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U. S. ARMY versus WILLIAMS

This is a scene from U. S. CRIMINAL, a play by Randolph Phillips. The scene takes place during World War II, in the courtmartial room of the U. S. Army, at Post Headquarters, Camp Fairview. Shephord Williams, a young anti-war draftee is being tried for refusal to obey orders. The defendant has just been informed of his right to counsel and to challenge any member of the court, both of which he has refused.

McKenzie: The accused is charged with violation of the 64th Article of War in that on — (*consults slip of paper in his hand*) — July 18, 1942 when given a proper and lawful command by Lieutenant Curtis to present himself for venereal disease inspection the accused did willfully disobey said command and refuse to carry it out.

President: How does the accused plead to the charge?

Shepherd: I plead guilty.

President: You know you don't have to plead guilty? You know that?

Shepherd: Yes, sir. I know.

President: Will the President of the court please explain the meaning and effect of his plea of guilty to the accused?

President: Private Williams, the various elements which constitute the crime or offense of violating the 64th Article of War are: one, to receive a lawful command and two, to refuse to carry it out. By your plea of guilty do you understand that you are acknowledging receipt of such a command and that you are acknowledging also that you willfully failed or refused to carry it out?

Shepherd: I do, Colonel. I understand that the command was proper insofar as army law is concerned.

President: Very well . . . The maximum punishment which may be adjudged in time of peace by the court for the crime or offense to which you have pleaded guilty is life imprisonment. In time of war the penalty may be as high as a sentence of death. Do you fully understand that by pleading guilty you admit having committed all the elements of the crime or offense charged and that since the country is at war you may be punished as stated?

Shepherd: I suppose what you say is true, sir.

President: Very well . . . I now wish to advise you of your right to introduce evidence in explanation or extenuation of your offense.

Shepherd: I have no evidence to offer.

President: Very well. Before clearing the court for the purpose of considering the sentence to be imposed upon you, this court will hear any

statement which you may wish to make.

Shepherd: What is there to say? I refuse to kill or assist in the killing of my fellow man. To you this is a grave offense. To me it is compliance with the highest moral law. Which should a man obey: military law or moral law?

President: As I understand it, the order which you disobeyed did not order you to kill anybody. It merely required you to submit to a routine medical examination given to all the troops.

Shepherd: True, but it was simply the first order of a series, the final one of which would have for its purpose the direction of my hand and brain toward the destruction of other human beings.

President: I think that is a fair assumption.

Piccarelli: (a member of the court.) You omit to say that those other so-called human beings are directing their hands and brains toward the destruction of the United States of America.

Shepherd: If that is true, they are wrong to do so. But they are human beings, Major, as fallible as we are.

Piccarelli: You think their beastly and inhuman acts toward the oppressed peoples of Europe are human, do you?

Shepherd: We are all inhuman and beastly, Major. That is our animal heritage. We are all also sparks of the divine. The question is, what causes our lower heritage to dominate our higher?

Piccarelli: I don't care what causes it. We've got a fire burning up the map of Europe. First let's put the fire out.

Shepherd: Can you put the fire out by pouring gasoline on the flames?

Piccarelli: What do you mean? I don't follow that.

Shepherd: There are murderers loose in Europe and Asia. You propose to rid the earth of the murderers by murdering the murderers. Therefore you are not fighting the crime of murder. Instead by resorting to it yourself you are perpetuating its tradition and practice.

Piccarelli: It is not murder to kill in self-

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defense.

Shepherd: I am too proud to admit that the only way I can defend myself is by killing my opponent.

Murtha: (Another member of the court). You'd let him kill you instead?

Shepherd: No man has ever expressed a desire to kill me. Why should he?

Piccarelli: Answer the question! Would you kill to avoid being killed?

Shepherd: My mind says "no" but my animal heritage says "yes". I would not know which would prevail until faced with such a situation. But insofar as I could make my mind prevail over my emotions I would say "No".

Murtha: You prefer suicide?

Shepherd: Socrates drank the poisonous hemlock rather than escape his Athenian jailers. Jesus allowed himself to be taken without resistance and nailed to the cross. Joan of Arc perished in the flames rather than recant. By your judgment, Captain, they were all suicides.

Murtha: You compare yourself to them?

Shepherd: No. Yet I ask you, why did they do what they did? Was it not to change the heart and mind of mankind? To lead it out of the old way of life into a new way? Did they have no success? Did their deaths make no difference or did they quicken the souls of millions thereafter?

Murtha: This is not Ancient Greece and you are not Socrates. Let's get down to earth. Those were exceptional persons. You're a private, whether you like it or not, in the army of the United States.

Shepherd: I am only too keenly aware of my status, Captain. Yet I am so bold as to say that my example can have the same effect on my opponent as the example of those historically more exalted persons whom I mentioned. My example, yes, and the example of any person no matter how lowly, provided only he have the courage to fight for his idea.

Piccarelli: That's exactly what we in the army are doing. We are fighting for our country.

Shepherd: You are killing for your country. That to my mind is a poor way of fighting for it. I don't doubt that you sincerely believe you

are fighting for it. But to kill for one's country is a different thing than to die for it. We conscientious objectors are willing to die for our country in a rightful cause, if need be, but not to kill for it.

Piccarelli: Then if there were only in it men like you our country would be invaded, overrun and wiped off the face of the earth!

Shepherds: I disagree with you. I believe it would become the strongest nation in the history of humanity.

Murtha: That sort of talk is cockeyed. It's crazy. You're standing on your head.

Shepherd: Captain, in your judgment an army is no good without weapons, is it?

Murtha: Of course not. That's obvious.

Shepherd: Yet if the weapons are the most deadly in the world would the army prevail if its morale were weak?

Murtha: I doubt it.

Shepherd: Morale stems, does it not, at its highest from an overwhelming belief in the rightness of the cause and in the evil of the enemy?

President: That is a desirable state of mind to induce in your troops.

Shepherd: Isn't it the state of mind the enemy seeks to create in his troops before the attack?

President: No doubt of it.

Shepherd: Therefore they think they are justified in attacking us. They think we stand bristling with guns, planes and tanks ready to destroy them, to root them out tooth and nail, to maim and cripple them and their land forever. They think this, as the Japanese thought, and they invade our territory. They, that is the common soldier, the peasant, the clerk and the worker, the German shoemaker in the village and the Japanese farmer in the rice fields, the city bookkeeper and the coal miner, they attack us, all of them welded together by their propaganda of hatred and their fear, on they come —

President: Right. How do you stop them?

Shepherd: Suppose they are met not by creatures shaped in the form of their propaganda minister's warmaking speeches, not by men hooded in steel helmets, clawing guns, spitting burning bullets but by unarmed men wearing only the clothes of their countryside and city?

Murtha: The unarmed men would be run over like so much dirt.

Shepherd: Suppose these unarmed men were trained to make war without guns, trained to stand rooted to the spot no matter if bayonets prodded them or fists rained down on their heads; trained as Gandhi has trained his small non-violent army in India, to stand no matter if their fellow men ahead of them are shot down in cold blood or beaten with rifle butts, still they stand trained not to strike back, disciplined, self-controlled, suffering with unclenched fists, the braver smiling, the weaker weeping and biting their lips but not one striking back? Do you think the invader would callously hack his way through such men?

Murtha: I don't know why not. He would have nothing to fear.

Shepherd: In India —

President: India, young man, is nothing but a continent of poverty and dirt.

Shepherd: But an invader's whole pretense of fighting in self-defense becomes ridiculous, does it not?

Murtha: Yes, I'll concede that.

Shepherd: The attackers would lose not only their fear of their opponents but the moral justification for attacking them, would they not? Or do you think these disillusioned men could still push on and kill their opponents in cold blood?

Piccarelli: The Nazis would do anything.

Shepherd: Major, would you kill a man in cold blood who wasn't attacking you?

Piccarelli: I wouldn't, no. I'm not a Nazi.

Shepherd: Do you think your creator made you out of different clay?

Piccarelli: The clay is the same but the Nazis are different. We are lovers of peace and democracy. They are trained to believe in war. Their gods are their guns.

Shepherd: Therefore the way we prove them wrong is by building bigger guns. Does that prove we are better men fighting for a higher purpose? No! It only proves our industrial machine packs a heavier punch with a bigger iron fist. There is no honor in such a fight. It demeans and degrades us.

President: They are robots trained not to think but to kill. There is no other way of smashing such monsters.

Shepherd: Then if they are robots we must restore them to human flesh and blood. To return their gunfire simply confirms them in their brutal ways. To refuse to return it upsets their predictions. It takes away their moral justification. We must make them men again, not machines of enmity. We must convert them, not kill them. How can we do that except by our own example? How can we ever clean the fear and hatred from their hearts unless we throw away our guns?

President: You mean surrender? Is that what you would have our troops do in the Philippines now that the Japs are closing in on them?

Shepherd: We only surrender if we throw down our guns and run away. But not if we throw down our guns and stand our ground. That is not surrender but conquest. This is a new war, a war without violence, a greater war than any that has been fought in history. I am a conscript in that war, gentlemen, not this.

President: That's pacifism. It won't work. I tell you that as a professional soldier. It's an old lady's dream.

Shepherd: I am not a pacifist. I am a warrior in the army of the non-violent. Our warfare differs from yours in only one essential. We scorn the use of fist and gun. We abhor such weapons. We regard them as crude and primitive, to be used by cheap, vulgar or ignorant persons. Only a cowardly or inferior man would resort to them if he knew there was a better choice at hand. No true man would use them

if he were aware there were more honorable weapons available.

McKenzie: This prisoner villifies the court!

Shepherd: No! I only say that if we cannot persuade a person to our point of view by the force of our imagination, by an appeal based on superior knowledge, insight or experience or by the force of personal example or finally, more drastically, by our own personal suffering freely taken on us, if we cannot persuade him by any of these weapons, then we should scorn to use the coercion of military force, of guns and fists, of a law backed by jails and nightsticks, by tanks and bombs and flame-throwers. I and my kind are not pacifists. We are not appeasers. We do not grovel before our opponents. We do not submit. We arouse and startle them. We seek to stir their deepest instincts, to move their hearts, their minds and souls. We seek to convert, not to kill. Conversion is not pacifism; it is war! You call us dreamers and weaklings. I say to you that military men are the dreamers and weaklings. We are belligerents in the highest war of mankind!

Piccarelli (Glaring at *Shepherd*): I suppose we can take your insults since this is your last speech.

Murtha: Couldn't we have a window open? It's very stuffy in here.

President: How many more cases are you presenting today, Mr. Judge Advocate?

McKenzie: Two, sir.

President: The time is now three-fifteen . . . We don't want to cut short your statement, Private Williams, but could you finish it up briefly.

Shepherd: I have nothing more to say, sir. In fact, I didn't intend to make a speech.

President: I don't want to prolong this unduly. I listened carefully to what you said. Perhaps you will take an old soldier's view. What you say is all very fine and idealistic. But we must be realists. We are confronted with armed might. The nation has decided to resist force with greater force. Perhaps in years to come people will believe in your way. Right now they don't. Why not be sensible, be realistic and do your duty like every good citizen is doing? This court — and I'm sure I speak for all of us — does not want to sentence you unless you persist in your course. I am sure the prosecution could be persuaded to drop this case if you would pledge yourself to be a good soldier from now on. Is that right, Lieutenant McKenzie?

McKenzie: Well . . . he's given us a lot of trouble, but if he promises —

Shepherd: I cannot make such a promise. Colonel, you use the word "realistic". Is it realistic to kill millions of people and threaten whole continents with fire and bloodshed and expect peace and prosperity to grow out of such a conquest? You military men are the idealists, the unrealists. You think the disease that infects mankind can be cured by operating on the patient with a bayonet. Your panacea won't work. It never has since the beginning of time. We conscientious objectors face reality. We

summon you to hard labor, the conversion of man's mind to a new way of life. You seek to cow men with a new and greater international police force compounded of airplane bomber fleets more awesome than the battleships and dreadnoughts of Imperial Britain. All you will do is what you have always done, repress the resentment of your fallen enemies for a few decades. But new enemies will arise, new alliances will form, the pot will simmer on the stove, the fire die down while you sit on the lid; but the hatred and misery will collect and grow and a new vengeance arise that will boil over in years to come, exploding underneath you and scorching the world afresh.

Piccarelli: We didn't put the lid on tight enough last time. This time we'll see it sticks.

Shepherd: Do not be a fanatic, Major. You can't put the lid on an entire world.

McKenzie: May I remind the prisoner that this is a courtmartial, not a political forum. He may address himself to the leniency of the court. His statement has gone far afield.

President: Yes, I think it has, but let him roam a few minutes longer. His time is short.

Murtha: May I ask, Private Williams, if you are married?

Shepherd: Yes, I am.

Murtha: Any children?

Shepherd: Not as yet. Some day I hope.

Murtha: Aren't you worried that some day they'll ask you what you did in the war? Won't they be embarrassed if people call you a slacker to your country?

Shepherd: I should think they would be more embarrassed if in order not to be called names I became a slacker to the human race.

Murtha: What will you say to your children if you have any?

Shepherd: I will say that I saw the time must come to an end when men of one nation murder those of another in wars for plunder and empire or for new political systems or balance of power or even in so-called wars of self-defense. I would say that I awoke to the realization that the interest of the human race transcended that of men collected under any one flag. We have a rung in the revolutionary ladder to climb. The gun and the bomb must be placed in the museum of antiquity along with the arrow heads and clubs of the cave men. I would say that wars for new ethics, new ideas, new resources or for any human goal can be fought more cleanly, more efficiently, more heroically, without murder, without violence, than the old wars by murder, by flames, and by gunpowder. That's what I would tell my child and yours, Captain.

Murtha: Is it true that you're a school teacher in civilian life?

Shepherd: Yes, I am. I hope to open a school of my own after the war.

Murtha: Then you ought to know that kids fight all the time. It's human nature. This non-violence gospel of yours is unhuman. It's too hard to learn. Only a few saints and queer fellows like yourself could ever learn to control

your tempers when another guy hits you.

Shepherd: Captain, it is no harder to learn than human speech was for the men who followed the Neanderthals. It requires no greater will-power or persistence than the apes needed to change into men, or the worms to become reptiles and the fish to become birds. Perhaps you do not believe in evolution, Captain?

Murtha: I do, I assure you.

Shepherd: Then I say to you we are on the rung of the next step of the ladder, either we take it in stride or we fall into the muck to be superseded by the men of the yellow and brown races who will strive not for equality with the decadent whites but for a superior humanity, who will not kill but will conquer. I say listen to me, you Colonels and Captains —

Court Reporter: Just a minute, please. I've run out of ink. I'll have to refill my pen.

McKenzie: To the devil with writing his nonsense down any longer! I say we have listened long enough! We've had nothing but tirades!

President: Yes, I think we've heard enough . . . Clear the court. The defendant will retire with the prosecution. Everybody else except the members of the court will withdraw. Sentence will be set . . . Clear the court.

U. C. CRIMINAL, Act I, Scene 4

—RANDOLPH PHILLIPS

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