

question as to reputation of the deceased, it is a question as to a certain statement. If it is sought by the inquiry now put to show that the deceased had a bad reputation or was quarrelsome, then the question is still open to another objection, seeking to impeach the witness whom the counsel has himself called.

The defense: I will withdraw the question.

The prosecution declined to cross examine the witness. *ak*

Lieutenant Wilmot W. Berry, 369th U.S. Inf., a witness for the defense, was sworn and testified as follows:

Question by prosecution: ✓

Q Do you know the accused? If so, state who he is?

A I do not, sir.

Questions by defense:

Q Lieutenant Berry, on what duty were you on the 21st of August, 1918, the day on which a soldier of your regiment, named Whittaker, was shot at Dommartin-la-Planchette?

A I was officer of the day, sir, up to sometime during that day, but I cannot say just what time I went off.

Q Where you the officer of the day who sent out the patrols in the morning of that ~~day~~ *at* day?

A I was, sir.

Q Did you send out a patrol under a Sergeant Emanuel ^{*at*} in which there was a Private Whittaker?

A I sent all the patrols that morning, so I must have.

Q Did you send a patrol, to your recollection, to Dommartin-la-Planchette?

A I don't remember the places.

Q But you sent out all patrols that morning?

A I sent all patrols that were sent out that morning, yes, sir.

Q What do the standing guard orders of the regiment prescribe as the equipment of those patrols?

DECLASSIFIED
Authority: E.O. 12958, SEC. 1.5
DATE: 11-09-00

A Will you ask that question again, please?

Q What do the standing orders of the regiment prescribe as the equipment of those patrols?

A I know of no standing order saying anything about the equipment of patrols, but there were special orders given for each patrol that morning. I know of no standing orders, sir.

Q Are you familiar with those orders? (Showing Exhibit A to witness)

A I have never seen that copy before to my recollection, or a duplicate of it.

Q Did you not receive the standing orders from the previous officer of the day?

A I did not. I think that those patrols were just started that day, or the day before, when I was officer of the day.

Q Did you have any orders as to whether or not the patrols you sent out should be armed, and with what arms?

A There was handed to me, sir, either seven or eight copies of orders dealing with the various patrols going to various places by the commanding officer of the camp, I think at two o'clock in the morning of that day, with instructions to send these patrols out in the morning and give to each patrol leader a copy of the order pertaining to his particular patrol, and the commander of the camp had marked on each of these orders the patrol leader to whom a particular order was to go.

Q Did you consider it proper to arm these men with rifles and pistols?

A I did not give it serious consideration at that time, but inasmuch as I was ^{ask} told to notify the commanders to select the proper personnel of the patrols, I thought they would attend to the equipment of such patrols.

Questions by prosecution:

Q Were you officer of the day for the whole regiment or simply for the camp at---

A I was officer of the day for the camp. I think there were two

67
101

DECLASSIFIED
Authority: E.O. 12958
DATE: 11-11-03

battalions there.

Q That was the camp at Le Maigneux?

A Yes, sir.

Q And the commanding officer of that camp was Major Spencer, wasn't it?

A Yes, sir.

Question by the court:

Q I understand you to say that Major Spencer was the commander of that camp, Lieutenant Berry?

A I believe he was, yes, sir.

At 5:50 P.M. the court declared a recess for ten minutes.

At 6:00 P.M. the members of the court, the Judge Advocate places. the Asst. Judge Advocate, the accused, his counsel and the reporter resumed their Counsel for defense: I would like to ask the court for a continuance on this case. I have just received a telephone message that there is a cyclist going to my battalion headquarters with orders for me, and I cannot tell what they are.

The court: What kind of a continuance; for how long?

Defense: I don't know.

The judge advocate: I suggest we adjourn until nine A.M. tomorrow, and if counsel for defense is unable to be present I will arrange for another case and this case can be taken up later.

The defense: The accused is willing to allow the assistant counsel finish the case in case I cannot get back. I will come back if I can. We have no others, only the accused to be put on the stand. The assistant counsel is perfectly competent to do it, if you are willing.

The judge advocate: It is agreeable, sir.

The defense: I would like an adjournment until nine A.M. tomorrow. If I can be here, I will.

The court then, at 6:15 P.M. o'clock, adjourned to meet at nine o'clock A.M. on September 24, 1918.

Archibald King
.....
Archibald King, 1st Lieutenant,
161st Infantry, Judge Advocate.

102

216
HEADQUARTERS 369th INFANTRY

Camp Rougon, France, Sept. 24, 1918.

The court met, pursuant to adjournment at nine o'clock A.M.

Present:

All members of the court, the judge advocate, and the assistant judge advocate.

The accused, his counsel, and the reporter were also present.

The accused, at his own request, was sworn and testified as follows:

The judge advocate called the attention of the court to section 215 of the Manual for Courts-Martial that it shall appear on record that the president of the court shall explain to the accused that he may testify in his own behalf if he so desire.

The defense: It is stated that the accused understands.

Question by judge advocate:

Q You are the accused in this case, are you not?

A Yes, sir.

Questions by defense:

Q Lieutenant Cochran, state to the court the entire incidents leading up to and involving the shooting of Private Whittaker on or about the 21st of August, 1918 in Dommartin-la-Planchette.

A I want to begin at the time I was told to report to Major Spencer for instructions. M Company officers were at mess, I am a member of M Company, when an order came for one officer to report to Major Spencer, the commander of the camp. I was detailed to report, which I immediately did. Major Spencer instructed me that I was to be furnished with a squad of men, unarmed and a cart to take me to this town. My instructions were to place this guard under arrest and bring them back to camp. We proceeded to the town in the cart, and on arrival in the town, these men were grouped alongside---

66

108

Q Can you remember exactly the words of directions you received from Major Spencer?

A My instructions were that these men were drunk, disorderly and rioting, and I was to proceed to this town to the office of Major Knight^{ac} and get data for proper charges against these men, put them under arrest and bring them back to camp. I just entered this town and those men were grouped alongside the sidewalk. I was going to the Major's office, to look for it, as I didn't know just where it was. These men rushed out in the road, three or four of them, and this man, without any warning, without my knowing what was ^{ac} happening, grabbed my horse. I told him several times to turn the horse loose. He didn't release the horse, but pushed him to the edge of the road. I dropped off the wagon, I was on the front seat, stepped on the edge of the sidewalk, and the man released the horse, unslung his carbine. I waited and he started up with his rifle and that is when I fired. The man dropped on the sidewalk^{ac} right there. I had the man^{ac} carried into a building there very near. About this time an artillery soldier was there on the scene and I had him call for an ambulance. In the meantime some one had telephoned to the artillery headquarters that there was trouble in the town and to send down an armed guard. I also jumped in the wagon, I was told this artillery camp was up there, I was going for medical assistance. I met this guard coming and I jumped off the wagon and stopped the truck. By that time a doctor or ambulance had carried the man away, and I put the other four men, there were four of them, in the wagon, brought them back to camp and turned them over to Major Spencer.

Q You are perfectly sure that you went to Dommartin-la-Planchette under the impression that this guard was rioting?

A I was told they were rioting, sir.

Q Did you consider yourself as an officer properly detailed on duty for the suppression of such rioting?

A Yes, sir.

Q Did you understand that you had instructions to use any necessary means to suppress any violence?

A I was instructed to use any means to accomplish my mission.

Q You considered that came from competent authority?

A Yes, no higher than that of the camp commander, that is all.

Q Did you see any one, Sergeant Emanuel, or any one, throw up his hand as if he wanted you to stop?

A I did not see that. They all seemed to rush to the middle of the road just as I approached them.

Q Did you hear anyone give a challenge or give a proper warning to stop?

A There was no challenge as I know of. I did not hear a challenge.

Q Did the action of all of these men running into the road, and the seizing of your horse by Whittaker, have the appearance to you of possible rioting or disorder?

The prosecution: I object to that question. It is a leading question, as have been several others recently put.

The defense: I fail to see where that is a leading question. I am trying to bring out the fact that the instructions the lieutenant received that there was probable rioting in the place.

The court: But maybe you can cover that by re-framing the question so that it isn't a leading question.

Questions by defense:

Q What did the action of the provost guard, and Whittaker particularly, indicate to you, when you entered the town?

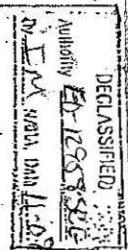
A It indicated that there was disorder. It indicated that they would go to extremes.

Q When you dismounted from the wagon did you have your pistol drawn?

The prosecution: I must object to that question.

The defense: I fail to see why. There has been direct testi-

105



mony that he did have it drawn. If I wish to ask a direct question and if he is willing to testify, I fail to see why the defense should not be allowed to bring out other points. It seems to me that there is a little obstruction to the proper bringing out of the evidence where the accused is perfectly willing to testify. I can understand objection to other witnesses, but I fail to see where the accused is sworn and willing to testify that in questions like these the accused should not be allowed to bring in his own defense. There is no other way that I can see that I can bring it out.

The court: You might ask him a question like this: When did you draw your pistol, or, did you draw it before or after you got down off the cart?

The defense: Very well, sir.

Questions by defense:

Q When did you draw your pistol?

A I drew it on the ground when the man had unslung his rifle and started up with it. I watched him very closely.

Q How many cartridges did you have in your pistol?

A I had eight.

Q Do you remember of having checked the number of cartridges afterward that makes you positive of that?

A I only took the clip out, sir. It was full.

Q And you fired one shot?

A Fired one shot, yes, sir.

Q To the best of your knowledge how many rifles, carbines, did Whittaker have?

A He had one rifle, sir.

Q What was the position, the best you can remember, which Whittaker assumed before you drew your pistol?

A The nearest it seems to me was on guard in bayonet exercise.

6/106

DECLASSIFIED
Authority: E.O. 12958, SEC. 1.5
DATE: 12/11/01

The muzzle had reached that height.

Q What did you consider at the time your position as to danger?

A I considered it very imminent. I believed a second's delay would have been serious danger for myself. As I say, I waited as long as I could wait.

Q When you fired what particular place, if any, did you attempt to hit Whittaker?

A I fired very quickly, but I thought I had hit him low.

Q Where?

A Well, possibly below the waist.

Q What was Whittaker's attitude or appearance just before you fired?

A The only way I could describe the attitude or appearance, his face was distorted with rage. He was very mad. I could see that.

Q Did you know which company Whittaker belonged to?

A I knew it was an F Company guard. I was told it was a company from F Company that was causing the trouble.

Q What is the general reputation of F Company as to trouble-making?

A F Company is known through the regiment as being the worst company, causing more trouble than any other company in the regiment.

Q Did you know before this day that there had been previous shootings in that company?

A Yes, sir. I knew that there was considerable shooting among themselves, and I knew of the sergeants' row.

Q Where was that sergeants' row?

A I think it was at Minaucourt, although I was a new officer in the regiment, but I was not just sure, but I heard considerable talk about it.

Q You had heard the general talk of the shootings in the regiment, had you?

68
109

DECLASSIFIED
Authority E.O. 12958
DATE 11-11-07

A Yes, sir. There was a known fact they were very quick on the trigger amongst themselves.

Q Will you explain what you mean by this sergeants' row and what influence it would have on your decision that you were in personal danger?

A I will explain about what I mean by sergeants' row. It came to be the talk of the regiment that if there was a shot fired and you didn't know where the shot came from, someone would turn to another and say, "What was the sergeant's name?" and things like that. Also they claim that a sergeant would perhaps reprimand in the day-time and the next morning he would be found shot. But I did not give it any consideration as I was going on this mission, because it never occurred to me for a minute about that being the same kind of provocation, and I never expected to be in danger.

Q Would this shooting in the regiment be an additional indication to you that you could not afford to take any chances with the man who appeared to threaten you?

A It did, sir. I knew it would require prompt action.

Q How near was Whittaker to you when he started toward the horse?

A I was very nearly even with him.

Q Were you in full uniform of an officer?

A Yes, sir. I should say that I was in the uniform of the day, sir.

Q How far that day, what time of the day do you think it would be practically easy to recognize an officer?

A Oh, as late as nine o'clock.

Q Probably at what distance could an officer be recognized at that time, the time of the shooting?

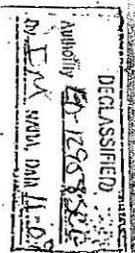
A Practically as far as you could see to distinguish colors. I will say one hundred yards, one hundred and fifty yards, because it was very light.

Q When did you explain, or say to the provost guard that you were on duty, or that they were under arrest?

A When I shot Whittaker.

ac

108



Q Why did you not explain before that?

A I was given no opportunity, sir, no time to say a word.

Q What did you say to the other men immediately after the shooting?

A Immediately after the shooting I told them that I was sent there under orders, put them under arrest and take them back to camp. I proposed to do so and I did not want any trouble, so I had them pretty well in hand. and had them carry this man to the first aid.

Q Did you consider that that was the first time you had to inform them?

A That was the very first opportunity, sir.

Questions by prosecution:

Q You have spoken of a number of shooting attacks on sergeants by the enlisted men of the company; did you ever hear of any similar attacks on officers?

A Only threats.

Q Had you ever seen this man Whittaker to know him before?

A No, sir.

Q Did you ever hear of him particularly before?

A Not before, sir.

Q When you drew your pistol from the holster was the cartridge already in the chamber and cocked, or did you have to cock it?

A There was a cartridge in the chamber, the clip was full and it was cocked and in safety.

Q Was the revolver an automatic pistol?

A It was an automatic, sir.

Q Why did you get out of the cart?

A When the man released the horse?

Q Yes?

A When the man released the horse and turned to the sidewalk, I dropped off the wagon.

DECLASSIFIED
Authority E.O. 12812
DATE 11-07-01

Q Why did you get off?

A After the horse was stopped, I was going to be right down where I could see what was going on.

Q Did you give any orders to your detail in the cart to get out from the cart before the shooting?

A Oh no, sir.

Q Did you give them any directions to assist you in over-powering the other guard?

A I did not give any instructions to the men with me. I didn't have time when the man was raising his rifle on me. I could not take time.

Q Could you not have done so at the time the cart was brought to a standstill?

A Well, when the cart was brought to a standstill, I didn't know what his intention was.

Q Whittaker had not taken a threatening position at that time?

A From the time he left the horse's head, he began or had begun to unsling his rifle and my time was occupied in watching him very closely, and another thing, these men were all from F Company.

Q Did you know if there was a sergeant or other non-commissioned officer in command of this detail?

A I supposed there would be, but I had no knowledge, or did not distinguish any non-commissioned officer, had not recognized any.

Q Did you tell Whittaker, or any of the guard, or the guard as a whole that they were relieved from patrol or provost duty?

A I did not, I told them they were under arrest.

Q Did you only tell them that after the shooting?

A Yes, sir.

Q Did you tell any of them before the shooting what errand or duty you were on there?

A No.

110

DECLASSIFIED
Authority: E.O. 12858
DATE: 10/11/01

Q None of this provost guard?

A I could not tell them until I got there, sir.

Q You did not tell them, however, until after the shooting?

A No, sir.

Q Did you tell any of them before the shooting that you had been sent there by authority of the commanding officer of the camp?

The defense: That question has already been asked and answered.

A I will answer it.

Q Did you tell any of the members of the provost guard prior to the shooting that you had been sent by the authority of the camp commander?

A No, sir. I have said several times I had no opportunity even to speak.

Q Then the only statement you made prior to the shooting was, "Let go that horse?"

A That is what I said, sir.

Q And you made that statement to a provost guard whose duty it was to inspect the credentials of enlisted men passing?

A I did not consider them a provost guard. The man was armed. His attitude was more of an outlaw than a man on duty.

Q However, he had never been relieved from his duty as provost, had he?

A I did not consider he was to be relieved, not that I knew, sir. I wasn't there to relieve him.

Q I thought that was what you went there for, to relieve him?

A I was sent to arrest him, not to relieve him. Relief means to put other guards on.

Questions by defense:

Q Were you informed by any member of this provost guard that they were a provost guard?

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DECLASSIFIED
Authority: E.O. 12812
DATE: MAR 11 1998

A No, sir.

Q Had you any means of knowing that the man stopping your horse was a guard?

A No, sir.

Q Was the provost guard posted or formed in any way resembling a guard?

A It was not, sir.

Q Were they walking their posts in a military manner?

A They were not, sir.

Q Did any one, to your knowledge, give any sign that you recognized, and if so, what was it, that they were a guard?

A There was no sign that I saw.

Question by prosecution:

Q Did Major Spencer tell you that this was a provost guard in town that you were to arrest?

A He did.

Questions by defense:

Q Is it not also possible that there could have been other Negro soldiers in the town?

A There could have, yes, sir.

Q What was that provost guard sent there for originally?

A What was its duties? Its duties were to arrest soldiers passing through the town without passes.

Q Then it would be natural that there might be others than the provost guard there?

A Yes, sir. Then the man was armed, when the orders say he should not have been. That is, no rifle.

Q Did Major Spencer tell you before you started out where you would find the provost guard?

A Yes, sir.

Q The exact place where they have been posted?

DECLASSIFIED
Authority: E.O. 12958, 12958-2
DATE: 11-07-03

A I knew where they have been posted. but he told me.

Q At any particular place in the town?

A He did not distinctly say.

Questions by court:

Q Did you know these men were the provost guard when you drove in?

A No, sir, I was not sure about it. When I drove by I was going to Major Knight.

Q You did not reach his place?

A I didn't know where his place was.

Q What was the uniform of the day?

A The uniform of the day was O.D.

Q You had your belt?

A Yes, ornaments and belt.

Q So they could recognize you were an officer?

A Very easily.

Q What time was it?

A It was daylight, say very near seven-thirty.

Q About seven-thirty?

A Yes, sir.

Q Was it clear or cloudy?

A Very clear day.

Q Was it moonlight?

A No, sir, the sun wasn't down at that time.

Q The 21st of August?

A Yes, sir. Possibly the sun was down, but it was very light.

Q Do you know what time the sun set on that day?

A No, sir, I do not.

Questions by defense:

Q Why is it particularly easy to recognize an officer in this regiment?

A The officers are white.

DECLASSIFIED
Authority: 48 CFR 1.2885
DATE: 11-10-98

Q All the officers of the regiment are white?
A They were at the time, except the chaplains.
Q But were there white troops in that vicinity?
A There wasn't a white soldier in the town until I saw them later.
Q You spoke of going to Major Knight's office; he is white?
A White. I was a stranger in the town, and I didn't know where the artillery headquarters was.
Q What did you have on, an overseas cap?
A Yes, sir.
Q That had the infantry braid on it?
A Yes, sir, and this very same bar (indicating)
Q You had the bar on the cap?
A Always.
Q Let's see that, will you? (Hands cap to court)
A I almost expect it is rusted in its place.
Q That was on that day, was it?
A That was on that time, yes, sir.
Q You wore that cap that afternoon?
A Yes, sir.
Q Are you sure it showed up all right after you had it on your head so that he could see it?
A Yes, sir, very plainly (puts cap on).
Q These provost guards sent out from the camp, do you know whether they were given any special instructions about enlisted men accompanied by officers?
A No, sir. I have this order here if you would like to look at it.
Q Did you order any of the remainder to give up their arms?
A Not until after the man was shot.
Q Lieutenant, did you have any knowledge of the fact that this company or the regiment had a reputation for carrying firearms other

75
114

DECLASSIFIED
Authority: E.O. 12958
DATE: 11-07

than the regular issue?

A Yes, sir. I have seen very many more makes of revolvers than I had ~~never~~ seen before.

Q How many men were in your detail?

A There were six men, six privates and a corporal.

Q These men, were they covering different parts of the town, or all massed in one bunch?

A They were all massed in one bunch. I only saw four, that's all.

Q Did the knowledge that other than regulation weapons might be present influence your degree of caution?

A Yes, sir. That is why I took one away from one of the guard.

Q These men were carrying rifles?

A I only saw the one rifle.

Q I notice the orders say the men would be unarmed?

A Yes, sir. It was brought out earlier that there were two rifles. The other rifle I did not see.

Q Was Whittaker the only man you thought you had anything to fear from? What about the actions of the rest?

A No, from the actions of the rest I was on the alert for trouble. If Whittaker started I expected it from all.

Q Did you have full confidence in the support of your detail in case of trouble?

A No, sir, I had only myself to depend on, and being the only white soldier in the vicinity present at the time, I was very careful to observe.

Q I understood you to say that Whittaker only had one rifle?

A One rifle.

Q You didn't see him lay down one?

A No, sir. He may have in the afternoon. But when he stopped my horse he had one rifle on his shoulder and that rifle is the one he unslung.

Q Did he lay any packages down before he unslung that rifle?

A No, sir.

Q Did you see any rifle laying on the sidewalk by him?

A No, sir, I did not look for one.

Q I mean after the shot. You didn't see any rifle after he was shot?

A No, sir. I picked his rifle up myself after he dropped to his knees. That is the only rifle I saw. If he had two rifles before, I didn't know it.

Q What was the position, on what shoulder was the rifle?

A On his left shoulder.

Q When Whittaker assumed a threatening position with the rifle, or a menacing position, did you anticipate the firing of the rifle, or clubbing of the rifle?

A The firing of the rifle. He was in that position, sir.

Q What was the physical posture of Whittaker? Was he crouching or erect?

A The posture I will say was the position of a man who is going through the motions, but I will say slightly crouching.

The defense had no further testimony to offer.

The prosecution: May it please the court: the present case may be looked at from two angles. In the first place from that of the accused, an officer who received his instructions with a sense of duty, who rode to town still acting under that sense of duty, and who, I have no doubt drew his revolver and fired moved by a similar sense of duty, by the sense of the necessity of upholding discipline. I freely admit the high motives that actuated him. But high motives alone will not excuse him who unnecessarily or unjustifiably takes human life. The case may also be considered from the standpoint of the unfortunate man who was killed. We, and when I say we, I mean those who have the honor to hold commissions as officers, hold the lives of enlisted men under our command in the hollow of our hands. As we perform our duties well or ill, they are healthy, well-fed, well-sheltered, contented, happy and alive.

DECLASSIFIED
Authority: E.O. 12958, Sec. 1.5
DATE: 11-07

If we perform our duties ill, they are sick, discontented, miserable and die. The duty ^{inc}umbent upon an officer to take every care of the enlisted men under his command is all the greater when, as in the present case, they are of another race, of a race which had not had the advantages of ours. ^{an}gainst misuse of power, ^{an}if the court shall find it to be misuse in the present case of the sort here shown, such a court ^{an}as this is the sole protection of the enlisted men against hasty, quick-tempered, unjustifiable action, if such existed in the opinion of the court. ^{an}This court must extend its protection to prevent an occurrence of a like case. So I will ask the court to look at the case from both directions, and bear in mind both the situation of the accused that he was there for a sworn duty, and perhaps with but little time for reflection, and on the other hand the situation of the enlisted men who require and are entitled to protection against unjustifiable force used against them. So the whole question comes down to one of justification. ^{an}And I use the word justification in its broadest possible sense, and not in a technical or narrow sense, was the accused justified in firing when he did, either in self-defense, or as a matter of enforcing discipline? That is the first and the greatest question in this case which the court must resolve, and I ask the court to consider that first.

If the court should reach the conclusion that the accused was justified, that is the end of the case. He is entitled to a verdict of not guilty. If the court should reach the conclusion that the accused ^{an}was not justified, then the other question presents itself to the court which I shall consider later, namely, was the homicide murder or manslaughter? ^{an}And on the question I shall state hypothetically the form which the action of the court, which the findings ^{an}should take, depending on whichever view the court may take.

Now, to come to this question of justification. There are a number of elements ^{an}involved in the question of self-defense; the position

117
767

DECLASSIFIED
Authority 10-12853-5
DATE 11-03-01

which the accused occupied, and the position which the deceased occupied. When a mathematician has an algebraic quantity, he uses ways in which he resolves it into factors. He examines each factor. It is the same with a chemist, as he finds a complex substance. He breaks it into elements, and he considers each element. So here, I think, we may consider these several elements separately.

First let us take / the question of self-defense wholly free from any consideration of the position which either party occupied, and after we have reached the conclusion on that problem, next see how the question is affected by the position which the deceased occupied as a member of the provost guard, and secondly, let us see how the question is effected by the position which the accused occupied in view of the errand on which he had been sent. So first of all, let us consider the question of self-defense, irrespective of any official position occupied by either; simply as two men, Cochran and Whittaker, neither one holding any military position. That is a purely hypothetical case, not the case which existed, but which I am considering first, in order that we may reach a more correct conclusion by afterward showing the position or the positions which the men occupied.

Taking it up first simply as two men, Cochran and Whittaker, was the accused, Cochran, justified in firing the shot which he fired? The prosecution respectfully submits that he was not on the ground that he was the aggressor in the premises. In Clark on Criminal Law, page 200, it is stated that self-defense is no excuse for a homicide if the accused were in fault and was himself the aggressor. The accused was attempting to force his way down this street. That made him the aggressor and that quality adhered during the encounter. If A is passing through a narrow alley and he meets B who blocks the way, or refuses him leave to pass, even though that alley is a public thoroughfare, which all the world has the right to cross, A is not justified in the eye of the law in drawing a revolver to clear the route by killing the

118

DECLASSIFIED
Authority: E.O. 12958
DATE: 11-11-89

in who blocks the path. Yet, that is substantially what occurred in the present case. In the same work on page 199, it is stated, "Duty to retreat and avoid danger. The law in regard to self-defense on a sudden affray does not consider the wounded pride which may result from a declination to fight, or a sense of shame that may follow in being denounced as a coward, but requires that to bring a homicide within the excuse of self-defense, the accused must show that he endeavored to avoid any further struggle and retreated. He must have retreated if there was a way of escape open to him, and have done all in his power to prevent the necessity of killing his adversary." So I submit that it is entirely clear, when we regard the matter as a struggle between two men that the defense of self-defense will not stand.

Let us next consider the official position of the deceased and see how that affects the problem. He had been sent to this town as a member of a provost guard under orders which directed him to cover all roads approaching the station. What does "cover all roads" mean except to examine and inspect the traffic, particularly American military traffic on those roads? That gave him the right to stop every vehicle containing American military personnel. When the vehicle came along containing both officer and enlisted men, it was, nevertheless, his duty to make sure that the enlisted men in the vehicle were properly authorized to travel. The mere presence of the officer did not necessarily indicate his mission. I have known of instances of officers giving a lift on a truck or a cart, when the men in the same vehicle with them were not under their command, or perhaps may not be authorized to travel. At any rate, the deceased was within his rights in stopping the vehicle ~~without~~ ^{and} inquiring. I have known of instances of automobiles containing general officers being stopped by provosts and called on to show credentials. There is nothing damaging in that. There is nothing shocking to the dignity of the officer, and the general

82
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