

# **Military Law at 250: Three Infamous Trials by Courts-Martial**



**Fred Borch  
CAAF Conference  
May 2026**



# Bottom Line Up Front

- **One Navy court-martial**
- **One Army-Air Force court-martial**
- **One Marine Corps court-martial**



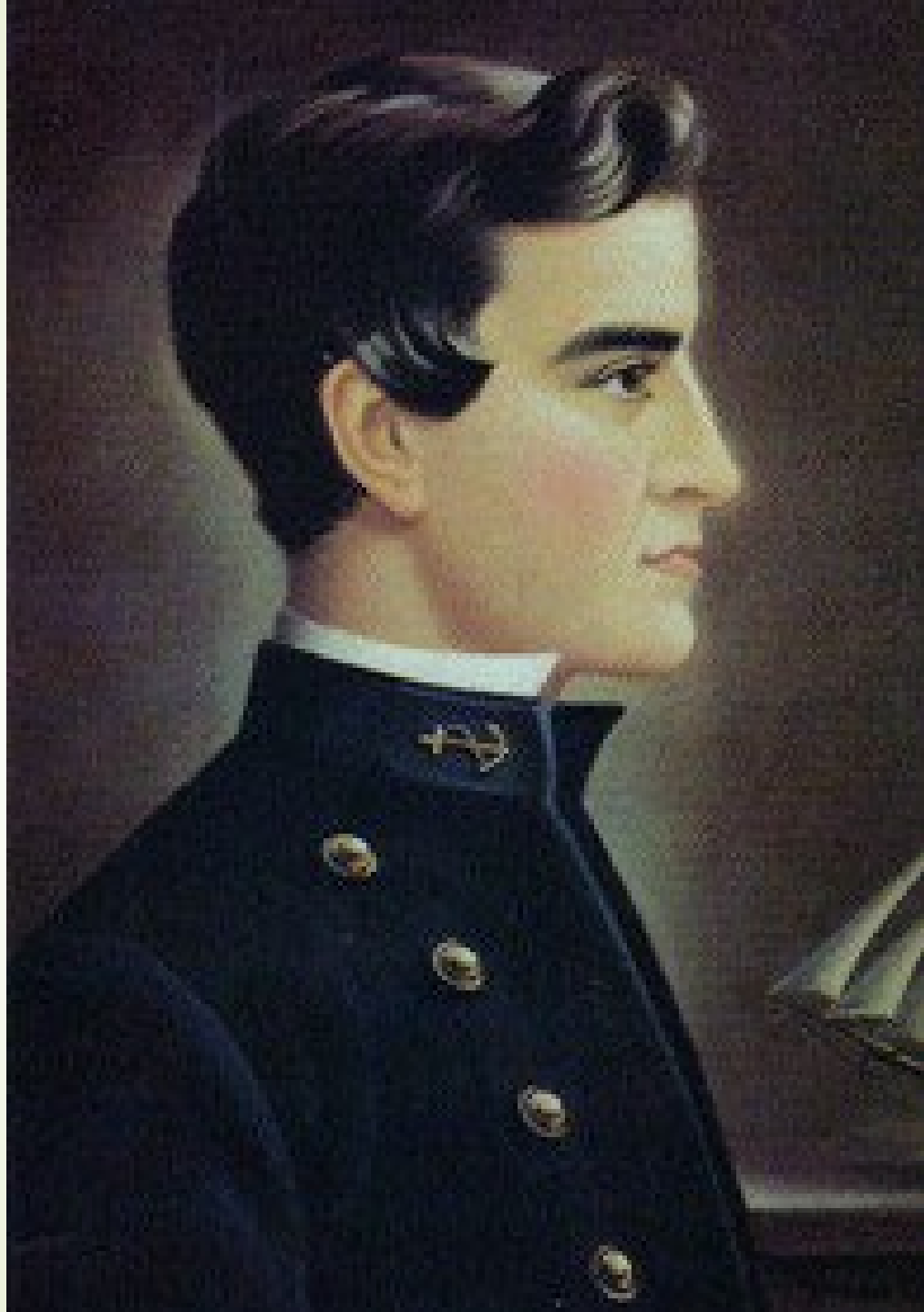
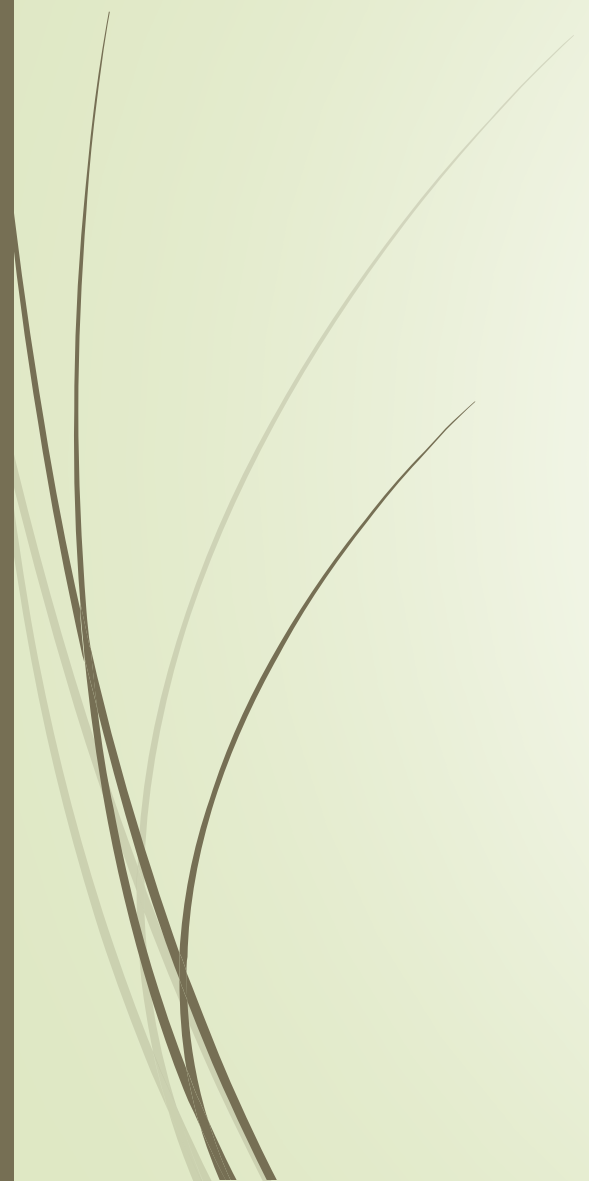
# Roadmap


- ➔ **VIP's son hanged for Mutiny**
- ➔ **Trial of Airpower Prophet**
- ➔ **Can a Leopard Change Its Spot?**



# Trial of Philip Spencer

- Somers Mutiny Trial, 1842
- Philip Spencer tried at sea for mutiny; convicted; hanged by the neck until dead
- Hermann Melville's *Billy Budd* tells the story



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- ➔ **Commander Alexander Slidell Mackenzie: “I prevented a mutiny that would have left my officers and me dead. . . And I hanged three of the mutineers at sea.”**

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- **Boatswain's Mate Samuel Cromwell**
  - **Seaman Elisha Small &**
  - **Acting Midshipman Philip Spencer**
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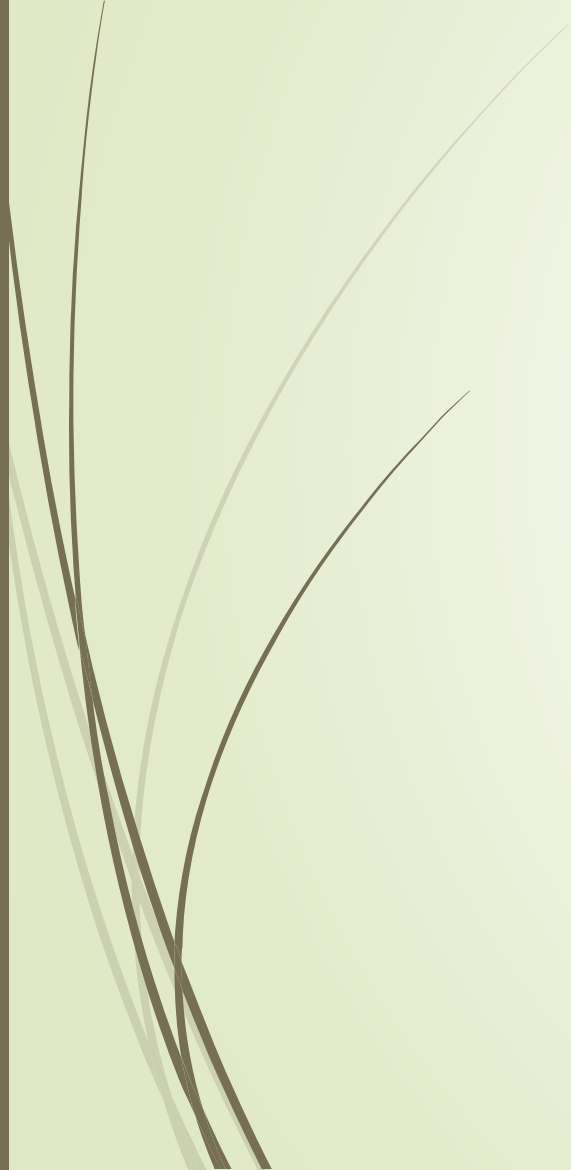
**➔ Oh, and Spencer's father is the Secretary of War**






➔ **What happened?**







➔ **And who is this?**





PENGUIN  CLASSICS

**HERMAN MELVILLE**

**BILLY BUDD, BARTLEBY,  
AND OTHER STORIES**



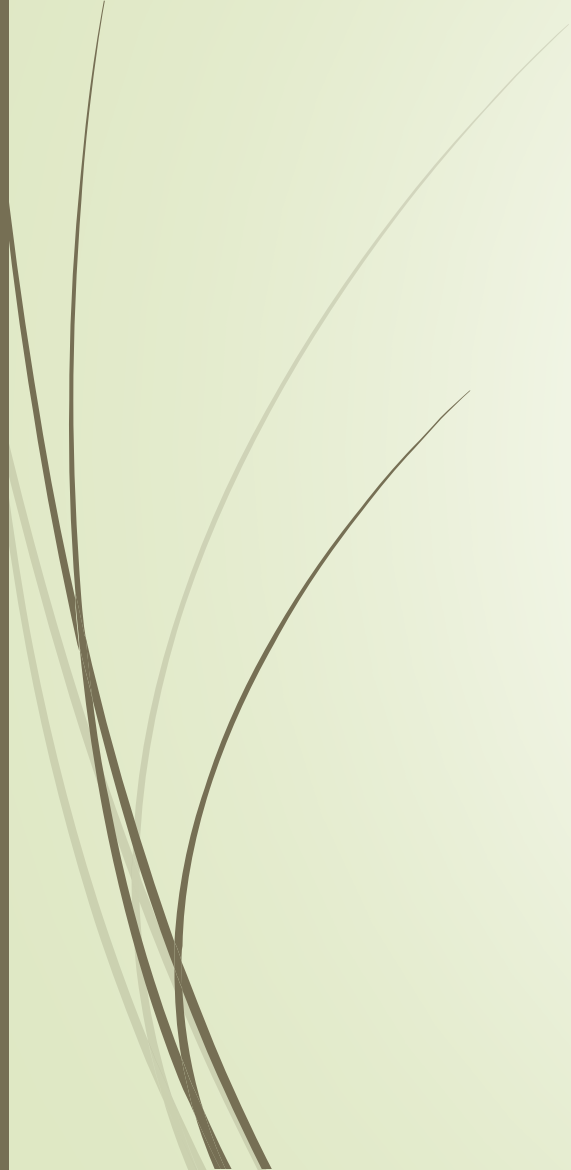
# Further Reading

- ➔ **Richard Snow, *Sailing the Graveyard Sea: The Deathly Voyage of the Somers, the U.S. Navy's Only Mutiny, and the Trial That Grippped the Nation* (2013)**



# Trial of Billy Mitchell

- Court-martialed for insubordination
- Guilty





➤ **What happened and why?**





# Further Reading

- ▶ **Douglas Waller, *A Question of Loyalty: Gen. Billy Mitchell and the Court-Martial That Gripped the Nation* (2004)**



# Trial of Jeffrey Zander

- Marine Corps judge advocate
- Court-martialed for conduct unbecoming an officer

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**➡ Capt. Jeffrey Charles Zander,  
USMC**

**➡ Born on Fourth of July**



**➡ USN, Vietnam, 1974-1975**

**➡ USMC, 1976-1984**



# Further Reading

- ▶ Lincoln Caplan, “The Jagged Edge,” *ABA Journal* (March 1995): 52-57, 99-100.



# Some Concluding Thoughts