



# “The Jim Crow Army Must Have a Scapegoat”: Justice, Cowardice, and the Court Martial of Lieutenant Leon Gilbert (Korea, 1950)

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## Abstract

The story of Lieutenant Leon Gilbert—a Black United States Army officer court-martialed during the Korean War—challenged the United States’ self-declared post-war mission to free oppressed peoples across the world, while continuing to subjugate African Americans at home. Although many critics judged Gilbert’s refusal to return to battle as an act of cowardice, others viewed him as a victim, and even a hero. The Gilbert case revealed that although African Americans were ostensibly making progress in the newly desegregated United States military, the fight for racial justice continued to be impeded by white Americans’ perceptions of Black inadequacy. Amidst a war purportedly being fought for principles of democracy and freedom, Gilbert’s court martial highlighted the connection between American racism and United States foreign policy, as Black military personnel became scapegoats for their nation’s military failures. The prosecution and persecution of Gilbert thus exposed the tension between American rhetoric and American racism.

**Keywords** Korean War · Military justice · Leon Gilbert · NAACP

In the early hours of June 25, 1950, units of the North Korean People’s Army stormed across the 38th Parallel into the Republic of Korea (ROK) to its south, launching the United States (US) into another East Asian conflict only five years after the end of World War Two. Determined to demonstrate his Cold War credentials, US President Harry Truman did not hesitate to dispatch American troops to defend the Republic of Korea from the communist invaders. By June 27, the United Nations (UN) had also pledged military support. However, the surprise nature of the North Korean attack—coupled with recent reductions in US military spending—left

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US troops ill-prepared for war. During the early weeks of the US “police action” in Korea, harried and demoralized ROK and UN forces retreated in the face of the relentless communist advance. By late July 1950, UN forces were in a precarious predicament across the Korean peninsula.

Among the American units rushed to Korea during this period of frantic action, the 24th Infantry Regiment—or “Deuce Four” as it was widely known—was in a unique predicament. Two years after President Harry Truman had signed Executive Order 9981, abolishing discrimination in the US armed forces “on the basis of race, color, religion or national origin,” the 24th was the last major infantry unit in the US Army that continued to be segregated by race (Edgerton, 2001). Amid the chaos of July 1950, the arrival in Korea of the “Famed 24th” attracted widespread attention from the Black press (“Negro Troops in Korean Fight: Famed 24th Infantry Goes into Conflict”, 1950). Expectations were high. In the words of Baltimore *Afro-American* correspondent Bradford Laws, the Deuce-Four was destined to play an important role in pushing “North Korean forces back to the 38th parallel” (Bradford Laws, 1950a). With the 24th positioned at the sharpest point of the US Cold War crusade against communism, it was inevitable that the regiment’s combat performance would be subject to intense scrutiny. Any hesitation, any retreat, would be viewed not by the circumstances of the battlefield but would instead be judged through a hyper-critical prism of race.

Initially, the men of the 24th surprised their skeptics. On July 21, the regiment made national headlines for its recapture of the town of Yechon, thereby becoming the “first unit of United Nations forces to gain a victory” in the Korean conflict (Bradford Laws, 1950b). The Black press wasted no time in praising the 24th’s success in delivering the “first major American ground victory of the Korean War” (“Seasoned Men of 24th Still at Battlefield”, 1950). Saluting the “heroes of Yechon” who endured a “fierce and bloody 16-h battle” to rout “fanatic North Korean Reds” and provide a “memorable victory” for “a depressed” nation “that had grown accustomed to reading of retreats, withdrawals and defeats,” African American correspondents and editors knew that events on the Korean battlefield transcended the immediate, military moment (“Heroes of Yechon”, 1950; “How our Boys Took Yechon”, 1950; “U.S. Hails Tan Warriors: 24th Infantry Victory may Turn tide of Battle”, 1950). Notably, the regiment also received praise from white Americans. Lauding the “raw courage” shown by the 24th, Democrat Thomas J. Lane told the US House of Representatives that a “gallant band of American kids” had vanquished a communist force “superior in numbers, guns and armor” (“24th Infantry Praised on House Floor by Rep. Lane; Victory Blow to Reds”, 1950). Urging Americans to “offer a prayer of thanks” to the 24th, Lane argued that the men of the regiment were demonstrating—“the hard way”—their “faith in a common cause that has no room for the ignorance and selfishness of racism and bigotry” (“U.S Troops Win First Major Victory in Korea”, 1950).

Such sentiments proved short-lived, however. Within weeks, the Deuce-Four’s victory at Yechon was overshadowed by “familiar stories” of African American “ineptitude” (“Tony Brown’s comments: Nation Might Depend on Blacks”, 1982). Amid reports that the Black soldiers of the 24th Infantry lacked the battlefield mettle to play their part in the fight against monolithic communism, the regiment was

soon being derided as the “Runnin’ 24th” or the “Bugout Brigade” (Broder, 1989). These accounts became the conventional wisdom, as the Deuce-Four’s achievement at Yechon was disparaged and even disputed by white historians—including in the US Army’s official history of the Korean War, published in 1961 (Appleman, 1961). As ever, Black military service was inseparable from racial politics, as allegations of Black cowardice fed into even more damaging innuendo that portrayed the African American quest for racial justice as an act of treachery inspired by the international communist conspiracy.

Black soldiers and correspondents in Korea recognized immediately that there was a double standard at play: whereas battlefield withdrawals by white units were depicted as understandable if regrettable responses to the enemy’s overwhelming force, African American retreats were viewed as evidence of Black weakness. Charles Bussey, an African American officer serving alongside the Deuce-Four summed up this double standard. Whereas “bugging out by Black troops implied a racial defect,” he wrote, retreats “by white troops was ascribed to other reasons” (Bussey, 2002). The implication of these negative judgments was clear: during a moment of profound international crisis for a nation that had only recently renounced isolationism, Black men were incapable of fulfilling their masculine obligations as citizen soldiers.

It was within that context, on July 31, 1950, near the South Korean town of Sangju, that twenty-nine-year-old Leon Gilbert, an African American lieutenant serving with Company A of the 24th Infantry’s 1st Battalion, refused an order to return to the front lines. Having recently retreated from a North Korean attack, Gilbert knew the odds were stacked against the outnumbered American units. Warned of the consequence of not leading his men back to the combat zone, Gilbert reputedly told the regiment’s Executive Officer, Lieutenant Colonel Paul F. Roberts, “I’ll get killed.” Learning of Gilbert’s refusal, the regimental commander, Colonel Horton V. White, also urged the Black lieutenant to return to the front. When Gilbert again declined, he was arrested and charged with refusing a direct order (Bowers et al., 1996; Maxwell, 2018). While this refusal to return to what he regarded as almost certain death at the hands of the enemy had a certain irrefutable logic, it flew in the face of military discipline. Given US commanders’ fears that their forces’ retreat might degenerate into a complete rout that would precipitate the fall of the ROK, it was unsurprising that they refused to countenance any act of defiance or refusal to meet the enemy. The stakes were high for all concerned.

If Gilbert’s refusal to return to combat is beyond dispute, almost every other aspect of the events surrounding the incident near Sangju on that steamy July day are open to contention. While Gilbert’s case faded into relative obscurity—African Americans protesting their mistreatment during the Vietnam War were largely unaware of his case—the numerous letters written to President Truman and to senior military officers, most of which were urging clemency for the Black lieutenant, reveal the depth of contemporary feeling provoked by his conviction (These letters are included in boxes 1771–1774 of the Harry S. Truman Papers, n.d.). To his detractors, Gilbert’s cowardice symbolized the deeper failings of African Americans in the United States military. To his defenders, however, Gilbert was not only a victim of military injustice and systematic racism: he was also a scapegoat for the

failings of the white civil and military leadership that had left the door ajar for North Korea's dramatic advances during the early months of a conflict that would expose the US deepest vulnerabilities, and cost more than 36,000 American lives. The nation's faltering in its struggle against communism not only exposed the precariousness of its military shield and fueled assertions that the Truman Administration had been too "soft" on communism, but also raised wider questions regarding American morality and character within both a domestic and global context.

These divisions over the role of African Americans in their nation's military intersected awkwardly with the US self-proclaimed role as an exemplar and defender of international freedom. As Gilbert's defenders pointed out, and as the nation's communist adversaries reiterated, the contradiction was stark. Although the US presented itself as a global symbol of liberty and democracy, the principal instrument by which it sought to project its international authority—its armed forces—continued to segregate and discriminate against African Americans. Adding fuel to the fire, African American criticisms of the prevailing racial order were misrepresented as acts of disloyalty that gave encouragement to the nation's communist foes. The prosecution, trial, and conviction of Lieutenant Leon Gilbert thus assumed an international as well as national significance.

Prior to his court martial, Leon Gilbert's life story was little different from that of many of his peers who had grown to maturity during the Great Depression before playing their part in the wartime crusade against fascism. Indeed, Gilbert was in many respects a model of American patriotism. Born in 1920, in the Pennsylvania town of York, Gilbert enlisted in the Army in August 1940, 16 months before Pearl Harbor ("Prayers, Protests for Doomed Soldier Mount", 1950). As Gilbert would recall many years later, while some of his Black comrades resented serving in a segregated army, he was not motivated by any spirit of rebellion. Rather, he was "a go-with-the flow guy," who actually found some comfort in serving in a segregated unit" (Ollove, 1996). Not only was Gilbert's patriotism beyond reproach, but, commissioned as a second lieutenant, he was also deemed to have the requisite leadership qualities needed to lead men into battle. Yet, his World War Two service provides an early hint of the controversy that would subsequently envelop him during the Korean War. Serving in Italy with the segregated 92nd Infantry Division, in February 1945, he was ordered away from the frontlines, when the division's psychiatrist concluded that Gilbert's "intolerance for artillery fire" rendered him unfit for combat duty (Borch, 2019). Reportedly suffering the effects of "exhaustion," Gilbert's behavior was "manifested by fear, fright, instability, and nervousness." While his condition was described as "mild," it was noted that Gilbert was "jumping at slight noises" and had to be sedated. His condition was serious enough, it was noted, that he was kept away from battle for the duration of the war in Europe (Ollove, 1996).

That incident notwithstanding, Gilbert's World War Two service was unremarkable, and he was honorably discharged in 1946. His time as a civilian, however, was brief. In February 1947, as Cold War tensions led the US to reconsider its rapid postwar demobilization, Gilbert reenlisted. Gilbert later noted that he had decided to "make a career in the Army" ("Lt. Gilbert Thinks he was in Right", 1950). "It was more or less like I belonged there or nowhere else," he

recalled (Ollove, 1996). Following the outbreak of the Korean War, Gilbert was dispatched to Korea as part of the 24th Infantry. While he had experienced combat during World War Two, the intensity of the fighting in Korea came as a jarring surprise. Like other members of the Deuce-Four Gilbert felt the bitter sting of the repeated defeats and retreats that characterized the early weeks of the US police action in Korea.

Following his refusal to return to combat, the prosecution of Gilbert proceeded with what seemed to many observers as unseemly alacrity. Despite an affidavit from an Army psychiatrist stating that Gilbert “was suffering from a nervous illness” and an “anxiety reaction,” which “prevented him from carrying out his duties as ordered,” in early September 1950, he was found guilty and sentenced to death (Borch, 2019). Replicating a long-standing pattern in American judicial history, the court martial that convicted Gilbert was comprised solely of white men (Ollove, 1996). While President Truman would intervene in November 1950, and commute Gilbert’s punishment to 20 years imprisonment, his case attracted national attention (“Lieut. Gilbert Condemned to Die for Korea Disobedience, Gives own Version of Case”, 1950; “Death Sentence Studied”, 1950; Norris, 1950). For some Americans, Gilbert’s predicament was being exaggerated. Not only did some observers dismiss the likelihood of Gilbert being executed and reject the “false impression” that he was a victim of discrimination, others took comfort in the assumption that Gilbert’s case would be subjected to a thorough review, and expressed their faith in the system of military justice (“Two War Veteran, Case of Lieut. Gilbert”, 1950).

Most African American commentators, however, thought differently. As Deuce-Four veteran Robert L. Bruton Jr. would later remark, military justice for Black Americans “stinks” (Bruton n.d.). Indeed, given the long history of legal injustices endured by African Americans, and during a period in which Black citizens continued to be lynched for any perceived infraction of the racial or sexual order, it was unsurprising that even before the death sentence was imposed on Gilbert, labor organizations, fraternal and religious groups, and civil rights organizations mobilized quickly to defend the Black lieutenant (“Ask Truman to Save Gilbert – Bronx ALP”, 1950).

In the immediate aftermath of his arrest, Gilbert turned first to his family for support. Realizing that Gilbert’s commitment to family would resonate with all Americans, regardless of race, the Black press emphasized the strength of his family ties. In late September 1950, the *Philadelphia Tribune* published a letter from Gilbert to his father. Explaining the circumstances surrounding his refusal to return to combat, Gilbert begged his parents for help: “I don’t know what you and mother can do, but please do something.... Dad, please help me. I need you and mother so much” (“Letter to Father Tells of Situation with Tragic End”, 1950). Gilbert’s parents wasted no time in urging the President to spare their son’s life. In asking for “mercy and clemency,” they raised themes that would recur in the public and private campaigns to save Gilbert: “Previous to this misfortune,” his mother wrote, “you will see that his service in the United States Army had been fine. His fate is now in the hands of God and you, Mr. President. Please spare his life for his country and his beloved wife and children” (Mrs. Leon A. Gilbert, Sr., to President Truman, 1950).

Gilbert's family remained at the center of the campaign to commute his death sentence. Writing to President Truman, Gilbert's brother—who was serving as a sergeant in the Army—spoke directly about his family's commitment to American democracy:

For many years our entire family has served in the armed forces of this great country. Ours has been a family of great pride and respect for the military of this country. When my brother became an officer it was a crowning touch for a family of soldiers. To suffer the shame and disgrace that would follow such a disaster [as Gilbert's execution] would be punishing not only my brother but the whole family for generations to come. Would that be just payment for the years we have spent in the United States Army? (Karl J. Gilbert to President Harry Truman, 1950)

But Karl Gilbert's appeal did not stop there. Besides contending his brother's plight was not just a matter for one individual, but was rather a matter of deep concern for "millions of Americans," his appeal rested very directly on the impact of Leon's trial and potential execution on his family. For the sake of "two small children and one unborn," he asked Truman "in the name of God" to "spare the life of my brother" (Karl J. Gilbert to President Harry Truman, 1950).

The Black press, along with a number of political and military leaders, emphasized that Gilbert's family were also victims of white injustice ("Precedent Favors York Officer who Faces Execution", 1950). Echoing an appeal from the National Capital Charter of American War Mothers, who assured President Truman that commuting Gilbert's death sentence would "greatly stimulate the morale of the mothers of our fighting men, and especially mothers of Negro soldiers," one "mother of three" told the president she could "understand how" Gilbert's "wife would feel if" the Lieutenant "didn't get a fair trial" (Petition to the President to Intervene on Behalf of Lieutenant Leon Gilbert, 1950). Similarly, three women who wrote jointly to the president urged him to spare Gilbert "not only for his sake," but also "for the sake of his wife and poor little children who will suffer from this awful thing" (Peggy K[illegible], Nellie Talick, and Mrs. A. F. Dryden to President Truman, 1950). During a period in which the American family was depicted as a Christian contrast to the corruptions of family life that occurred daily under communism, Gilbert's fate assumed a deeper significance: not only would Gilbert's execution "leave a wife and children alone in the world," but what "jobs are there for a negro woman other than running elevators and housecleaning for someone else, when she should be home giving her family the care it deserves[?]" (Joan K[illegible] to President Truman, 1950). The Gilbert case was thus linked to deeper questions of racial dignity, gender stereotypes, and economic circumstances.

Gilbert's defenders insisted that the precarious situation on the Korean frontlines during the early weeks of the conflict meant he should not be condemned for refusing to return to combat. There were two dimensions to this argument. First, Gilbert's defense team contended that by late July, he was suffering from what would later be described as undiagnosed combat fatigue, or post-traumatic stress disorder. Asking that the charges be dropped because Gilbert "lacked 'mental responsibility' at the time of the offense," they submitted the findings of a "board of medical officers"

who concluded that although Gilbert was able to “distinguish right from wrong,” an “emotional disturbance diagnosed” as an “acute” and “severe” anxiety reaction had rendered him incapable of adhering “to the right.” That defense proved unconvincing to the court martial; instead, the court was persuaded by the prosecution’s argument that Gilbert’s stresses were no different from those endured by other officers and soldiers in the area (“Army Reviewing Death Sentence of Lt. Gilbert”, 1950).

Whereas that argument rested on the assumption that the pressures of battle had diminished Gilbert’s capacity to make sound decisions, a second argument - articulated by his defenders rested on a different, contradictory line of reasoning. Gilbert’s refusal to lead his men back into combat, it was suggested, was a logical decision based on a rational assessment of the battlefield context. As Gilbert explained, with “no machine guns or automatic weapons, his heavily outnumbered force had no chance of reclaiming their position.” Denying that he was afraid to confront the enemy, Gilbert continued to insist that he “was doing the right thing” (“Doomed Officer Denies Cowardice”, 1950).

The Black correspondent and spokesperson Gordon B. Hancock also reflected on this question. In an emphatic defense of African American officers and servicemen, Hancock insisted that Gilbert should not be punished for refusing to rush “into the face of certain death in what he thought was a hopeless situation.” Recognizing that Gilbert’s predicament reflected the wider failings of America’s foreign as well as domestic policies, and echoing the views expressed by D. L. Rexrode, a “former resident of York,” who recognized “how insanely angry some persons can become by having their word questioned by a Negro,” Hancock referred to the “the problem engendered by Negro soldiers being officered by prejudiced whites, of whom our armed forces contain not a few.” But Hancock went further, suggesting that Gilbert’s predicament served to confirm that the whole US venture in Korea must be adjudged a failure. Gilbert could not be condemned, concluded Hancock, for declining to march “into the jaws of death for some ‘white trash’ officer who was trying to be officious.” Rexrode was equally direct: “There is no place for little dictators in a democracy demanding [the] useless death of anyone” (Hancock, 1951). Fearing retribution from his commanders, one African American veteran resorted to a pseudonym when condemning “the indifference” shown by “some officers who love to act important and officious” (John Doakes, GI and citizen to Judge Advocate General, 1950). Gilbert’s defenders understood that the racism exhibited by some white officers in the field was a reflection of a continuing culture of racism among the white military leadership. Urging that Gilbert be treated sympathetically, Mrs. Hal Hurst, of Pullman, Washington, invoked the rhetoric of President Truman’s 1949 State of the Union address to demand that the nation’s military leadership provide a “fair deal” for the “colored soldiers who have done such wonderful work” (Mrs. Hal Hurst to Judge Advocate General, 1950).

These correspondents were not alone in recognizing that responsibility for Gilbert’s predicament rested not just on those in the courtroom. While not all of Gilbert’s defenders used the provocative language deployed by communist organizations within the US—the *Daily Worker*, for instance, referred to the “white supremacist high command”—there was wide agreement that the American military leadership was inherently racist (“MacA. Wanted to Make ‘Example’ of

Doomed Negro“, 1950). Correspondent placed the onus of responsibility for Gilbert’s plight on the highest levels of the US command. By allowing “his subordinates to discriminate against colored men on the battlefield,” Hicks contended, General Douglas MacArthur bore considerable responsibility for the injustices suffered by Gilbert (Hicks, 1951). Later, in May 1951, after MacArthur was relieved of his command for contradicting the Truman Administration’s policies, civil rights leader Walter White compared the treatment of Gilbert and the general:

Lieutenant Gilbert was sentenced to die for refusing to obey a command of a superior officer; General of the Armies, Douglas MacArthur, was given a hero’s welcome for repeatedly refusing to obey his superiors (White 1951).

Gilbert thus came to be an exemplar, or a benchmark, to underscore prevailing racial inequalities across the United States.

But there was another dimension to the argument that Gilbert should not be judged harshly for his refusal to return to a combat situation he considered unwinnable. Although it was left unstated, an implicit contrast was being drawn between American soldiers and their Asian adversaries. Unlike their North Korean foes, American soldiers were able to exercise their individual judgment regarding the circumstances under which they would sacrifice their lives for their country. These sacrifices were commended, but they were very different from the irrational, senseless loss of life suffered by North Korean, and, subsequently, Chinese soldiers—both of which had much in common with the sacrificial tactics employed by the Japanese during the Pacific War. In contrast to communist commanders, who were apparently willing to squander tens of thousands of lives for negligible military gain, Gilbert’s refusal to face certain death at the hands of the enemy should be commended. In “our great and good country,” Mildred R. Kane of the First Presbyterian Church of Milwaukee told President Truman, “we do not ‘liquidate’ human life easily” (Mildred R. Kane to President Harry S. Truman, 1950). Gilbert’s leadership was thus sharply at odds with the suicidal approach of the communist military leadership.

At the same time, however, the communists’ battlefield successes during the early stages of the Korean conflict raised deeply troubling questions for the US military and political leadership. Emerging triumphant from World War Two, and briefly complacent under the shield of the American nuclear monopoly, US commanders sought explanations for their early inability to staunch the North Korean attack. Within that context, Gilbert’s advocates recognized immediately that he was being cast as a proxy for the wider failings of the 24th Infantry Regiment—which in turn functioned as a proxy for the deeper failures of the US military. The African American press was quick to draw this connection. Echoing the *Chicago Defender’s* view that Gilbert’s prosecution and sentence were consequences of “the hysteria of the crisis in Korea,” the *Pittsburgh Courier* explained that the “action against” the Black lieutenant had “been taken at a time when Americans, white and Black, had been running backwards all over Korea” (“Blames War Hysteria in Gilbert Case”, 1950; “The Gilbert Case”, 1950). Black commentators were quick to note, too, that of the 141 American servicemen executed during World War Two, only one was for desertion in the face of the enemy. There had been no executions for failing to “obey an



order” (“Precedent Favors York Officer who Faces Execution”, 1950). The argument that Gilbert was being singled out was compelling.

Paradoxically, however, in expressing their outrage at the racism inherent in the US Army’s system of justice, some of Gilbert’s defenders also betrayed a faith in principles of American exceptionalism. These observers identified a clear connection between the mistreatment of Gilbert and the future of American democracy. Describing the US as “one of the few” nations “where tolerance and understanding still live,” T. R. and Michelle Kattenburg urged President Truman to spare Gilbert’s life. Such a “gesture,” they assured the president, would “give heart to those who believe these feelings will never completely die” (T. R. Kattenburg and Michelle Kattenburg to President Harry S. Truman, n.d.). To another observer, Albert Z. Carr, Gilbert’s death sentence was at best “anachronistic.” Contending that the US had “borrowed” that rule from “the European armies of two centuries ago,” Carr argued that circumstances had changed dramatically during the intervening years (Carr, 1950). Extending that argument, one correspondent to the *Washington Post* described the death penalty as a legacy of a time when “the man who did the bulk of the fighting was either an unreliable mercenary or a subject reluctantly performing his obligation to his monarch” (Jenks, 1950). American troops—including African Americans—were presumably fighting for more honorable motives, on behalf of a democracy which while incomplete stood in stark contrast to both the corruptions of the old European order as well as the tyranny of the contemporary communist foe.

Given prevailing American fears regarding that communist enemy, it was unsurprising that the US national security apparatus took a keen interest in the myriad civil rights and progressive organizations who defended Gilbert. If that interest was on occasions absurd—federal agents spent time compiling lists of those who sent Christmas cards to Gilbert during his incarceration—it was the case that some of Gilbert’s defenders made no attempt to disguise their adherence to communist principles (Headquarters, United States Disciplinary Branch to W. B. Nolan, 1953). Illustrating one aspect of the wider critique of the US crusade against monolithic communism, the Communist Party of Maryland condemned Gilbert’s treatment and death sentence, arguing that the Army’s display of “jim-crow capitalist ‘justice’” was ripping “the mask off the claim” that the United States was “fighting to save democracy in Korea” (Communist Party of Maryland, n.d.). And while the Civil Rights Congress’s call for Chicagoans to “help stop the legal murder” of a Black hero who “fought and was wounded twice in World War II” differed in tone from the New York State Youth Labor League’s contention that “Negro soldiers” were being used “as cannon fodder” in a “dirty war against the colored people of Korea,” both statements not only situated the African American struggle for racial justice within an international context but also signified the challenges inherent in that struggle (“You Must Help Stop the Legal Murder of Lieutenant Leon Gilbert” n.d.; New York State Youth Labor League n.d.).

The limitations of the historical record make it difficult to ascertain Gilbert’s response toward the support proffered by these left-wing organizations. At first blush, his later explanation regarding the differences between World War Two and the conflict in Korea might have led some to question his loyalty: whereas nobody “had to tell me what a Hitler victory would mean for Negroes after the way he

treated the Jews and other groups,” Gilbert’s reading of history persuaded him that US involvement in Korea was effectively an intervention “in a civil war where the natives did not want us much in the same way Americans would have opposed outside intervention in our own civil war” (Wheeldin, 1951).

Yet, although Gilbert questioned American intervention in Korea, he and his family stopped short of endorsing the deeper, more critical views espoused by communist opponents of US foreign policy. In September 1951, Kay Gilbert told Leon that the Civil Rights Congress had offered her “a job and a home” in California. Evidently, this was not the first occasion that such an offer had been made. While these offers sounded “so tempting,” Kay knew “that in the back of each word” there was “a more or less communist sympathy.” Determined not to sacrifice her principles, Kay felt “very bitter toward these people because they are not helping me.” If she did “become a member of the party,” she knew her husband and children “would suffer.” Recognizing that “some people” were intent on fomenting hostility “toward our Government,” she refused to “join their dirty, rotten Organizations.” Transcending her initial image as an object of pity, positioned to draw sympathy to Gilbert’s plight, and instead becoming a symbol of strength and resilience, she told Leon that she had “gained a great bit of experience.” Certain that she was now “capable” of handling “these problems,” Kay declared that if she had been “weakminded,” her husband “would stand no chance” of securing a “reduction in sentence.” Inverting the image of the defenseless female, she assured her husband that “nobody will hurt you my darling” (Kay Gilbert to Leon Gilbert, 1951).

Communist-affiliated groups such as the Civil Rights Congress were not alone in concluding that Gilbert was being cast as a “scapegoat” for “the Jim Crow Army” (You must help stop the legal murder of Lieutenant Leon Gilbert, n.d.). Among the civil rights organizations that rushed to Gilbert’s defense, the National Association for the Advancement of Colored People (NAACP) played a particularly vigorous role, which continued during the period following Truman’s decision to commute Gilbert’s death sentence (“NAACP Asks Review: Mild AF Penalties Spark New ‘Free Gilbert’ Drive”, 1952). In late 1950, NAACP Special Counsel, and future Justice of the Supreme Court, Thurgood Marshall, traveled to Korea, to investigate Gilbert’s case, along with the trial and conviction of other African American troops, drawn principally from the ranks of the 24th Infantry, who had also been charged with various breaches of military discipline (“NAACP to Push Case of Lieut. Gilbert: Plan Further Assistance of Colored Man”, 1950). As Marshall would later contend, when considered alongside the convictions of other African American troops, the conviction of Gilbert created “the distinct impression” that “Negro troops were singled out for persecution from a racial standpoint” (Thurgood Marshall to General Harry H. Vaughan, 1952).

If it was unsurprising that the Civil Rights Congress, the NAACP, and similarly progressive groups, would leap to Gilbert’s defense, it is notable that he also enjoyed support from predominantly white veterans’ groups. The American Legion, hardly a hotbed of racial radicalism, took up Gilbert’s case. Not only did the commander of Gilbert’s local branch of the Legion speak warmly of “comrade Gilbert as a charter member of our legion post” and its “first senior vice commander,” but Henry H. Dudley, National Adjutant of the Legion, also threw his support behind the Black

lieutenant (Greene et al., 1950). Determined to ensure there was no “miscarriage of justice,” Dudley demanded a “thorough investigation” of the court martial proceedings. The Legion, wrote Dudley, was “interested in doing anything possible to” ensure that justice was served evenly (“Gilbert Case Taken up”, 1950; “Legion asks Probe of Gilbert Case”, 1950).

Individual veterans also spoke out on Gilbert’s behalf. Melvin H. Goodman, an “infantry combat veteran of World War II,” asked the Judge Advocate General to ensure that “every effort be made” to secure “all the facts” before a final decision was made in Gilbert’s case (Melvin H. Goodman to Judge Advocate General, 1950). Other veterans were even more emphatic. Writing to President Truman, Murray Klibanoff, a veteran “with two combat stars” from his World War Two service, explained that he could “easily understand the behavior of Lt. Gilbert.” The Black lieutenant, wrote Klibanoff, “was a man shaken by the ordeal of war.” Contending that war “is horrible enough without our adding willfully to the horror,” he told Truman that “enough people” had “died without our adding Lt. Gilbert’s wanton death.” Emphasizing that Gilbert’s wife “was bearing him another child,” Klibanoff suggested that while a court martial “here on earth” had “judged Lt. Gilbert guilty,” a “Heavenly Court could condemn the condemners” (Murray Klibanoff to President Truman, 1950). Gilbert’s conviction also attracted attention and sympathy from white civilians and liberal white politicians, Republican as well as Democrat (“Slepin Asks Mercy for Gilbert”, 1950; “The Case of Lt. Gilbert – who Refused to Send his Men to Die”, 1950). In letters to political and military authorities, thousands of Americans such as “Mrs Billie Bob Adams”—a self-described “white woman who believes in justice”—expressed outrage at what they deemed a blatant miscarriage of justice (Mrs. Billie Bob Adams to President Truman, 1950).

Gilbert’s defenders understood that his case had a significance well beyond the injustice being inflicted on one individual. Recognizing that their audience reached beyond US borders and institutions, civil rights organizations and the Black press seized upon the Cold War implications of the Gilbert case. The imposition of the death sentence was not merely an injustice against one Black American: amid the Cold War contest for the hearts and minds of the many nations claiming independence from the tyranny of western colonialism, it was also a blight on the United States international reputation. The “nation’s enemies abroad,” Walter L. Walton, President of the Colored War Veterans of America told Secretary of State George Marshall, “are no doubt glutting over what to them would be a choice morsel, to bite into, in their insatiable desire to ever discredit our ‘Democratic Way of Life’ (Walter L. Walton to George C. Marshall, 1950). Writing on behalf of the “American Women for Peace,” Dr. Clementine J. Paolone suggested to President Truman that executing Gilbert would not only be “an act of unjustifiable reprisal against American soldiers of color,” but a direct “violation” of the President’s “own declaration of the principles of American democracy and the defense of human rights and human freedom.” Contravening those principles, she warned, would “make American democracy a mockery in the eyes of the Far East and of all the colonial peoples of the world” (Dr. Clementine J. Paolone to President Truman, 1950).

Key to these arguments was the United States membership in and leadership of the UN. In October 1950, a 36-member delegation led by Ferdinand C. Smith,

Executive Secretary of the Harlem Trade Union Council, presented a statement to the UN requesting a stay of execution for Gilbert and the appointment of a UN commission to investigate the court martial (“Big-hearted U.S.A. Pleads for Life of Lt. Gilbert”, 1950). Later that month, when a delegation representing the Harlem Trade Union Council and the New York branch of the Civil Rights Congress met with the Judge Advocate General, Major General Ernest M. Brannon, one of their principal arguments rested on the suggestion that “since the Korean War is a UN police action, rather than a US, Congress-declared war, the death penalty was inapplicable.” This argument—that Gilbert should not be executed for failing to obey an order in a conflict in which there had been no formal declaration of war by the US government—was also echoed by others, including Senator William E. Jenner. While Brannon assured the delegates representing the Harlem Trade Union Council and the Civil Rights Congress that Gilbert’s case “would be reviewed meticulously,” he was careful to qualify his remarks by noting that “their comments” would “receive due consideration” where they were “pertinent” (Memorandum for Record, “Delegation to Washington, D.C. on Behalf of First Lieutenant Leon A. Gilbert” 1950). Considered together, these arguments affirm what Mary Dudziak and others have shown regarding the imbricated relationship between the transnational struggle for racial justice on the one hand and the early Cold War contest between the United States and the Soviet Union on the other (Dudziak, 2002).

At the same time as Gilbert’s case demonstrated the persistence of racism within the US military, his trial and conviction brought to the fore other imperatives, which highlighted the complex relationship between Black military service, individual responsibility, and the collective struggle for African American civil rights. Of particular concern were the military implications of his refusal to return to the front lines. Describing the tension between the “dual demands” of “justice” and “discipline,” the *Christian Science Monitor* recognized that the “demands of discipline” became “more compelling” the “closer” one was “to actual combat.” “How can men be ordered forward into danger,” the paper wondered, “if other men find safety in refusing?” (“Justice and Discipline”, 1950).

African American commentators also referred to these conflicting imperatives. The *New Journal and Guide* was in no doubt that “one may feel sympathy for Gilbert.” Similarly, the paper was pleased that President Truman was reviewing Gilbert’s case, and hoped that his “punishment will be less than the extreme penalty of death before a firing squad or by hanging.” Cautioning, however, that “civilians sheltered by distance” should “be hesitant to render judgment,” the paper recognized the larger issues at play. If the *New Journal and Guide* did not explicitly situate Gilbert’s actions in a racial context, the inclusion of their analysis of his case in the same article that unambiguously lauded “four Negroes” who had recently been awarded the Distinguished Service Cross left their readers in no doubt of the racial implications of Gilbert’s refusal to lead his men back into combat. It was “well known,” opined the *Journal and Guide*, that “disobedience in the armed forces, especially in time of war, is unthinkable.” Every soldier “knows that his life is forfeit if the circumstances require.” Gilbert’s military service during World War Two, the paper concluded, should have meant he was “surely aware” he had “no discretion in executing orders” (“Courage and Cowardice on the Korean War Front”, 1950).

For one letter writer to the *Washington Post*, Gilbert's advocates were ignoring the Cold War implications of their defense of the Black lieutenant. Those who persisted "in throwing" Gilbert's case "around in [the] press and on [the] radio," wrote this self-described veteran of two wars, were playing directly into the hands of the communist enemy. "It sounds too much," he argued, "like what" Soviet Ambassador to the UN, Yakov Malik, or Soviet Foreign Minister Andrey Vishinsky "would do with the opportunity to give the world the false impression that it was only because of Gilbert's color that he was court-martialed in the first place, and only because of color that he stands in danger of the death penalty" ("Two War Veteran, Case of Lieut. Gilbert", 1950).

For some African Americans serving in the US military, a principal consequence of the Gilbert case was the damage inflicted on the fighting reputation of all Black servicemen. Captain Charles Bussey summed up this perspective. To be sure, Bussey recognized that Gilbert was a victim of judicial racism. Recalling the events many years later—his mistaken reference to "Lieutenant Gilchrist," rather than "Gilbert" signaled the limits of memory as well as of copyediting—Bussey explained that it was "unconscionable" that some of Gilbert's witnesses were "not allowed to leave the combat area" to testify on his behalf. Contending that the refusal to allow Gilbert the opportunity to mount a thorough defense "gave the trial the appearance of a 'kangaroo' court," Bussey concluded that the Army's "disciplinary system was reminiscent" of the notorious Scottsboro Case during the 1930s which had seen nine Black Alabamans endure repeated miscarriages of justice (Bussey, 2002).

Yet, Bussey was careful to distinguish the judicial mistreatment of Gilbert from the circumstances surrounding the events of July 31, 1950. Conceding that some senior white officers and the white press had exploited the case, Bussey was nonetheless certain that Gilbert ultimately bore responsibility for his predicament: the Black lieutenant, he wrote, "had brought his trial upon himself." Bussey, moreover, was certain that Gilbert's actions had consequences extending well beyond the treatment or mistreatment of one individual. Put simply, Gilbert's refusal to return to the front lines was damaging the African American cause. Besides hurting "every Negro officer in the theater of operations," Gilbert had "placed an inferred stigma of cowardice on all Negro officers" (Bussey, 2002). More senior African American officers also lamented the consequences of Gilbert's actions—which in a different Asian war, a decade-and-half later, would become known as "combat refusal." Major John "Tommy" Martin, a Black public affairs officer and the only African American serving with General MacArthur's Eighth Army Headquarters, recalled later that the Gilbert episode was "a major black eye" for the 24th Infantry (Martin, cited in Bowers, Hammond, and MacGarrigle 1996).

Beyond the armed forces, the argument that military personnel had no discretion in following orders was a recurrent theme among those writing about the Gilbert case. Numerous observers, including those who concluded that he was a victim of an inherently racist system of military justice, agreed that Gilbert should have known the consequences of not following orders. Black correspondent Jimmy Hicks, a staunch advocate of Gilbert's right to a fair trial, conceded that Gilbert's combat refusal was a mistake:

There is no defense for Lieutenant Gilbert. I don't think he was smart. Any officer with his Army experience should have known better than to defy an order from a superior openly (Hicks, 1950).

It was thus possible to be both an advocate for and a critic of Gilbert. Regardless of the circumstances under which he had defied his commanders' orders, there was no disputing that he was singled out for punishment and that that punishment was immeasurably more severe than those imposed upon his white peers who committed similar crimes. As well as bringing together an unlikely coalition of supporters that transcended political, racial, and gender lines, the Gilbert case highlighted the complex relationship between African American military service, the fight for Black rights, and the United States quest for global supremacy during a period in which the Cold War intersected with the anticolonial struggle against white supremacy.

Leon Gilbert paid a high price for his actions on July 31, 1950. While he was grateful for the way in which "Americans of all racial and religious backgrounds" had "rallied" to support him "when they learned the truth," and while he maintained "high faith in the decency and fair play of" his "fellow citizens," his faith that the people "are with you, if you are right," stood in stark contrast to the mistreatment he had suffered at the hands of the military (Wheeldin, 1951). Despite the public outrage against his sentence, he spent five years in military prison. Tragically, while his family bonds had been a source of strength during his court martial, during Gilbert's imprisonment, his father died and he lost contact with most of his family. Five years after his release from military prison, he and Kay divorced. Although Gilbert found emotional support and stable employment when he returned to York, Pennsylvania—he spent twenty years working as a garment cutter—his second wife, Doris Hamilton Gilbert, later lamented that "the pain of defending his actions as a young officer" had "never left him" ("Soldier Haunted by Korean War Conviction Dies", 1999; Leon A. Gilbert, 1999). Interviewed in 1996, Gilbert was forthright in explaining that he had long sought to put the events of 1950 behind him. "Here we go again," he said, "[b]ringing it all up again. What good does it do? What good will it do me?" (Ollove, 1996).

More happily, however, Gilbert found solace in the fact that his fellow African American military veterans welcomed him into their fold. While Gilbert had worried that his comrades would spurn him, Captain Edward L. Grandy, Snr., recalled they "welcomed him with open arms." "No matter what was written, no matter what was said," said Grandy, "we know the facts. We were there." Doris Hamilton Gilbert also spoke effusively about the support her husband drew from the companionship and understanding of his fellow African American veterans. The men of the 24th Regiment, explained Doris, were Gilbert's "true, true friends" ("Korean War Conviction Haunts Soldier to his Grave, 1999). Whether considered in the context of the injustices experienced by African Americans within the military, or from the way in which Black veterans spent decades working together to demand historical redress for the blame heaped on them for the failings of the United States command during the early months of the Korean War, Leon Gilbert's story is integral to the wider story of the forgotten African American warriors of the forgotten war.

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