

Before Rosa Parks, there was this man

By: R. Marc Kantrowitz
February 17, 2023

Nearly 10 years before Rosa Parks refused to give up her seat on a bus, a young African-American lieutenant in the U.S. Army had done the same thing. For his refusal to get up, he was court-martialed and charged with six violations: two counts of disrespecting an officer, one for refusing to obey a lawful order, and three counts of “abusive, vile and obscene” language toward civilians in a public place.

On a hot day in August 1944, nine combat officers assembled to hear the evidence in a courtroom at Camp Hood in Texas to decide the lieutenant’s fate.

Shortly after his birth in Georgia in 1919, the boy’s father deserted the family, leaving the mother with the difficult responsibility of raising five children by herself. She moved everyone to California where they continued to face discrimination.

Named Jack, with a middle name commemorating former President Teddy Roosevelt, the boy rose above the hostility and eventually found himself at a highly respected college where he achieved noteworthy athletic success.

Against his mother’s advice, he dropped out of school just short of graduation and took a few athletic jobs before being drafted in 1942. Assigned to a segregated Army unit in Fort Riley, Kansas, he applied to become an officer.

Notwithstanding the racist beliefs of many that Blacks lacked the necessary attributes to become officers, fighters and leaders, he persevered and, with the help of heavyweight champion Joe Louis, also stationed at Fort Riley, gained entrance.

Upon completion in January 1943, and promoted to lieutenant, he was transferred to Camp Hood and assigned to the 761st “Black Panthers” Tank Battalion, destined for great acclaim at the Battle of the Bulge under the command of famed Gen. George S. Patton.

Shortly before his transfer, and acting as the morale officer for his unit, he called Maj. Hafner, the provost marshal, to protest the lack of seating facilities for Blacks at the post exchange. Hafner, who was incredulous that someone would suggest having the races mix, told him: “[If you were white,] how would you like your wife sitting next to a [n-word].”

Needless to say, the conversation went quickly downhill, with Hafner eventually hanging up. More seats, though, were soon allotted.

Anxious to see combat and go overseas with his unit, Jack had to first address an old ankle injury. He was temporarily transferred to a medical facility 30 miles away to have it examined. Traveling back and forth on military buses, he knew of a recent change in military policy — the integration of such buses notwithstanding the state Jim Crow segregation laws.

At 10 p.m. on July 6, he boarded a bus and saw the wife of a friend and fellow officer and decided to sit and chat with her, four rows from the rear of the bus. As the bus drove off, the driver spotted him chatting with a woman who appeared to be white, stopped the bus, walked over to Jack, and ordered him to move further back. He refused, telling the driver that military buses were no longer segregated. Words were exchanged, with the driver finally storming off promising trouble.

When the bus arrived at the end of the line, the dispatcher asked the driver: “Is this the [n-word] that’s been causing you trouble?”

Once again, Jack refused to cower as a crowd gathered and words and insults filled the air. MP Cpl. Elwood and another soon arrived and spoke to a few witnesses, who blamed Jack for causing the ruckus and cursing in front of several white women.

Elwood took Jack to headquarters where they were met by MP Pvt. Mucklerath, who asked Elwood “[if he had] the [n-word] lieutenant.”

Jack again lashed out. “If you ever call me a [n-word] again, I’ll break you in two.”

At the end of the day, Jack was charged with six offenses. Col. Paul L. Bates, his commanding officer, refused to sign off on the charges, resulting in Jack being transferred to another unit, where the commander had no such reservations.

A month later, the court-martial began. Of the original six charges, the disrespecting an officer count was dropped as duplicitous, along with the three involving the events on the bus and terminal with the civilians, perhaps due to the prosecution wanting to minimize the racial aspect of the case and avoid the issue of whether an insulted and maligned officer had a right to verbally respond to such provocations.

Remaining were the lieutenant's interactions with Capt. Bear, who complained that Jack disobeyed his direct order to sit in a room outside Bear's office until summonsed. Bear claimed that Jack, hostile and rude throughout, sat for a short while before exiting and standing outside.

Over four hours, nine officers — seven white (one of whom went to the same college as the accused) and two Black — heard the evidence. Like the accused, they were all combat officers.

When the defense tried to get the background of the incident in evidence, objections were sustained. Capts. Bear and Wigginton laid the blame on the defendant, who later testified about his interactions with the MPs and denied being ordered to sit or being insubordinate.

The defense also called his white battalion commanding officer, Lt. Col. Bates, who testified that the accused was an excellent soldier worthy of assignment in his command. Jack's company commander mirrored those thoughts, as did two other character witnesses.

To address the accused's testimony concerning Mucklerath, the prosecutor on rebuttal called the private and asked, "Did you ever call him a [n-word]?" He responded, "No, sir."

The defense jumped. Why then would the defendant threaten to break Mucklerath in two if he hadn't racially insulted him? Mucklerath had no cogent answer.

Shortly thereafter, the defense continued, calling Elwood. "Did [Mucklerath] ever ask you at any time if you had a [n-word] lieutenant in your car?" "Yes, sir, he did at the bus station."

On cross, the prosecutor unwisely asked: “To your knowledge, could [the lieutenant] have heard him ask that question?” Surely the prosecutor did not anticipate the answer: “Yes, sir, I guess he could.”

At that point, closing arguments were made.

The verdict: not guilty.

Epilogue

Informed that he could join his unit in Europe but not in a combat capacity due to his ankle injury, Jack, tired of his military experience, opted to resign from the Army. He was honorably discharged.

After he left, he decided to return to his athletic roots and signed a contract to play baseball. His name? Jackie Robinson.

The above column is based on “The Court-Martial ...” by Michael Lee Lanning, a 1984 American Heritage article by Jules Tygiel, and other internet sources. R. Marc Kantrowitz, a retired Massachusetts judge, can be contacted at Rmarckantrowitz@comcast.net.