

# JIM CROW "JUSTICE" IN KOREA

## The Case of Lieutenant Leon Gilbert



*"It must have been set from the start . . . they waited for a colored officer to be the goat . . . the court had made up their minds what the sentence was to be before I was ever tried." Lt. Gilbert in a letter to his wife.*

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“OUR national history began with a revolutionary idea—the idea of human freedom and political equality. We have been guided by that idea down to this day.” (our emphasis).

(From speech by President Truman, October 17, on the Administration's foreign policy and war in Korea.)



(Excerpt from a report by the Negro attorney Raymond Pace Alexander, recently returned from a tour of Negro troop units in Germany):

“I was asked by the Burgomeisters and office-holders of little towns and villages in Germany, as I was also by the rank and file of German, French, Belgian and English civilians . . . ‘Why do they say that America is such a free, liberal and democratic country, so good to their people, that we should copy its way of life, when you maintain two separate armies of soldiers, when you segregate your soldiers?’ ”

(Excerpt from a report by Lieut. Gen. E. H. Brooks, Army director of personnel and administration):

“In most cases, Negro troops, although they might serve alongside white soldiers, were provided with separate eating and sleeping accommodations.” Brooks

went on to say that a recent order by President Truman allegedly directed against Jim Crow in the Army "points the way" to an objective which might be attained "in two or fifty years."

A report made by a Presidential Committee in May, 1950, describing alleged abandonment of Jim Crow in the Navy revealed that: 57.4% of Negroes in the Navy are still messmen; only 17 Negro officers were on active service; in the Marine Corps, Negroes are segregated into Jim Crow units; the Navy has only 15,747 Negroes out of 330,000 men.

The type of white-supremacist officers who are put in charge of Negro troops is shown by the following:

Col. Arthur S. Champeney, white commanding officer of the all-Negro 24th Infantry Regiment, fighting in Korea, stated in a pep-talk to his command:

"During the last two wars your race has not done so well. I am going to make this the fighting 24th, not the frightened 24th!"

Dorie Miller and the many other Negroes who gave their lives in World War II, as well as World War I, must have turned over in their graves!

(N. Y. Post, Sept. 25, 1950 from a story by Henry Beckett):

"(Fort) Dix segregation continues, however, in basic training, while Negro trainees continue to read the Negro newspapers on sale in the Post Exchange and to say that 'Dix must be short for Dixie.'"

Beckett quotes one of the Negro newspapers: "American Negroes will continue to fight, but their resentment against such a system will grow to the bursting point . . . Mr. Truman can move to abolish segregation in the Army. He need only order that there be no Jim Crow units."

This then is some of the setting against which the case of Lieut. Leon Gilbert, Jr., burst forth into a shocked world.

And a knowledge of these facts makes easier understanding of why Lieut. Gilbert, a Negro combat officer fighting in the 24th Infantry Regiment in Korea, received a death sentence by court-martial.

## THE MORNING OF JULY 31

Lt. Gilbert's story goes back to July 31, to the Kunchow-Taegu area in Korea, scene of bloody, bitter fighting.

Gilbert had been without sleep for six days and nights and was suffering with dysentery. In a letter to his wife, he also wrote that, "I was shaken up beyond being able to control myself."

In this condition, and under heavy, sustained fire, Gilbert found himself in command of his company due to an injury incurred by the regular company commander. The company was ambushed and in a letter to his wife Gilbert wrote:

"There were twelve men remaining in Lt. Barnes platoon. The outpost line was tactically useless be-

cause the enemy had penetrated between it and our main line of resistance. What I was doing was trying to collect this platoon so as to set up this road block in order that the road would be secure for the remainder of the troops coming in from the outpost."

Another Lieutenant in the company reported that a Major who "had not kept his head under fire" ordered Gilbert and the 12 men out on a patrol beyond the roadblock. This Lieutenant said it would have been a suicide mission.

Had he done this, Gilbert wrote to his wife, "This would have caused me to draw fire not only from the enemy but from our own troops, not knowing who we were and firing on us. An entire company was ordered to attack this position later, but had to withdraw. I only had 12 men and no automatic fire. The enemy had eight machine guns and an unknown number of mortars."

To his father, Gilbert wrote: "Dad, I told Col. White I would go and I meant it with all my heart—but when I tried to move I couldn't and I began to shake all over, uncontrollably. At that time a Major came from somewhere and told me to move. I told him I couldn't, and Dad, I really couldn't."

Now Gilbert was no novice in combat. When he was discharged from the Army in 1946 he had won the combat infantry badge and had fought as an infantry officer in the Po Valley and North Appennine campaigns.

Dr. A. P. Hillman had this to say:

"Lt. Gilbert, repeatedly demonstrated courage by returning from hospitals to the front in Italy and reenlisting with a silver plate in his head."

During his trial, Gilbert's defense counsel, Lt. Ellert, called for a dismissal of the charges against Gilbert, citing as a basis Paragraph 110-B, page 121, of the Army Manual for Courts-Martial:

"If a reasonable doubt exists as to the mental responsibility of the accused . . . the accused cannot legally be convicted. A person is not mentally responsible in the criminal sense unless he was at the time, so far free from mental defect, disease or derangement as to be able, concerning the particular act charged, both to distinguish right from wrong and to adhere to the right."

As evidence to support his plea for dismissal, Ellert introduced the following testimony from a psychiatrist who had examined Gilbert. Here's what the psychiatrist wrote:

"In the past 15 days in my work as psychiatrist . . . I have seen approximately 200 cases of a similar anxiety reaction (similar to Gilbert's) in officers and enlisted men of the U.S. forces in Korea. In most of these cases the history indicates a period during which the individual loses control of his emotions and nerves and is unable to direct his actions. This is accompanied by nervousness, intolerance to loud noises, insomnia and upset indigestion, in varying degrees.

"Such anxiety reactions are more frequent in persons with a predisposition as shown by similar illnesses previously. In January 1945, while serving with the 92nd Division in Italy, Lt. Gilbert was examined by the Division psychiatrist because of his intolerance to artillery fire. At that time it was recommended that Lt. Gilbert be assigned to rear area duties and this was done for the remainder of the war. It would seem that Lt. Gilbert's nervous condition at that time was similar to that which developed in the present conflict." (our emphasis).

But the court-martial rejected this medical evidence. It rejected similar evidence from two other physicians.

Instead, it accepted the "medical" evidence of two white Infantry officers who insisted that they saw nothing wrong with Gilbert.

Moreover, none of the men in Gilbert's company, were permitted to testify in his behalf. And since Gilbert himself, upon advice of counsel provided him by the Army, did not take the stand, it meant in effect that only his accusers—all white men—were heard.

And, on the basis of their testimony, the death penalty was imposed on Gilbert—a penalty unheard of in the history of our armies for such an alleged offense. (For instance, during World War II, not one officer or enlisted man was executed for failure to obey a command).



*Mrs. Kay Gilbert, wife of Lt. Gilbert, with their two children. A third child is expected.*

Then why was Lt. Gilbert convicted and sentenced to death?

Lieut. Ellert, defense counsel, whose wishy-washy conduct in the case is being sharply questioned by many individuals and organizations, wrote to Gilbert's wife as follows:

"In my opinion the behavior of your husband was beyond his physical and mental control. This is certainly borne out by the examination of three doctors, one of whom was a qualified psychiatrist. The sentence of death was a direct result of the hysteria of the crisis in Korea, where the individual is sacrificed for what is deemed the good of the whole.

"The military authorities wanted to make an example of someone and thru circumstances your husband was selected."

The "Pittsburgh Courier" reports Major Gen. William B. Kean, commander of the 25th Division of which Gilbert's 24th Regiment is a part, as saying: "I will not rest until I get a death sentence for Gilbert."

In letters to his wife Gilbert himself wrote: "They waited for a colored officer to be the goat . . . Don't forget to tell the press about my physical condition and the Medical Board report and about the court itself being composed of all white officers and about my defense counsel not making any speech in my behalf.

" . . . My defense counsel put up no argument . . . He submitted the case without comment and ad-

vised me not to take the stand because it would go harder on me if I did. But now I see it must have been set from the start . . . the court had made up their minds what the sentence was to be before I was ever tried. They needed an example and I was it, regardless of the circumstances.

"Kay, I took nobody's life and have never taken anything from anybody in my life," Gilbert writes. "I have always tried to do the best for everyone. I have never had a break in my life, Kay, as you know, and it seems that I never will. My faith that somewhere someone will help me is all I have left."

## THE FIGHT FOR LEON GILBERT'S FREEDOM

Gilbert received no help from a military hierarchy which persists in maintaining the anti-democratic Jim Crow set-up in the Armed Forces. As yet, he has received no help from the present Administration which has uttered many words (see quote at beginning of this pamphlet) in praise of man's rights.

However, throughout the country there are individuals and organizations, firmly convinced that the death sentence levied against Gilbert is but the shocking climax to the vicious system of segregation maintained in the armed forces.

The "Pittsburgh Courier" has played a prominent role in presenting the case. Together with other Negro newspapers, it has been instrumental in at-

tracting the country's attention to the circumstances surrounding the Negro troops and Lt. Gilbert himself. This influential Negro publication also petitioned Truman to intervene directly in the case.

The National Association for the Advancement of Colored People, in a letter to the War Department wrote:

"To give (Gilbert) the death sentence in view of his combat record is so fantastic that we urge that the Department of the Army immediately announce that he will not be executed."

The Marine, Cooks and Stewards Union, the Furriers Joint Council of New York as well as a host of trade union locals all over the country have vigorously denounced the outrageous injustice committed against Gilbert.

The Harlem Trade Union Council urged that the United Nations step into the case and organized a delegation to the U.N.

The American Labor Party of New York organized a postcard campaign protesting the decision to President Truman, denouncing the court martial as "unjust and clearly biased."

Pennsylvania's Senators, Francis J. Myers and Edward Martin, publicly stated that they will do what they can to assist Gilbert as has his own Congressman, Rep. James F. Lind.

Churches in Gilbert's home town, York, Pennsylvania, observed a day of prayer for Gilbert, who is remembered in that community as a fine citizen.

Posts of the VFW, American Legion, Jewish War Veterans are urging a stay of execution.

Lodges of the Elks and Masons, and the Civil Rights Congress have also joined the fight to win justice for Gilbert.

Finally, from all parts of the land letters of support for Gilbert are coming in to his wife who, with their two children, anxiously waits for further news of his fate at their home in York.

## THE MEANING OF THE GILBERT CASE

There is no doubt that the Gilbert case has pointed up, to our shame, the segregated status of Negroes in the armed forces.

Many charges have been levelled against the effects of this discrimination. During the weeks of heated battle in South Korea, while other groups were occasionally sent to the rear to rest and recuperate, Gilbert's company and many other Negro troops were not relieved once from their front-line duties. Negro troops, according to war correspondents often suffered from insufficient ammunition and other supplies.

Negro troops were "praised" by Army officials and the press for winning the first victories of the U.S. in Korea. However, some quarters have raised the question if they were not unscrupulously sent in to "do or die" hence suffering unnecessary casualties.

It is reported for example that one Negro battalion of 1500 sustained 1412 casualties!

*(Apparently, the South Korean troops may have suffered a similar fate. In the N.Y. Herald Tribune of Oct. 20, Joseph Alsop reports that General MacArthur sent South Koreans into the 7th Division with only a couple of months training. South Korean replacements to other divisions had only a few weeks training.)*

*Such an inhuman approach toward the use of Negro, Korean and, in the final analysis all troops, is typified by Alsop's quoting an Army official as saying: "What matters in the line, half the time is bodies, just bodies. If they stay there, hold a gun, and shoot, they're good enough."*

While the flying of a jet plane in Korea by a Negro GI is ballyhooed, this same Negro would in all probability be unable to get a job making that same plane because of the discrimination that continues to exist in almost all American industry.

Therefore, the selection of Lt. Gilbert as "an example" is an injustice not only against Gilbert, not only against the 24th Regiment in Korea, but against the whole Negro people!

It is a reflection of the racist policies which exert such an influence in American life and government and which must constantly be fought by an alert, aroused and united citizenry.

Army segregation begins at the induction center. Enlisted with the soldiers is Jim Crow, a system

of discrimination which pervades all phases of American life.

While the segregated Negro GI's are "praised" their parents, brothers and sisters, wives, children and friends suffer discrimination at home. The case of Lt. Gilbert himself finds a parallel in the death sentence against 7 Negro youth in Martinsville, Va. of 6 Negro youth in Trenton, N. J. as well as in the case of Willie McGee in Jackson, Mississippi.

## WE ADDRESS OURSELVES TO YOU

We, as trade unionists, are strongly convinced that Lt. Gilbert has been convicted unjustly. We are strongly convinced that he has become a victim of the Jim Crow, racist policies which are still rooted in the Armed Forces.

These policies find their counterpart in a million and one ways in "civilian" life. Jim Crow is a cancer in the body of American democracy. It affects not only the young Negro GI but is of concern also to the white GI. It operates not only against the Negro worker and trade unionist, but harms the white worker and trade unionist as well.

We are strongly convinced that these policies must go.

Therefore, we urge all who are concerned with decency and justice to join this fight. We urge you the reader, and through you, your fellow trade-unionists and club-members, to write to President Truman at once:

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**URGE HIM TO DISMISS THE COURT-MARTIAL  
OF LT. LEON GILBERT.**

**URGE HIM TO ABOLISH ONCE AND FOR ALL  
JIM CROW PRACTICES IN THE ARMED FORCES.**

Only these two actions can satisfy the demands of democracy and justice.

The good people of our country have a part in this. Working and student youth, Negro and white, can contribute substantially to this effort.

It is well to recall that an aroused citizenry, following World War I, prevented the unjust execution of four Negro soldiers, and more recently, stayed the execution of Willie McGee.

The protest and indignation already aroused by the Gilbert case has forced a postponement of his scheduled execution as well as a review of the case by army authorities. We cannot rest here. Enough protest and enough indignation can and will win freedom for Lt. Gilbert and return him to his family.

**YOU CAN AND MUST DO YOUR SHARE IN  
THIS FIGHT.**

This is the obligation of democratic people—TO SEE THAT DEMOCRACY WORKS. Today, this means to write the last chapter in the case of Lt. Gilbert by freeing him and ending Jim Crow in the armed forces.