

*H.B. Presumably C/Maj.  
President, D.C.M.*

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THE DEFENDING OFFICER ADDRESSES THE COURT

Mr. President and Members of the Court:

To start off with, I think that it was a case of mis-man management right from the start. Bdr. Waterfield is a boxer. Bdr. Daniels is a P.T. instructor. Between the two of them it seems to me that they could have handled the accused in such a way, and still get him to the Guard Room, without causing all this trouble here. If Waterfield had ideas about knocking him out, being a boxer he could have hit him in the solar plexis. Bdr. Waterfield, being a professional boxer, should have known that a blow in the solar plexis would have easily taken all the fight out of the accused and thus enabling him to handle him without causing any further personal damage, in taking him to the Guard Room. There were enough of them there to handle the one man presumably, as according to the evidence, they say he was drunk. Any two men that can't handle one drunk without having to beat him up and knock him unconscious, well, there is definitely something wrong there.

Furthermore, Bdr. Waterfield did not resort to any other methods as far as pacifying the accused. First thing that he thought of, and Bdr. Daniels as well, was pushing him around, which is the last thing that they should have tried. First of all, according to the accused, the first thing that was done was, when the two Bdrs. stepped between the accused and Cpl. Richmond, Bdr. Daniels grabbed him. Rather than do that, they might have tried to talk to him. It does work in some cases, and other cases it won't, but nothing ventured, nothing gained. They could have tried it in this case.

I would like to know what was Bdr. Waterfield's idea right off the bat taking this man to the Guard Room. He had his authority at his command. He could have talked to him. Regardless of the fact that he wasn't on duty at the time, he could still order the man to be quiet or, if he didn't want to make it sound so official, to more or less ask him to be quiet. The other N.C.O's in the room probably didn't want to appear to lose face before these Gunners, and when, and if the accused refused to go to the hut, the next reaction was to use force. Now, even after they had fought with the man and knocked him out or stunned him, they could have either taken him to his hut or the M.I.R. There was still no cause to take the man to the Guard Room. What I have always learned, this being a junior N.C.O. or senior N.C.O., is to help a man all you can. The last thing you want to do is to toss him in the Guard Room. That is where all your crimes start. If it is a man's first offence, he has a Crime Sheet and the first thing you know he is put in the Guard Room and it is liable to lead to other things.

What they could have done, I think, is bring the man to his quarters, rather than toss him into the Guard Room, and a lot of this trouble could have been avoided. The proper way for them to act was to call the R.F's. Again, if that wasn't at their disposal, to use force, but in another manner than they did, as N.C.O's.