The Billy Mitchell Court-Martial

By John T. Correll
In the Army’s view, the issue was insubordination, not the validity of Mitchell’s claims.

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.

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.

Mitchell continued his all-out public campaign for airpower. 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, how-
ever, 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.

“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 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.

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.

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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 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 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 airpower. 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 passed.

Among those testifying for Mitchell were World War I ace Eddie Rickenbacker and Congressman Fiorello LaGuardia. “Billy Mitchell is not being judged by his peers,” LaGuardia 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.

“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 on 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 unwavering 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., 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.

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.

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John T. Correll was editor in chief of Air Force Magazine for 18 years and is now a contributor. His most recent article, “The Moon Squadrons,” appeared in the July issue.