that in the past seven years, Mitchell had made 163 recommendations to improve the air service, nearly all of them ignored or disapproved.

A surprise witness was Margaret Lansdowne, widow of the Shenandoah commander. She testified the Navy tried to influence her statement to the board of inquiry, wanting her to say that her husband had been willing and ready to make the flight. She told the inquiry and the Mitchell court that her husband had regarded the flight as political and had flown it under protest, believing the timing was dangerous because of the weather risk. She produced a copy of a letter from Lansdowne to the Chief of Naval Operations asking for a delay until thunderstorm season had past.



Allen Gullion (pictured as a Major General) was a fierce and relentless prosecutor

Among those testifying for Mitchell were World War I ace Eddie Rickenbacker and Congressman Fiorello La Guardia. "Billy Mitchell is not being judged by his peers," La Guardia said. "He is being judged by nine dog robbers of the general staff." Two little-known majors, Henry H. "Hap" Arnold and Carl A. Spaatz, appeared for Mitchell as well. Even the court was momentarily star struck when famed humorist Will Rogers, a friend of Mitchell's, attended a session of the trial.

Mitchell was the runaway favorite of the public, but the weeks of airpower testimony made less of an impression on the members of the court, who understood better than the civilians did the meaning of an Article 96 charge.

To shore up the prosecution, Maj. Allen W. Gullion was added as an assistant trial judge advocate Nov. 17. A West Pointer and a former infantry officer, Gullion was regarded as one of the best and most aggressive prosecutors in the Army. The attack on Mitchell and the defense witnesses sharpened as Gullion took on a big share of the questioning.

The trial reached its dramatic peak in late November when Gullion cross-examined Mitchell. He elicited acknowledgments from Mitchell that a considerable part of his statements were opinion rather than fact and that he relied on the newspapers for some of his information, especially about the Navy. Gullion tried to force Mitchell to admit that he had accused officers of long and honorable standing of treason and criminal actions. Mitchell said his words had been directed at a system rather than against an individual or individuals, but Gullion had scored his point with the senior officers on the court.

The prosecution called a succession of rebuttal witnesses. Mitchell debunkers were not difficult to find. As the trial ground on, the Morrow Board made its report, basically accepting the arguments of the traditionalists over those of the airmen. No radical changes were necessary. The nation was safe from air attack. The Army and Navy air arms should stay where they were.

Summing up for the prosecution on the last day of the court-martial, Gullion pulled out all the stops.



General Billy Mitchell, 1925. (Library of Congress picture)

"It is sufficient if the record shows that the conduct is to the prejudice and of a nature to discredit," he said. "The statements of Sept. 5 and 9 speak for themselves in that regard. But can there be any doubt that the discipline of our Army will be ruined if the accused, in the expressive vernacular of the doughboy, is allowed to get away with it? Every trooper in Fort Huachuca, as he smokes his cigarette with his bunkie after mess, is talking about this case. If the accused is not dismissed, the good trooper will be dismayed and the malcontent and sorehead will be encouraged in his own insubordination."

(A fascinating footnote to the story is that one of Gullion's grandsons, Gen. Thomas S. Moorman Jr., became vice chief of staff of the Air Force from 1994 to 1997.)

MITCHELL LEAVES THE ARMY



After deliberating for three hours on the afternoon of Dec. 17, the court found Mitchell guilty of the charge and all specifications. It suspended him from rank, command, and duty, with the forfeiture of all pay and allowances for five years.

The votes were never revealed but Howze, the president of the court, said it was a split decision. It was widely believed that MacArthur had voted to acquit, but according to most historical sources, that was never confirmed. In his memoirs, MacArthur was cryptic on the subject, saying, "I did what I could in his behalf."

In November 1945, Sen. Alexander Wiley (R-Wis.)—who was trying to get Mitchell promoted posthumously to major general—wrote to MacArthur, saying, "It was my understanding that yours was the one vote against the court-martial's verdict which cashiered Billy Mitchell." MacArthur replied, "Your recollection of my part in his trial is entirely correct. It was fully known to him, and he never ceased to express his gratitude for my attitude. ... He was a rare genius in his profession and contributed much to aviation history."

Coolidge approved the conviction Jan. 25, 1926, saying that Mitchell "employed expressions which cannot be construed otherwise than as breathing defiance toward his military superiors."

However, Coolidge recognized that the sentence left Mitchell in an impossible situation. It kept him in service, which prevented him from obtaining private employment, but took away his pay, so he had no means of support. Coolidge reduced the punishment to forfeiture of half of Mitchell's monthly pay. The free-spending Mitchell could not get by on half pay. The net effect was to force Mitchell to resign from the Army, which he did on Feb. 1.

Pershing, now retired, observed, "There seems to be a Bolshevik bug in the air." With Mitchell gone, the Army cracked down on dissent. Arnold, an activist on Mitchell's behalf, was exiled to Fort Riley, Kan., a cavalry post, where he became commander of an observation squadron.

Some airmen concurred in Mitchell's conviction. Benjamin D. Foulois, who had despised Mitchell since their time in France in World War I, said, "A civilian could say things like that but not an officer on active duty who had obligated himself by his commissioning oath to an unswerving course of loyalty to his civilian and military superiors."

In his memoirs, Arnold acknowledged as much. "No matter what was said about 'Airpower being on trial'—as it was, at times even in the eyes of the prosecution—the thing for which Mitchell was really being tried he was guilty of, and except for Billy, everybody knew it," Arnold said. "We all knew there was no other way—in accordance with the Army code, Billy had it coming."

RECONSIDERATIONS

Mitchell continued to speak, write, and advocate for airpower. He died in 1936, but as his disciples, including Arnold and Spaatz, moved into positions of authority, he was openly acknowledged as an Air Force hero.

When the Air Force Association was formed in 1946, Mitchell became AFA's hero, too. And when the Air Force gained its independence from the Army in 1947, the cover of the association's journal, Air Force Magazine, proclaimed it "The Day Billy Mitchell Dreamed Of."

Mitchell was celebrated in 1955 in a Warner Brothers movie, "The Court-Martial of Billy Mitchell," which was longer on enthusiasm than on historical accuracy. Only Hollywood would have chosen Gary Cooper, an actor noted for not talking much, to play Mitchell. Rod Steiger was cast as Gullion.

In 1956, William Mitchell Jr, his son., with AFA acting as his agent, petitioned the Air Force Board for Correction of Military Records to overturn the verdict of the court-martial. The board heard the case in 1957, but the results were not disclosed until the final review in 1958.



Mitchell with his wife Elizabeth, 1925

By a vote of four-to-one, the board recommended the findings and sentence of the court-martial be declared null and void. "The conclusion is inescapable in the board's opinion that Mitchell was tried for his views rather than a violation of Article 96," the proceedings report said.

Secretary of the Air Force James H. Douglas Jr. could not agree. He recognized that many of Mitchell's beliefs had been vindicated by history but that "while on active duty and subject to the discipline of military service, he characterized the administration of the War and Navy Departments as incompetent, criminally negligent, and almost treasonable." Mitchell's statements in September 1925 substantiated the charges against him. "Subsequent confirmation of the correctness of certain views he expressed cannot affect the propriety or impropriety under the 96th Article of expressions which he employed." The verdict stood.

The Mitchell issue was supposedly settled, but popped up again in a different form in 2004. The Fiscal 2005 Defense Authorization bill authorized the promotion of Billy Mitchell to major general, effective as of the date of his death in 1936.

Neither the Pentagon nor the White House took any action as a result of the authorization, and the matter is again at rest—at least, so far.



SUMMARY OF ATTEMPTS FOR POSTHUMOUS PROMOTION

In 1940, a bill was introduced in Congress that sought to posthumously promote Mitchell to the rank of Major General, **but it did not pass**. A similar bill was drafted in 1942 to promote Mitchell to Brigadier General.

According to the Office of Air Force History, **"this effort failed to follow the normal process, which called for the War and Navy Departments to submit recommendations to the White House."**

Instead, only the Senate participated, and passed a joint resolution. Reportedly, "this approach did require the approval of the House, which was not forthcoming." **As a result, Mitchell did not actually receive a posthumous promotion, although many misunderstood the Senate resolution as authorizing this.** Bills were introduced in 1943 to promote Mitchell to Brigadier General and also to Major General, **which did not pass**. In 1945, the same legislation was introduced for a promotion to Major General, **but it also did not pass**. Another bill was introduced in 1947 to the same effect **which did not pass either**.

In 2004, Mitchell's posthumous promotion was finally authorized in the FY2005 National Defense Authorization Act. According to the former editor of Air Force Magazine, **"neither the Pentagon nor the White House took any action as a result of the authorization," which meant Mitchell was never promoted.** That bill was introduced by Rep. Charles Bass (R-N.H.), himself a relative of Mitchell's, and whose own father, Rep. Perkins Bass (R-N.H.), had also previously sponsored legislation to posthumously promote Mitchell. Reportedly, the promotion authorization drew on "muted support" from the USAF, which may explain why the bill was not acted on. One author wrote that Mitchell's true history was more complicated than the simple narrative that he was a passionate airpower advocate; according to one historian, **he was "vain, petulant, racist, overbearing, and egotistical", which may explain reservations about the many attempts to revise his legacy.** An air force officer reflected that if Mitchell's promotion were granted, it would be "only a pyrrhic victory", since it would not "erase the questionable actions that proceeded from his passionate advocacy of airpower's independence"

Mitchell is often referred to as a "brigadier general (temporary)" because of his holding temporary rank during World War I and later after the war, although his permanent grade was colonel both during his temporary service as a general officer as well as at the time he resigned.

Congress subsequently passed legislation in 1930 that permitted "all commissioned officers who served in the Army, Navy, Marine Corps, and/or Coast Guard of the United States during the World War, and who have been or may be hereafter retired according to law . . . shall . . . **be advanced in rank on the retired list to the highest grade held by them during the World War**".

However, it appears that since this act required the officer to be formally retired, it did not apply to Mitchell because he had resigned his commission rather than be subject to the pay forfeiture from his court martial conviction. **Indeed, none of the Army Registers from 1926 to 1932 list him as retired.**

CONGRESSIONAL GOLD MEDAL / MEDAL OF HONOR ???

There has been some confusion regarding Mitchell's medal being a Medal of Honor instead of a Congressional Gold Medal, because it was erroneously listed as a Medal of Honor in the Committee on Veterans' Affairs report of 1979 which is often used as a modern index of Medal of Honor listings.

According to the Army's Center of Military History, "*it seems apparent that the intention was to award the Gold Medal rather than the Medal of Honor,*" but the Center included Mitchell's award because of the error on the Senate report. The Senate error was a consequence of a drafting mistake when the bill was in committee. The House Committee on Military Affairs confused the Medal of Honor with the Congressional Gold Medal in its first draft of the bill, and then retroactively amended the text *to remove "a Medal of Honor" and replace it with "a gold medal,"* but neglected to correct the title of the bill. *However, the Committee clarified that "the legislation under consideration does not authorize an award of the Congressional Medal of Honor," which clearly settled the matter.* *In spite of these verifiable facts, the U.S. Air Force still lists Mitchell as a Medal of Honor recipient, even though he has been removed from the official list published online by the Department of Defense.*

According to one author, the Air Force's continued representation that Mitchell is a Medal of Honor recipient is "inexplicable, since Congress lists the award as a Gold Medal, the Air Force formally participated in the Gold Medal's design, and the National Museum of the Air Force currently possesses the replica Gold Medal in question. (see below)

The National Museum of the Air Force displays Mitchell's Gold Medal publicly, with the caption that *"This is the Special Congressional Medal of Honor awarded posthumously to Gen. Billy Mitchell in 1946.* This medallion, the only one of its kind in existence, was sculpted by Erwin F. Springweiler, and was struck by the Philadelphia Mint.

Since the medal in question is on public display, it is easily verifiable as not being a Medal of Honor.

Several Medal of Honor historians have also published on this subject due to repeated confusion over Mitchell's award.

THE ACTUAL " CONGRESSIONAL" GOLD MEDAL / MEDAL OF HONOR AWARDED TO GEN MITCHELL

This is the *Special Congressional Medal of Honor* awarded posthumously to Gen. Billy Mitchell in 1946. *This medallion, the only one of its kind in existence* was sculptured by Erwin F. Springweiler, and was struck by the Philadelphia Mint.



The inscription on the front of the Medallion reads:

BRIGADIER GENERAL WILLIAM MITCHELL

The inscription on the reverse of the Medallion reads:

**AWARD OF THE CONGRESS AUGUST 8, 1946 FOR OUTSTANDING PIONEER SERVICE AND FORESIGHT IN
THE FIELD OF AMERICAN MILITARY AVIATION**

TEXT OF THE CONFIRMATION OF THE ACT

AN ACT Authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, *That the President of the United States is requested to cause a gold medal* to be struck, with suitable emblems, devices and inscriptions, to be presented to the late William Mitchell, formerly a Colonel, United States Army, *in recognition of his outstanding pioneer service and foresight in the field of American military aviation.*

SEC. 2. When the medal provided for in section 1 of this Act shall have been struck, the President shall transmit the same to William Mitchell, Junior, son of the said William Mitchell, to be presented to him in the name of the people of the United States.

SEC. 3. A sufficient sum of money to carry this Act into effect is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated.

Approved August 8, 1946. Private Law 884



WHAT HE BELIEVED IN AND HE WAS RIGHT – BUT WHAT A PRICE HE PAID TO PROVE IT



Billy Mitchell died on February 19, 1936, and was buried at the Forest Home Cemetery in Milwaukee, Wisconsin.