

SEGREGATION *IS* DISCRIMINATION: A CASE STUDY OF *LYNN V. DOWNER*  
AND AFRICAN AMERICAN RESISTANCE TO RACIALIZED MILITARY  
SERVICE IN THE SECOND WORLD WAR

by

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A Dissertation submitted to the

Graduate School-Newark

Rutgers, The State University of New Jersey

In partial fulfillment of the requirements

for the degree of

Master of Arts

Graduate Program in History

written under the direction of

Dr. Susan Carruthers

and approved by

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Newark, New Jersey

May, 2015

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## ABSTRACT OF THE DISSERTATION

Segregation *IS* Discrimination: A Case Study of *Lynn v. Downer* and African American  
Resistance to Racialized Military Service in the Second World War

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This thesis is an attempt to fill a void in the master narrative of African American World War II history by exploring the obscure case of Winfred W. Lynn, an African American man whose refusal to serve in a segregated army resulted in one of the most significant, yet overlooked legal tests of segregation in the twentieth century. Using the case *Lynn v. Downer* as the primary lens of analysis, the intention of this thesis is to give insight into the Lynn case, demonstrate the significance of wartime black protest, and to provide a deeper comprehension of the obstacles African American draft resisters faced in the military, civilian legal system, and black community throughout World War II. This thesis also examines the role of traditional black institutions such as the NAACP and black press in the public depiction of African American draft resisters. A precursor to the 1954 school desegregation case *Brown v. Board of Education*, the Lynn case is a bittersweet example of early attempts made by the black community to combat racial

segregation through the courts and federal legislation. It also represents the first time the Supreme Court was approached with the issue of segregation within a federal institution. As such, this thesis subtly emphasizes how the critical nature of the war helped to conceal the War Department, U.S. Army, and judicial system's use of pre-existing racial tensions and legal loopholes to bend the law in their favor and violate the nondiscrimination provisions of the Selective Training and Service Act of 1940.

## Preface

This thesis began as an attempt to better understand what it meant to be black during the Second World War, to and come to terms with my own mixed feelings on African American participants in the “Good War.” My grandfather, Robert W. Geddis was my primary source of inspiration. Though he possessed ambivalent feelings towards the American military, he accepted his draft call and served in the Pacific in World War II. He never spoke of his wartime experiences, why he chose to serve, and passed away shortly before I was born. While I possess some of the letters he sent home during the war, I wrote this thesis so that I might gain clarity and further comprehension of his decision.

In searching for an angle to examine black World War II conscientious objectors, an idea was cast my way in a chance meeting. On the advice of my late friend and mentor, Dr. Clement Alexander Price, I had a brief conversation with Professor Randall Kennedy during which he told me the story of Winfred Lynn. From there I was determined to shed light on this relatively unknown segment of African American World War II history. While my work on the Lynn case is far from complete, I hope this thesis can serve as a foundation for further studies of black draft resistance.

## Acknowledgments

I would like to thank the staff, faculty, and students of the Federated Department of History at Rutgers-Newark and New Jersey Institute of Technology for their constant encouragement throughout my graduate school experience, especially Dr. Beryl Satter and Dr. Stephen Pemberton. Special thanks to Ms. Christina Strasburger whose optimism and warmth always makes things feel a little less daunting. I also owe a very special thank you to my advisor, Dr. Susan Carruthers whose straightforward, hands-on approach, unbelievable patience, and constructive criticism brought this project to completion while making me a better writer, student, historian, and person. Ultimately this work would not have been possible without the help, advice, and compassionate ears of my mother Roberta Geddis, and my good friend Tom Hollenbach. I am genuinely thankful to have you both in my life.

Finally, this thesis is dedicated in four parts: To my grandfather, Robert W. Geddis whose lifetime of sacrifice compels me to succeed, and who I miss everyday. To the countless men and women of the U.S. armed services, past and present. Your courage and commitment give me the freedom to pursue the truth, a debt I can never repay. Thank you for your service. To the thousands of pacifists, conscientious objectors, draft resisters, and political activists whose hard work and adherence to personal convictions made this thesis possible. Last but not least, to the late Dr. Clement Alexander Price, without whom I might have never been introduced to the story of Winfred Lynn. I am truly grateful to have known you, sir.

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## Introduction

In the eyes of many Americans, the Second World War is the quintessential symbol of honor, sacrifice, perseverance, valor, and diligence. It helped lift the country from the grips of the Great Depression and brought more women into the workforce, demonstrating their potential for more than housewifery and motherhood. It was a war fought to preserve Democracy and restore freedom to those suffering under totalitarian rule. In short, it was a just cause, its success partially due to exceptional displays of public support. However, the master narrative of World War II history is riddled with holes left by the untold stories of individuals whose wartime contributions are marginalized and overshadowed by more conventional historical accounts. This work is an attempt to fill one of those gaps by exploring the obscure case of Winfred W. Lynn, an African American landscape architect whose refusal to serve in a segregated army resulted in one of the most significant twentieth century tests of legal segregation, which coincidentally, most people never knew existed.

For generations, black Americans have sought variations of the same thing—their inalienable right to life, liberty, and the pursuit of happiness. Outward exhibits of political agency and resistance may have ebbed and flowed over the years, but nevertheless, the goal remained. Similar to a family heirloom, the desire for freedom was handed down generationally with each passing the necessary “elements of nourishment” to cultivate the roots of protest that eventually culminated with the civil rights movement.<sup>1</sup> Or as Anne

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<sup>1</sup> The phrase “elements of nourishment” was used repeatedly by the late Dr. Clement Alexander Price in his final class at Rutgers University – Newark in the spring of 2014, during which I developed the initial idea to focus on black conscientious objectors in World War II. Dr. Clement Alexander Price, “The Foundation for Change: World War II to the Mid-1950s, part 1,” (Class lecture, Rutgers University – Newark, Newark, NJ February 6, 2014).



Valk and Leslie Brown put it, the descendants of the enslaved “inherited the memories of slavery and hopes of freedom.”<sup>2</sup> The same ideal resided in Winfred Lynn.

Neither a pacifist, nor against American involvement in the war, Winfred Lynn simply wanted the opportunity to serve as a man, not a *black* man. A conviction he expressed in a letter sent to his local draft board in which Lynn volunteered to enlist in the integrated Canadian Army should the United States armed services continue its segregative practices.<sup>3</sup> Needless to say the army disregarded Lynn’s suggestion as he was arrested and detained in a federal facility when he failed to report for induction. With the help of his brother, attorney and Civil Rights activist Conrad Lynn, and American Civil Liberties Union (ACLU) attorney Arthur Garfield Hays, among others, Winfred Lynn then challenged the military’s racialized policies in court on the basis of discriminatory practices within the Selective Service System.

Although Winfred Lynn was not alone in his feelings towards the military’s segregation policy, three distinct factors make this case unique. First, in December 1942 when the case was initially brought before Judge Mortimer Byers, it was dismissed on the basis that because Winfred Lynn had not been formally inducted, he had not experienced discrimination in the Selective Service system firsthand. Had Lynn completed the induction process at this time, the case would have had a more solid foundation for legal action.<sup>4</sup> In order for Winfred Lynn to have the opportunity to defend himself in court,

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<sup>2</sup> Anne Valk, Leslie Brown, *Living With Jim Crow: African American Women and Memories of the Segregated South*, (New York: Palgrave Macmillan, 2010), 9.

<sup>3</sup> Conrad Lynn, *There Is a Fountain: The Autobiography of Conrad Lynn*, (Brooklyn, NY: Lawrence Hill Books, 1993), 92; U. S. ex rel. Lynn v. Downer, 322, U.S. 756 (1944), 398.

<sup>4</sup> Ibid., 95; , 322, U.S. 756 (1944), 399; Charley Cherokee, “National Grapevine,” *Chicago Defender*, February 19, 1944, 13.

Conrad Lynn and Arthur Garfield Hays attempted to submit a writ of *habeas corpus*.<sup>5</sup> Eventually a writ was granted but on the condition that Winfred Lynn submit himself to induction thereby causing Lynn to serve by default.<sup>6</sup> As Conrad Lynn and Arthur Garfield Hays sought to plead their case in court, Winfred Lynn received basic training and was eventually deployed to the Pacific Theater of Operations (PTO). In other words, Winfred Lynn wound up serving in a segregated military, in order to make the legal argument that he should not have to serve in a segregated military.

Second, despite previous incidents in which legal assistance was provided for black war resisters, the NAACP not only refused to support the Lynn case but also “pleaded with the Civil Liberties Union (ACLU) officials *not* to help in the case,” the two organizations having made an informal agreement asking the latter “not to take cases involving black people if the NAACP disapproved.”<sup>7</sup> This selective support speaks volumes on the NAACP’s views of black draft resistance versus adherence to military service. Finally, *Lynn v. Downer* represents two important firsts; the first time legal action was taken against the federal government for the practice of segregation and discrimination, and the first time the Supreme Court of the United States was approached with such a case. When the Supreme Court dismissed *Lynn v. Downer* in 1945, it was nine years before they would rule on *Bolling v. Sharpe*, another significant, albeit

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<sup>5</sup> A writ of *habeas corpus* is used in court to force a government official to produce a prisoner and justify their detainment. Ibid., 93; “Habeas Corpus.” Cornell University Law School, Legal Information Institute. Accessed April 18, 2015. [https://www.law.cornell.edu/wex/habeas\\_corpus](https://www.law.cornell.edu/wex/habeas_corpus).

<sup>6</sup> The circumstances of Winfred Lynn’s service are far too convenient to be coincidental. Upon their first court date in 1942, Arthur Garfield Hays asked Judge Mortimer Byers whether he would sign the writ should Winfred Lynn report for induction to which Byers responded, “we’ll see.” One might speculate that Judge Byers hoped the lawsuit would be dropped once Lynn entered the service. Lynn, 95.

<sup>7</sup> Although initially the ACLU was unable to formally offer their support, the day before Conrad Lynn was to appear in court on behalf of Winfred, he received a call from the organization’s chief legal counsel, Arthur Garfield Hays offering assistance. Lynn, 92-93.

somewhat obscure case challenging racial segregation within a federal institution.<sup>8</sup>

Using the Lynn case, this thesis explores the judicial method of African American opposition to the racialized provisions of military service in World War II, and to a lesser extent, the black community's shifting stance on aiding the war effort. Prior to the Japanese attack on Pearl Harbor in 1941 and United States' official declaration of war, many black Americans had already expressed concern over African American participation in the impending conflict.<sup>9</sup> Realizing the likelihood of American involvement in the war, blacks were explicitly ambivalent towards fulfilling *their* "patriotic duty." While some black leaders channeled World War I era beliefs that blacks should not "bargain with our loyalty," others felt this to be a "White man's war" and therefore blacks should not be involved.<sup>10</sup>

Despite initial misgivings about the war, black Americans recognized this particular conflict as an opportunity to plant the seeds needed to propel social changes leading toward equality. The idea was quite simple, if allotted equal participation in the defense of their country, African Americans felt that true citizenship would not be far

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<sup>8</sup> *Bolling v. Sharpe* challenged the segregation of public schools in Washington, D.C., a federally funded entity. It was one of five individual cases combined for the larger school desegregation case *Brown v. Board of Education*. John L. Newby III, "The Fight For the Right to Fight and the Forgotten Negro Protest Movement: The History of Executive Order 9981 and it's Effect Upon *Brown V. Board of Education* and Beyond," *Texas Journal on Civil Liberties & Civil Rights*, vol. 1 (Winter 2004), 96; "History of *Brown v. Board of Education*." USCourts.gov. 2001. Accessed April 13, 2015.

<sup>9</sup> Roi Ottley, "A White Folks War?," *Common Sense* no. 2 (Spring 1942), 28-32.; Richard M. Dalfiume, "The Forgotten Years of the Negro Revolution," *The Journal of American History*, no. 55 (June 1968), 92-93; Ulysses S. Lee, *The Employment of Negro Troops*, (Washington, D.C.: Office of the Chief of Military History, U.S. Army, 1966), 65-67; Horace R. Cayton, St. Clair Drake, *Black Metropolis: a Study of Negro Life in a Northern City*, Rev. and Enl. ed. (New York: Harper & Row, 1962), 744-45.

<sup>10</sup> F. Michael Higginbotham, "Soldiers For Justice: The Role of the Tuskegee Airmen in the Desegregation of the American Armed Forces," *William & Mary Bill of Rights Journal*, vol, 8 no. 2 (February 2000), 279; Kimberley Phillips, *War! What is it Good For?: Black Freedom Struggles and the U. S. Military from World War II to Iraq*, (Chapel Hill: University of North Carolina Press, 2012), 23-24; see note 9.

behind given that one of the principal war aims was the preservation of Democracy. Laws imposed by the Third Reich denoting Jews and other non-Aryans as second-class citizens bore a striking resemblance to Jim Crow segregation, particularly in the American south.<sup>11</sup> This similarity did not go unnoticed, but compelled the black community to challenge the armed forces on their various segregation practices and policies. As the war progressed, black servicemen achieved combat success as pilots, infantrymen, and tankmen, which helped to refute negative stereotypes regarding black intelligence and combat potential.<sup>12</sup> Other small-scale victories were obtained such as integrated Officers Clubs and postal exchanges on segregated bases.<sup>13</sup> These achievements do not mean, however, that the armed services were accepting of black servicemen, nor in favor of full integration. Neither are they indicative of the treatment received by black servicemen, or the public's awareness of such treatment. As such, this thesis subtly highlights how the pressing nature of the war helped to conceal the War Department, U.S. Army, and judicial system's exploitation of pre-existing racial attitudes and legal technicalities to bend the law in their favor thus infringing upon servicemen's rights and violating the terms of the Selective Training and Service Act of 1940.

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<sup>11</sup> Neil A. Wynn, *The African American Experience During WWII* (Lanham, MD.: Rowman & Littlefield Publishers, 2010), 44-45; Dalfiume, 96.

<sup>12</sup> Dan Burley, "Negro Killed in Flying Fortress," *New York Amsterdam News*, (Apr 22, 1944); Alan M. Osur, *Blacks in the Army Air Forces during World War II: The Problem of Race Relations*, (Washington, D.C.: Office of Air Force History, 1977), 1-5.; Warman Welliver, "Report on the Negro Soldier," *Harper's Magazine*, (April 1, 1946): 334.; "Negroes Hunting Nazi Snipers," *New York Amsterdam News*, (June 17, 1944); Phillips,, 5-8.

<sup>13</sup> Phillips, *War! What is it Good For?*, 69.

This thesis also examines the role of traditional black institutions such as the NAACP and black press in the public depiction of African American draft resisters.<sup>14</sup> While the Pittsburgh *Courier* waged its “Double V” campaign on newsstands, encouraging black participation in a victory at home, and abroad with several other black publications following suit.<sup>15</sup> The NAACP, however, was especially careful in its selection of which war resisters to aid; urging reluctant draftees to temporarily suspend their grievances, submit to induction and fight. In order to garner a better understanding of the social pressure and war-related conformity exerted on African Americans at this time, and given the inconsistent behavior of black institutions before and during the war, this work explores how these establishments utilized their position in the community to promote the war, enhance black patriotism, and the rationale behind such actions.

Using *Lynn v. Downer* as the primary lens of analysis, the intention of this work is to give insight into the Lynn case and provide a deeper comprehension of the obstacles African American servicemen and war resisters faced in the military, civilian legal system, and black community throughout World War II. To accomplish this, much of the primary research was conducted using the NAACP and A. Philip Randolph papers, both of which contain reasonable amounts of material pertaining to Winfred Lynn, his legal

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<sup>14</sup> It should be said that in the context of this thesis, the terms war resister and draft resister are used interchangeably in regards to Winfred Lynn and individuals of a similar mindset who opposed the American military’s policy of segregated service, but not the war itself.

<sup>15</sup> The “Double V” was used to motivate the black community towards adopting the country’s war aims by calling for victory against fascism overseas and against racism on the home front. See Herman Graham, III, *The Brother’s Vietnam War: Black Power, Manhood and the Military Experience*, (Gainesville, FL: University Press of Florida, 2003), 10; Higginbotham, “Soldiers For Justice,” 285; Lee Finkle, “The Conservative Aims of Militant Rhetoric: Black Protest During World War II,” *Journal of American History* vol. 60 no. 3 (Dec., 1973), 694, 697, 701, 704-05; Bernard C. Nalty, *Strength For The Fight: A History of Black Americans in the Military*, (New York: The Free Press, 1986), 140-41.

battle, and other black war resister cases. Historical black and mainstream publications such as the *Baltimore Afro-American*, *Pittsburgh Courier*, *New York Amsterdam News*, and the *New York Times* were critical supplements to understanding how the Lynn case was portrayed and received by the public.

Literature focusing specifically on *Lynn v. Downer* is incomplete to say the least. The case is typically referenced as an interesting example in texts centered around African American military history, black protest movements, or the black press, amidst discussion of discrimination and segregation in the American military or within the larger context of the Selective Training and Service Act of 1940. However, across all disciplines, there is a shortage of scholarship examining the case independently. Even Conrad's 1979 autobiography, *There is a Fountain* provides cursory coverage of the case, devoting little more than a chapter to *Lynn v. Downer*'s struggle against discrimination in the U.S. military. Although it allows for an intimate, familial perspective of the case proceedings, the omission of dates results in a confusing timeline of events. Yet as a historical resource, the book provides a rough overview and first hand account of the case along with valuable insight into both Winfred and Conrad Lynn's personal convictions.

A significantly more thorough breakdown of the case is found in Ken Lawrence's 1971 report "Thirty Years of Selective Service Racism" in which he effectively argues, "There was only one court case which seriously challenged separate [draft] calls. This was the case of Wilfred William Lynn of New York."<sup>16</sup> Here, Lawrence demonstrates that Selective Service racism "is buttressed by the full weight of federal law," and thereby "serves as an officially sanctioned underpinning for the racism which pervades

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<sup>16</sup>, Ken Lawrence. "Thirty Years of Selective Service Racism," *National Black Draft Counselors*, 1971, 3.

the rest of American society.”<sup>17</sup> Lawrence supports his claims well, utilizing public information as primary source documents including court records and public laws. Highly informative, Lawrence provides a thorough jumping off point from which scholars may further examine the case. However the omission of critical citations make his work insufficient as a sole point of reference. For example, he neglects to provide sources for the general overview of the Lynn case, with the exception of direct quotes.

Following the example of many other scholars, F. Michael Higginbotham’s article “Soldiers For Justice: The Role of the Tuskegee Airmen in the Desegregation of the American Armed Forces,” is primarily concerned with “the American Army Air Corps personnel, in the legal challenges and protests that led the battle to desegregate the armed forces.”<sup>18</sup> Yet Higginbotham’s work differs from other texts in forming the primary argument from a legal standpoint.

Higginbotham introduces the case as “the single courtroom event challenging segregation in the armed forces” and “the only legal challenge to Jim Crow practices of the military in World War II.” The section of Higginbotham’s article that focuses on the Lynn case begins strongly, claiming that Lynn’s choice was “consistent with the growing discontent and frustration in the black community.”<sup>19</sup> He goes on to say, “while a few blacks had been jailed for refusing induction prior to Lynn filing suit, most black complaints were strongly ignored.”<sup>20</sup> The article provides both a synopsis of the case as well as a breakdown designed to help “fully understand the Supreme Court’s position

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<sup>17</sup> Ibid., 1.

<sup>18</sup> Higginbotham, “Soldiers For Justice,” 273.

<sup>19</sup> Ibid., 291.

<sup>20</sup> Ibid.

regarding the civil rights of black soldiers.”<sup>21</sup> Higginbotham’s analysis ends with an intriguing conclusion that despite Lynn’s attempts to bring the case in front of the Supreme Court in 1944, “due to jurisdictional limitations, blacks in the armed forces seeking desegregation could not expect relief from courts outside of the military.”<sup>22</sup>

Making excellent use of the Lynn case is John L. Newby, III’s article “The Fight For the Right to Fight and the Forgotten Negro Protest Movement,” in which he refers to the case as “the only instance of a direct attack on the military’s policy of segregation in the federal courts during the Forgotten Years.”<sup>23</sup> Newby opens his piece unabashedly acknowledging the awkward position held by black Americans during World War II, that “virtually all segments of black society recognized the irony of black soldiers fighting for the freedom of oppressed peoples abroad while simultaneously being subjected to oppression themselves.”<sup>24</sup> Though the purpose of Newby’s article is to incorporate the integration of the military into existing dialogue on school desegregation and the ensuing advancements made in education and race, his examination of the Lynn case is brief but effective.<sup>25</sup> Conveying three stories of black troops and veterans who “experienced violations of their rights at the hands of both white servicemen and white civilians,” he goes on to state that despite numerous incidents of violence on and around American military bases, “there was a noticeable lack of activity in the federal courts on behalf of

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<sup>21</sup> Ibid., 296.

<sup>22</sup> Ibid., 298.

<sup>23</sup> John L. Newby III, “The Fight For the Right to Fight and the Forgotten Negro Protest Movement,” 95.

<sup>24</sup> Ibid., 84.

<sup>25</sup> Ibid.



the rights of servicemen.”<sup>26</sup>

Newby’s analysis of the Lynn case is quite short, but nonetheless this astute article is a significant contribution to the limited literature on this topic. His work openly acknowledges that the socio-historical importance of Lynn’s case lay in the fact that “for the first time, it brought before the Supreme Court the question of segregation practiced not by the South, but by the federal government itself.” He goes on to say that in its dismissal of the case, “the Court postponed addressing the issue of segregation in the federal context until the *Brown* companion, *Bolling v. Sharpe*.”<sup>27</sup>

The remaining three chapters each focus on different aspects that proved influential in the case. Chapter one analyzes the *Lynn v. Downer* case itself including a brief biography of Winfred Lynn and through analysis of the case proceedings. Chapter two investigates the NAACP’s varying role in both the case and the Selective Training and Service Act of 1940. Additionally this chapter contains a detailed explanation of how the draft system operated, and how section 4-(a), the nondiscrimination amendment came to pass. The third and final chapter explores the way the case was presented to the public through print media.

The overall goal of this thesis is to expand the limited scholarship pertaining to *Lynn v. Downer* by producing a piece of work that focuses directly on the case proceedings and the varying social, political, cultural, and racial factors that hindered its success. Thorough examination of secondary source material, court records, personal correspondence, congressional records, and newspaper articles regarding the Lynn case and the Selective Training and Service Act of 1940 provided a solid framework to better

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<sup>26</sup> Ibid., 94-95.

<sup>27</sup> Ibid., 96.

understand the era's social climate. In doing so, the intent is to augment the master narrative of African American World War II history by emphasizing the importance of black draft resistance. By telling Winfred Lynn's story, I hope to promote more interdisciplinary discourse on how the war influenced American race relations, military policy, federal legislation, and vice versa.

## Chapter 1

Lynn v. Downer, the 20<sup>th</sup> Century's Dred Scott Case

In June 1942, the eldest son of Nellie Irving and Joseph Lynn, Winfred William received his draft notice. At thirty-six years old, Winfred was given 1-A status making him fully eligible for selective service. Similar to many other black American men at the time, Lynn had negative feelings towards his obligatory service, which he made known in a letter sent to President Roosevelt and his local draft board in Jamaica, Long Island, New York. According to Conrad Lynn's autobiography, the family all shared similar beliefs that were "opposed to lock-step regimentation and were particularly offended by the contemptible roles assigned to black men."<sup>1</sup> Hence Winfred's opposition to compulsory segregated service was not a newfound idea, but quite the opposite. Prior to receiving his draft notice he felt that, "regardless of what happened to him, he wasn't going to be party to such a practice."<sup>2</sup> In the letter, Winfred explained the rationale behind his objection to service stating that while he supported the war itself and "opposed Hitler as the embodiment of racial bigotry," he also "refused to submit to induction into a segregated army that seems to him to ratify his 'inferiority'."<sup>3</sup> Missing from the following excerpt of Lynn's letter is the segment where he offered a counter-proposal explaining that he would gladly enlist and serve in the racially integrated Canadian army.<sup>4</sup>

Gentlemen: I am in receipt of my draft-reclassification notice. Please be informed that I am ready to serve in any unit of the armed forces of my

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<sup>1</sup> Lynn, 92.

<sup>2</sup> Dwight MacDonald, "The Novel Case of Winfred Lynn," *The Nation*, vol. 156 no. 8, (Feb. 20, 1943), 268.

<sup>3</sup> Lynn, *There Is a Fountain*, 92.

<sup>4</sup> Lynn, 92.

country which is not segregated by race. Unless I am assured that I can serve in a mixed regiment and that I will not be compelled to serve in a unit undemocratically selected as a Negro group, I will refuse to report for induction.<sup>5</sup>

The same sentiments were echoed in person when Lynn met with the local draft board on August 16.<sup>6</sup> From there, the Brooklyn division of the U.S. Attorney's office was informed of the pending situation, and Lynn "talked with some attaches of that office."<sup>7</sup>

It is unknown whether the letter ever reached Roosevelt, however Lynn received a notice on September 8, to report for induction on the 18<sup>th</sup>, his offer to fight for Canada having been dismissed by the local draft board.<sup>8</sup> Regardless, Lynn ignored the orders, leading to his arrest. Taken to a federal detention center on West Street in Manhattan, he was charged with violating the terms of the Selective Training and Service Act of 1940. Conrad rushed to Winfred's defense and amidst researching the legality of the situation, stumbled across an amendment to the draft law: "In the selection and training of men for service, there shall be no discrimination on account of race or color."<sup>9</sup> Added to the Selective Training and Service Act of 1940, section 4-(a), the non-discrimination amendment for draftees was the result of protest from black leaders such as Rayford Logan and Walter White of the NAACP, who wanted African Americans to have an

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<sup>5</sup> Nancy and Dwight MacDonald, "The War's Greatest Scandal!: the Story of Jim Crow in Uniform," A. Philip Randolph Papers, Library of Congress Manuscript Division, Washington D.C., Box 18; Chicago *Defender*, December 5, 1942, 7.

<sup>6</sup> "Another Refuses to Answer Draft Call," Baltimore *Afro-American*, November 21, 1942, 3.

<sup>7</sup> Ibid.

<sup>8</sup> In addition to the letter, Winfred Lynn informed the local draft board of his stance on racialized conscription in person on August 16, 1942. "Another Refuses to Answer Draft Call," Baltimore *Afro-American*, November 21, 1942, 3.; Dwight MacDonald, "The Supreme Court's New Moot Suit." *The Nation*. vol. 159 no. 1 (July 1, 1944), 13.

<sup>9</sup> Selective Training and Service Act of 1940, 50 U.S.C.A.A. Appendix, § 304(a) quoted in 140 F.2d 397, 398; Lynn, *There Is A Fountain*, 93.

equal opportunity to participate in the war effort. Be that as it may, the amendment was non-discriminatory in name only and did nothing to change the military's general segregation policies or the draft system's use of controversial racial quotas.<sup>10</sup>

Following Winfred's arrest, Conrad sought outside support for his brother's case, meeting with members of the New York branch of A. Philip Randolph's March on Washington Movement (MOWM) on November 11. According to the FBI's *Survey of Racial Conditions in the United States*, Conrad "urged that the March On Washington Movement go on record as opposed to the quota system."<sup>11</sup> A few days later on November 16, Winfred appeared before Judge Matthew T. Abruzzo where he pled not guilty to the charges and was held on \$2500 bail. The next day, Conrad requested a writ of *habeas corpus* "on the ground that his brother was being illegally detained."<sup>12</sup> Judge Abruzzo granted the writ and after multiple postponements, a hearing was scheduled for December 4. Sources do not disclose the court's motives, if any, for the hearing's deferment, but George Flynn argues the case was intentionally held up by the Department of Justice who "succeeded in using several technical points to delay a hearing for months."<sup>13</sup> Yet as the case was underway, Dwight MacDonald stated in an article for *The Nation* "Conrad believes the long delays were due to the fact that Washington was not entirely certain how to deal with the case and hoped that Winfred would somehow be

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<sup>10</sup> Studs Terkel, *The Good War: An Oral History of World War II*, (New York: Pantheon Books, 1984), 367.; F. Michael Higginbotham, "Soldiers For Justice: The Role of the Tuskegee Airmen in the Desegregation of the American Armed Forces," *William & Mary Bill of Rights Journal*, vol. 8 no. 2 (February 2000), 286-87.

<sup>11</sup> Robert A. Hill, ed., *The FBI's RACON: Racial Conditions in the United States during World War II*, (Boston: Northeastern University Press, 1995), 482.

<sup>12</sup> Higginbotham, 292; MacDonald, "Novel Case," 269. See introduction, note 3.

<sup>13</sup> George Q. Flynn, "Selective Service and American Blacks During World War II," *The Journal of Negro History*, vol. 69 no. 1 (Winter, 1984), 23; "N.Y. Man Balks on Jim Crow Draft Call," *Baltimore Afro-American*, Dec. 1, 1942, 3.

persuaded to ‘listen to reason’.”<sup>14</sup> If individuals did attempt to convince Winfred to change his mind, it was not an occurrence unique to this particular case. Similar tactics were used on black war resister Lewis Jones who accepted the standard three-year prison sentence in place for selective service violators in lieu of segregated service just as the Lynn case was underway. The day before his sentencing, Michael Carter, a reporter for the well-known black Baltimore newspaper the *Afro-American*, interviewed Jones. The purpose of the meeting is clear given the opening line of Carter’s article: “I tried to talk Lewis Jones into the army, but he outtalked me.” Accompanying Carter on this mission was black psychologist Dr. Kenneth Clark who observed Jones and found him to be of sound mind with “a logical and objective set of values.”<sup>15</sup>

While it seems highly likely that efforts were made to persuade Winfred Lynn directly, the day before the hearing the Lieutenant Colonel Campbell C. Johnson, an African American and executive assistant to the Director of Selective Service, General Lewis B. Hershey approached Conrad. According to MacDonald, Lt Col Johnson “came up from Washington and spent an afternoon trying to get Conrad to drop the case.”<sup>16</sup> Despite the fact that the Lynn case is largely unacknowledged in mainstream narratives of the black experience in World War II or African American history in general, it was a matter of great importance to the military. Decades later in his autobiography, Conrad Lynn admitted, “I had not expected the government to accept a showdown on the issue.” Mistaken in his modest anticipation of the army’s response, regarding the initial hearing

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<sup>14</sup> MacDonald, “Novel Case,” 269.

<sup>15</sup> Michael Carter, “Won’t Serve in Army Lewis Jones Given 3-Year Sentence,” *Afro-American*, November 7, 1942, 1; Florence Murray, “The Negro and Civil Liberties During World War II,” *Social Forces*, vol. 24 no. 2 (Dec., 1945), 212.

<sup>16</sup> MacDonald, “Novel Case,” 269.

he describes the courtroom as having “glittered with brass” as “the adjutant-general had sent a bevy of officers from Washington” and “the judge advocate general was represented by a platoon of lawyers.”<sup>17</sup> What Conrad did not consider were the greater implications he was embarking on as, “the segregated military was the most explosive civil rights issue of all; it could disrupt the military in the midst of war...[and] a successful challenge could disrupt the entire war effort.”<sup>18</sup>

Initially Conrad Lynn may have been unaware of the magnitude of this case, but he was certainly mindful of his own limitations. The day before the hearing he sought help from the NAACP who declined their assistance, or as Lynn put it, “that organization refused to have anything to do with the case.”<sup>19</sup> To make matters worse, then head of legal counsel for the NAACP and future Supreme Court Justice, Thurgood Marshall exhorted the ACLU to decline their support as well. The two organizations had an unofficial understanding when it came to accepting cases involving African Americans. If the NAACP disapproved of a case, the ACLU was not to take it on.<sup>20</sup> Despite the organization’s previous efforts to legally challenge the military’s segregation policies, the ACLU was careful to observe the terms of its agreement and therefore could not directly offer aid on the Lynn case.<sup>21</sup> To Conrad’s relief, this arrangement did not deter the

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<sup>17</sup> Lynn, 92-93, 94.

<sup>18</sup> Samuel Walker, *In Defense of American Liberties: A History of the ACLU*, (New York: Oxford University Press, 1990), 165, 162.

<sup>19</sup> Lynn, 93.

<sup>20</sup> This piece of information is what introduced me to the Lynn case through a short, but no less significant conversation with Professor Randall Kennedy of Harvard Law School, April 10, 2014.

<sup>21</sup> Walker, *In Defense of American Liberties*, 165.; Lynn, 92-93; Lee Finkle *Forum For Protest: The Black Press During World War II*, (Cranbury, New Jersey: Associated University Presses, Inc., 1975), 150-52.

ACLU's general counsel Arthur Garfield Hays from volunteering his services the night before the hearing. Conrad's mentor from Syracuse Law School Pan Stone, "urged [Hays] to interest himself in Winfred's case."<sup>22</sup>

The morning of December 4, the case *United States v. Lynn* was ordered to the first position on Judge Mortimer Byers' docket in the United States District Court for the Eastern District of New York. Judge Byers declared, "I have before me the petition for a writ of *habeas corpus*, the return of the writ. Writ dismissed."<sup>23</sup> Upon approaching the bench, Arthur Garfield Hays was told the court would not allow the case to be argued. Hays responded, "Your Honor, I intend to show why you should accept argument on so critical an issue as this." Hays made a valid argument but to no avail. Judge Byers restated that the writ was dismissed and as Winfred Lynn had not submitted to induction, he was not actually a victim of discrimination.<sup>24</sup>

Since the heart of Lynn's defense rode on the notion that separate draft quotas for whites and blacks constitute discrimination, in this instance, the judge's decision was based largely on a technicality. Lynn's original induction order was issued in accordance with orders sent from the New York City Director of Selective Service, Colonel Arthur V. McDermott to Local Board 261 stating, "Your Quota for this Call is the first 90 White men and the first 50 Negro men who are in Class 1A. Separate Delivery Lists (Form 151) are to be made for the White and Negro registrants delivered."<sup>25</sup> However Conrad believed Judge Byers to be aware "that the government did not want public ventilation of

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<sup>22</sup> Lynn, 93.

<sup>23</sup> Ibid., 94.

<sup>24</sup> Higginbotham, 292; MacDonald "New Moot Suit," 13; Lynn, 95;

<sup>25</sup> 140 F.2d 397, 399.



its practices toward black inductees.”<sup>26</sup> By seeking a writ of *habeas corpus*, Lynn’s attorneys attempted to have him discharged from the army on the grounds that the Selective Service System’s use of separate racialized delivery lists operated in violation of the Selective Training and Service Act of 1940, proscribing “discrimination against any person on account of race or color.”<sup>27</sup> As a result, the case brought up a legitimate, highly sensitive social issue by highlighting the bleak reality of racism and discrimination in the U.S., demonstrating the hypocrisy of American principles of equality, and verifying the ever-changing terms of constitutional personhood granted to black citizens.<sup>28</sup> If successful, Lynn’s case had the capacity to force drastic changes in the armed services, and seriously alter the outcome of the war. In other words, this case could be perceived as an underlying threat to the American definition of democracy and its defense. As it was, by questioning the legality of racial quotas in the Selective Service System, the case emphasized the duplicitous nature of the United States government.

Hays asked Judge Byers whether a writ could be issued if Winfred allowed himself to be inducted. Judge Byers’ response was vague, but Conrad and Hays were not discouraged and convinced a reluctant Winfred to submit to induction. On December 9th the Local Board issued yet another induction order for Winfred. Waiving his right to furlough, he reported for induction as a delinquent on the nineteenth and was

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<sup>26</sup> Lynn, 94.

<sup>27</sup> Selective Training and Service Act of 1940, 50 U.S.C.A. Appendix, § 304(a) quoted in 140 F.2d 397, 399.

<sup>28</sup> Walker, *In Defense of American Liberties*, 162. The term constitutional personhood derives from a lecture given by Bob Moses at the 2014 Marion Thompson Wright Lecture Series. Bob Moses, “We the People: The Preamble and Constitutional Personhood” (Lecture, Marion Thompson Wright Lecture Series, Newark, NJ February 15, 2014).

immediately sent to Camp Upton in New York for training. From there, Winfred Lynn went on to serve nineteen months in the army.

Upon Winfred's arrival at Camp Upton, Conrad and Hays drew up another petition for a writ of *habeas corpus* which Judge Byers outright refused to sign and temporarily the case appeared to be at a stalemate. Privately, Judge Byers' secretary informed Conrad "the judge did not believe a writ could be issued to an army officer in wartime through a civilian judge."<sup>29</sup> To clarify, the writ would be issued to the commanding officer at Camp Upton, John L. Downer on Winfred Lynn's behalf thereby releasing him from military custody. Whether this was said in an effort to deter Conrad from pursuing the case further, or as friendly advice is uncertain. Either way, the information was incorrect and it was suggested that Conrad approach the semiretired Judge Marcus Campbell for the writ. Judge Campbell, who "felt Judge Byers had compromised the honor of the federal judiciary," signed the writ which Conrad hand delivered to Colonel John Downer, Winfred's commanding officer and respondent in the case *Lynn v. Downer*.<sup>30</sup>

With the writ signed and accepted, Winfred was granted a day in court. Conrad admitted to being fearful for his brother but remained capable of seeing the larger picture, "the right of black people to fair and equal treatment."<sup>31</sup> At the next hearing on January 4, 1943 Conrad and Hays argued on behalf of their petitioner, Winfred, against legal counsel from the attorney general and judge advocate general's offices. Judge Campbell

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<sup>29</sup> Lynn, 95.

<sup>30</sup> Lynn, 95, 96. Conrad Lynn's autobiography *There Is a Fountain* contains a typo on page 96, where he recalls having served the writ of *habeas corpus* "personally on an unwilling Colonel Downing, Winnie's commanding officer."

<sup>31</sup> Lynn, 96.

presided over the proceedings during which Col McDermott's testimony confirmed the existence and use of separate delivery lists for 1-A draft registrants of both races, the use of a racialized quota system for draftees, and that "Negroes and white men are not called in turn or serially, but that the question of color has something to do with the time they are called."<sup>32</sup>

The fact that Judge Campbell volunteered to sign the writ of *habeas corpus* did not act as a deterrent when he dismissed the writ primarily on the grounds that Winfred had been inducted as a delinquent. As such, his actual induction was not conducted as part of the army's quota for black registrants. The court held that since Winfred was inducted separately there remained insufficient evidence to prove he was called to service neither earlier nor later than if he were white. Hays argued that even if Winfred was called late, it still constitutes discrimination when "the theory of the Government was that it was a privilege to serve and that there was discrimination where men were chosen out of their turn, which selection depended somewhat upon color."<sup>33</sup> The court's decision was an attempt to quash the case before it gained further momentum, publicity, or inspired corresponding lawsuits. Due to the war, the civilian courts refused to obstruct draft proceedings except for incidents involving delinquency and failure to report for induction.<sup>34</sup> While Conrad's interpretation of the ruling was that Judge Campbell "did not think the discrimination practiced in selection so odious as to justify opposition," it seemingly did not occur to him that if courts ruled in favor of the petitioner there would

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<sup>32</sup> Petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit, 3.

<sup>33</sup> Arthur Garfield Hays to ACLU, January 7, 1943, NAACP Papers. Library of Congress Manuscript Division. Washington D.C., Box II-B148.

<sup>34</sup> Flynn, 22; Julien Cornell, "Exemption From the Draft: A Study in Civil Liberties," *Yale Law Journal*, no. 56 (1946), 258.

be little, if anything to prevent other black draftees from following Winfred's example and requesting discharge from segregated service.<sup>35</sup> Objectively, at the time, Lynn's case was an attempt to impel social change in a government institution that was in the midst of fighting two wars on either side of the world. The timing for such an endeavour was perfectly imperfect.

Five days after the hearing on Saturday January 9 Winfred was transferred from Camp Upton on Long Island to Camp Sibert in Alabama, two days before the court's judgment was entered into the record. Thus far, sources neither fully confirm nor deny whether Winfred's transfer was ordered as a means of evasion but it is highly doubtful that the timing was simply coincidental. As previously established, the army, department of Selective Service, and War Department were taking this case very seriously. Following the district court's dismissal, Conrad and Hays spoke with the press bringing the case some much needed publicity in order to raise both awareness and funds. Shortly beforehand the NAACP experienced a seemingly superficial change of heart, volunteering its services as plans were made for an appeal.<sup>36</sup>

One week after the writ was denied, Hays and his associate Gerald Weatherly, now Winfred's primary legal counsel filed a notice of appeal to the Circuit Court of Appeals for the Second Circuit. A few days prior, Conrad submitted himself to the draft, "to test the 'training' phase of the 'no discrimination amendment'" with the intention of

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<sup>35</sup> Lynn, 96, 97; Hill, 483.

<sup>36</sup> Although the NAACP offered its assistance in January 1943, they did not make a contribution to the legal aspects of case until the spring of 1944 when they filed a brief with the Supreme Court as *amicus curiae* or friend of the court. Letter to Arthur Garfield Hays from Thurgood Marshall, Jan 6, 1943, NAACP Papers Box II- B148; Letter to ACLU from Arthur Garfield Hays, Jan 7, 1943, NAACP Papers Box II- B148.

petitioning for a writ of *habeas corpus* for himself.<sup>37</sup> Aware of his ties to the pending case, the army was cautious not to provide Conrad with grounds for further legal conflict. As a result and to his disappointment, Conrad did not experience the outward discrimination he anticipated upon arriving at Camp Upton.

Although plans to appeal were made in early January, the case did not go back to court until December for reasons currently unknown.<sup>38</sup> With both Conrad and Winfred now serving in the army, Lynn's counsel spent the majority of 1943 promoting the case in order to gain financial and moral support from the public. In February, Dwight MacDonald published his first article pertaining to Winfred Lynn's ironically awkward predicament in *The Nation*. MacDonald's "The Novel Case of Winfred Lynn" provided the case with some essential publicity. Until this point, the black press was following the court proceedings, but the case was widely ignored by the mainstream press. By writing pieces for *The Nation* and his new journal *Politics*, MacDonald exposed Lynn's cause to a new audience of forward thinking Americans.

However, in the end it was the efforts of the Lynn Committee that mobilized to obtain the public's support.<sup>39</sup> Beginning in February, plans were made to establish a committee designed to conduct a national campaign with the joint purpose of educating people and acquainting them with the case. At a meeting of the New York branch of the MOWM, Ashley Totten, National Secretary of the Brotherhood of Sleeping Car Porters asked the organization to endorse the Winfred Lynn case as attempts were made at an

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<sup>37</sup> Lynn, 96.

<sup>38</sup> Neither primary nor secondary sources disclose any justification for the delay, but it was probably a combination of a backlog of cases in the court, and postponements by both Lynn's counsel, and the government's attorneys.

<sup>39</sup> Finkle, 153-54.

appeal. In his speech, Totten stressed, “the participation of the March On Washington Movement in this case would serve as a rallying point for a nationwide struggle against racial discrimination in the armed forces.” The same day Totten wrote to Walter White inviting him to a meeting with trade unions and other organizations to obtain further aid for the case. The following month a committee was established for the purpose of negotiating with other organizations to recruit additional sponsorship for the case.<sup>40</sup> Packets of letters and pamphlets were sent out to raise funds, increase awareness of Lynn’s case, and recruit members for the developing committee.

Over the course of the spring and summer, Winfred Lynn’s sympathizers continued to arrange meetings and spread word about his case. In April, a few days after he received orders to transfer from Camp Sibert to the 739<sup>th</sup> Sanitary Company at Camp Beale in California, Winfred’s supporters arranged a mass meeting in New York City to discuss the case. Over seven hundred people attended including A. Philip Randolph, Arthur Garfield Hays, and members of the Long Island and Brooklyn chapters of the NAACP. However, it should be noted that at this time, despite conflicting evidence in earlier correspondence, the NAACP still “had not officially endorsed the case, and further, the participation of the branches did not in any way express the views of the national body.”<sup>41</sup> This did not stop the association from taking on other cases “that involve race discrimination or are of national importance.”<sup>42</sup>

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<sup>40</sup> Letter from Ashley Totten to Walter White, February 24, 1943, NAACP Papers, Box II-B148.; Hill, 482-84.

<sup>41</sup> Hill, *RACON*, 483. See note 36.

<sup>42</sup> Letter to J. Alston from Milton Konvitz, September 23, 1943; Letter from Thurgood Marshall to J. Alston, September 19, 1943, NAACP Papers Box B-148.

By the fall of 1943, the National Citizen's Committee for Winfred Lynn was officially formed with influential members such as A. Philip Randolph, Dwight MacDonald, and William Hastie.<sup>43</sup> While the committee dubbed it "The 20<sup>th</sup> Century Dred Scott Case" private correspondence suggests the Lynn case was viewed as a lost cause by some of its strongest proponents.<sup>44</sup> In a letter to Arthur Garfield Hays, Roger Nash Baldwin admitted to ACLU board members as having doubts about the case's potential in the higher courts, "but they felt the educational effect would be worth the investment."<sup>45</sup>

October 19<sup>th</sup>, Winfred was transferred to the 1962<sup>nd</sup> Service Unit Sanitation Complement. Three days later, he was transferred again, this time to a medical sanitary company with whom he was deployed and served in the Pacific Theater of Operations (PTO). Once more, the timing of Winfred's transfers was too convenient to be viewed coincidental. The case had already been delayed several times but was scheduled for a hearing in the Circuit Court of Appeals in the coming months. Though it is unclear precisely when Lynn was sent overseas, he, his counsel, and the army were well aware that his deployment was approaching. November 6<sup>th</sup>, one of Lynn's attorneys, Gerald Weatherly wrote to Col. Clyde L. Hyssong, the Ground Adjutant General in Washington D.C. requesting his client remain in the U.S. as the case was expected to be heard at the

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<sup>43</sup> Sources do not disclose precisely when the Citizens Council for Winfred Lynn was established, however various correspondence in conjunction with secondary source material from *The FBI's RACON* suggest it was formed at some time during the fall of 1943. See, Roy Wilkins to William Hastie, October 13, 1943, NAACP Papers, Box II-B148.; Hill, 484.

<sup>44</sup> In the case of Dred Scott, the Supreme Court ruled that blacks, whether free or enslaved could not claim status as citizens of the United States, making them exempt from petitioning the court for freedom. This ruling was later overturned by the addition of the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the Constitution. Drive Letter, National Citizens' Committee for Winfred Lynn, NAACP Papers, Box II B-148.

<sup>45</sup> Roger Nash Baldwin to Arthur Garfield Hays, January 12, 1943, NAACP Papers, Box II B-148.

end of the month. At this point, Weatherly believed Lynn to be stationed at Fort Ord in Oakland. That same day, Col. Downer retired from active duty on account of his age. Two weeks later, Weatherly received a response from the Staff Corps Director of the Military Personnel Division, Brig. Gen. Russel B. Reynolds stating, “there is no indication that the unit to which Private Lynn is assigned will be dispatched overseas during 1943.”<sup>46</sup> As Weatherly corresponded with army officials to delay Winfred’s impending deployment, the appeal to the Circuit Court drew near.

On December 8, the case was heard in the Circuit Court of Appeals for the Second Circuit in Brooklyn. Present on behalf of Winfred Lynn were Arthur Garfield Hays, Conrad Lynn, Albert C. Gilbert, and Gerald Weatherly. Representing Col. Downer was Harold M. Kennedy the U.S. Attorney of Brooklyn and two assistant U.S. Attorneys who argued there was insufficient evidence to prove Lynn was neither inducted nor ordered to report for induction “ahead of men whose draft numbers were lower than his own.” Changing the primary focus of their defense, Lynn’s counsel argued the use of separate racial quotas made it unlikely that Winfred was “called for induction precisely in his turn under the draft; and that there was discrimination against him if her were called either sooner or later than would have happened in the absence of separate quotas.”<sup>47</sup> In other words, by their sheer existence, separate quotas go against the nondiscrimination provisions of the draft law. Separate call lists and racial quotas inevitably include an element of racial consciousness, if not discrimination. By making race a qualifier for induction, the army was already violating the terms of the act. Unfortunately the court did

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<sup>46</sup> Petition for Rehearing of Application for Writ of Certiorari, June 20, 1944, 21, 23.

<sup>47</sup> 140 F.2d 397,399.



not agree as Hays' team was unable to substantiate the timing of Winfred's induction call.<sup>48</sup>

One of the most significant components in the history of this case is the dissent drafted by Judge Charles E. Clark, whose minority opinion supported the argument of Lynn's counsel when the Circuit Court of Appeals for the Second Circuit announced its ruling on February 2, 1944 nearly two months after the case was argued. Apart from aligning with Lynn, and recommending that the district court's judgment be reversed, Judge Clark's dissent opposes three deficits in the majority ruling. First by contending that the army's history of segregated units was not justification to ignore the provisions that explicitly prohibit discrimination in the selection and training of men for the armed services. Second, he reasoned that black and white registrants being called by race was in turn leading to a racially incommensurate ratio of draftees and therefore did not align with the terms of the nondiscrimination amendments. Referencing an example used by the majority in which a prior to Pearl Harbor a Louisiana community became incensed at the excessive draft of white fathers in lieu of single black men, he stated, "I do not see how such a result can be considered consistent with selection without regard to color."<sup>49</sup> Lastly, he demonstrated that the majority opinion misrepresented Congress' intent as both provisions are written in simple, straightforward language and "the suggestion that Congress should have said something more, or amended the statute, means in effect that it should be watchful to see how a statute is violated and then expressly negative such

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<sup>48</sup> Ibid.

<sup>49</sup> Ibid., 403.

violation or be assumed to sanction it.”<sup>50</sup> Although the court ruled against Lynn, Judge Clark’s dissent suggests the American social climate (at least in the north) was on the verge of change in regards to respecting the legal rights of black citizens. While Judge Clark acknowledged that Lynn’s case was legitimate, he also conceded that if successful, it could have negative effects on the greater manpower needs of the war if other soldiers began contesting the terms of their induction.

In the majority were Judges Augustus Hands and Thomas Swan whose decision maintained the district court’s verdict dismissing Lynn’s writ on the pretense that historically, racially segregated units had always been army policy; disregarding the fact that separate call lists were leading to a disproportionate number of white inductions thereby violating the nondiscrimination provision listed in section 4-(a) of the draft law.<sup>51</sup> The court viewed the use of separate call lists not as discrimination, but “a necessary and permissible administrative procedure, and the regulations which sanction it are not violative of the Act.”<sup>52</sup> Since it was the role of senior army officials to determine the number of men needed, provide requisite accommodations, and induct individuals “only when camps or units are ready to receive them” the court maintained that induction calls by race were the most expedient way to expand the armed services to the extent necessitated by the war.<sup>53</sup> Though it was not directly questioned in the appeal, the fact that black servicemen were routinely inducted out of turn as it was often months before

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<sup>50</sup> 140 F.2d 397, 403, 402.

<sup>51</sup> Ibid., 400, 403; Paul T. Murray, “Blacks and the Draft: A History of Institutional Racism,” *Journal of Black Studies*, vol. 2 no. 1 (Sep., 1971), 62; Flynn, 18-21; 89 Congressional Record, A-5268, A-5269.

<sup>52</sup> 140 F.2d 397, 400.

<sup>53</sup> Ibid. 400; United States Selective Service System, *Special Groups Special Monograph, No. 10*, vol 1 (Government Printing Office: Washington D.C., 1953), 45.

the army was prepared to receive them was allegedly in line with the draft law as well and when combined with the court's reasoning is tantamount to de facto discrimination. Or as Judge Clark put it, "it must not be overlooked that they do insist upon equal accommodations, which here must mean equal calls to service."<sup>54</sup>

Ultimately Judges Swan and Hand resolved that "if the Congress had intended to prohibit separate white and Negro quotas it would have expressed such intention more definitely than by the general prohibition against discrimination appearing in section 4," believing the Fish amendment functioned to preserve the separate but equal doctrine in the selection and training of men and that racially proportionate call lists did not constitute discrimination.<sup>55</sup> Evidently, the prevailing racial attitudes at the time, combined with the critical nature of the war effort compelled the law to side with the government despite a well-reasoned argument that essentially proved the army's flagrant disregard for the draft act's nondiscrimination provisions.

In January, as Lynn's counsel awaited the court's decision, Weatherly wrote to the army once again to exhort Brig. Gen. Reynolds to keep Winfred stateside for the sake of the case.<sup>56</sup> A week after the court's decision, Weatherly received a response to his letter to Brig. Gen. Reynolds this time from Major General J.A. Ulio, the Adjutant General of the U.S. army. Ulio claimed Weatherly's requests were granted "due consideration" but:

The general objective of classifications and assignment in the Army are to facilitate the placement of each individual in the

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<sup>54</sup> Ibid., 403; Ibid., 46-47; Memo from Selective Service Headquarters to Local Board, March 7, 1942, NAACP Papers, Box B-148.

<sup>55</sup> Ibid., 401.

<sup>56</sup> Petition for Rehearing of Application for Writ of Certiorari, June 20, 1944, Appendix C, 24.

assignment in which he will be of most value to the service...Should the unit to which he is assigned be ordered to proceed outside the continental United States and he is qualified for duties to which assigned, he will not be removed from his unit.<sup>57</sup>

This response from the adjutant general serves to prove that while serving, Winfred Lynn was not granted any special accommodation and suggests the army was doing their best to stall the case, if not ensure it failed in court. By chance, it was the information conveyed in this letter that allowed for the government attorneys to have the Lynn case declared moot.

Following the decision of the Circuit Court, Hays and his team appealed to the Supreme Court, petitioning for a writ of *certiorari* in April.<sup>58</sup> Even with the help of the NAACP filing a brief as *amicus curiae* or “friend of the court,” on May 29, 1944 the Supreme Court refused to hear the case on the grounds that it was moot. Left with few options the government attorneys resorted to a legal technicality so obvious it was unnoticeable or seemingly innocuous enough to be ignored in the lower courts—Winfred Lynn was no longer in Col. Downer’s custody. Due to the fact that Winfred Lynn was sent to Alabama following the decision of the District Court, and was therefore out of Downer’s charge for more than one week before Conrad and Hays filed their appeal with the Circuit Court, the government attorneys, with the help of Solicitor General Charles Fahy concluded that “it was incumbent upon petitioner to procure an order from the

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<sup>57</sup> The adjutant general of the army is chief administrative officer charged with the upkeep and management of personnel records. Petition for Rehearing of Application for Writ of Certiorari, June 20, 1944, Appendix C, 25

<sup>58</sup> A writ of *certiorari* is used to request a lower court to provide its case records so a higher court may reassess them. This is how the U.S. Supreme Court chooses the majority of the cases it hears. “Writ of Certiorari,” Cornell University Law School, Legal Information Institute, Accessed April 17, 2015, [https://www.law.cornell.edu/wex/writ\\_of\\_certiorari](https://www.law.cornell.edu/wex/writ_of_certiorari). Lynn, 91; MacDonald, “New Moot Suit,” 13; Petition For a Writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit and Brief in Support Thereof, April 28, 1944.

court...preserving respondent's custody pending appeal."<sup>59</sup> That is to say that because Winfred Lynn was transferred five days after the District Court denied the writ of *habeas corpus* and his attorneys failed to procure a court order preventing his transfer prior to filing for appeal, the case could not be decided one way or the other. The Court did not elaborate on its decision; rather it stated, "the petition for writ of certiorari in this case is denied on the ground that the petitioner no longer is in respondent's custody"<sup>60</sup> By the time the Court made this ruling, Winfred Lynn was serving in the South Pacific and Col. Downer had been retired for over six months. The Court's refusal did not discourage Hays, who petitioned to have the application for certiorari reexamined. When it was rejected, Hays requested a writ of *habeas corpus* from the Supreme Court against the Adjutant General himself, J.A. Ulio. In June 1945, the Supreme Court announced its final ruling on the Lynn case—"Denied!"<sup>61</sup>

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<sup>59</sup> On Petition For a Writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit Memorandum for the Respondent, May 1944, 11.

<sup>60</sup> 322 U.S. 756.

<sup>61</sup> Lynn, 103-104.

## Chapter 2

### The NAACP and the Draft

The role of the NAACP in regards to the Lynn case is complicatedly simple. At first sight, the actions of the national branch and key players such as Walter White and Thurgood Marshall appear innocuous, done with the intention of what was best for the organization and the black community. Given the socio-political state the country was in, taking on the Lynn case would send the wrong message to the greater American public, especially the association's political allies in Congress and the Senate. However, upon closer examination, some of the association's wartime actions appear to have conflicting motives.

As stated in the previous chapter, when Conrad Lynn first approached the organization for help with his brother's case in December 1942, he was turned away. The national branch of the association's legal counsel Thurgood Marshall then instructed the ACLU to reject the case as well due to an informal understanding between both organizations.<sup>1</sup> This chapter focuses on the NAACP, their part in the Lynn case, their part in the Selective Training and Service Act of 1940, and the significance of the association's policies towards African American conscientious objectors, draft resisters, and other members of the black community who spoke out against racialized conscription.

Less than two weeks before Conrad Lynn approached the NAACP for legal aid, another black war resister contacted the association asking for advice on a strikingly similar matter. When Wiley B. Rice received his selective service questionnaire, he wrote

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<sup>1</sup> Lynn, 92-93.; Walker, 162.

the organization asking if it was in his best interest to send a letter to his Local Board and refuse to serve in a Jim Crow army.<sup>2</sup> Like Winfred Lynn, Rice was not a pacifist. He objected neither to the war, nor serving his country in its time of need. He simply would not serve “in a Jim Crowed Army, Navy or any branch of Jim Crowed service.”<sup>3</sup>

Thurgood Marshall’s response is reasonably indicative of the association’s stance on black war resisters at the time. In acknowledging other individuals who refused to serve in a segregated military, Marshall attempted to evoke fear into Rice, bluntly stating, “several of them continued to maintain this position and as a result have been convicted [of] violating the selective service law and imprisoned.”<sup>4</sup> Marshall then explains the organization’s stance by reiterating their opposition to segregation and expressing disbelief that refusing the draft will yield any true benefit “because there is at the present time no legal defense for such cases.”<sup>5</sup> The letter ends with Marshall assuring Rice that the NAACP will carry on with its crusade against segregation, but the association does not advise resisting the draft, as it would also be condoning the violation of a federal law.

Whether Conrad Lynn received a comparable justification upon his visit to the NAACP a few weeks later is uncertain, but highly probable. However this had not always been the association’s position. Prior to Pearl Harbor, the NAACP had a slightly different outlook on those who resisted the draft on the grounds of segregation. When Ernest Calloway received his draft questionnaire in December 1940, he returned it with a statement attached explaining his refusal to serve. Calloway rejected the notion “based

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<sup>2</sup> Letter to NAACP President from Wiley B. Rice, November 23, 1942, NAACP Papers, Box II: B-148.

<sup>3</sup> Ibid.

<sup>4</sup> Letter from Thurgood Marshall to Wiley B. Rice, November 27, 1942, NAACP Papers, Box II: B-148.

<sup>5</sup> Ibid., original emphasis.

upon certain fundamental social concepts which are unalterably opposed to racial discrimination, be it in the army or the civilian life of the nation.”<sup>6</sup> He continued, calling the army “the most anti-democratic institution in the American governmental life,” arguing the military’s ongoing practice of discrimination was disproportionate in comparison to the level of political, economic, and social progress the country had made in recent years. Calloway also accused the army of violating the constitutional rights of black citizens like him by refusing to permit black men to make an equal contribution to the war effort and actively defend their country in combat the same as white, and other non-black Americans.

At the beginning of January, Calloway wrote to Walter White explaining his objections to service and his intent to “forcefully call the attention of selective service officials to the deep-seated prejudices against me and other Negroes existing in the U.S. Army and Navy.”<sup>7</sup> Unfortunately the local draft board misconstrued Calloway’s objection, when they interpreted his resistance as being motivated solely by race, thus denying him the opportunity to register as a conscientious objector, claiming he did not fall within the required definition.<sup>8</sup> Since Calloway’s objection was not based on religious training and beliefs the board also denied him the chance to make an appeal, something he had relied on in order to expound upon the justification for his objection.<sup>9</sup>

Calloway’s case differs from Lynn’s in that according to Calloway, the Selective Service System committed an error. Upon receiving his selection notice, something was

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<sup>6</sup> Statement of Ernest Calloway before Chicago Local Draft Board No. 81 on objections of participating in the Selective Service Training Program, December 23, 1940, NAACP Papers, Box II: B-148.

<sup>7</sup> Letter to Walter White from Ernest Calloway, January 1, 1941, NAACP Papers, Box II: B-148.

<sup>8</sup> Letter to Dr. Charles F. Boss from Ernest Calloway, January 7, 1941, NAACP Papers, Box II: B-148

<sup>9</sup> Ibid.



missing—Form 47 a document necessary for those wishing to appeal a 1-A classification and register as a conscientious objector. With the fault lying on the local board and by extension the Department of Selective Service, the NAACP did not hesitate to offer Calloway their assistance. While it was Calloway's local branch in Chicago that actually took the case, the national office was fully aware of the situation, keeping abreast of the proceedings and continually offering their help.<sup>10</sup> Additionally, the fact that Calloway's objection occurred a year before Pearl Harbor must also be taken into account in regards to the NAACP's ardent support of his struggle.

Throughout the war, the NAACP had the difficult task of maintaining its widespread reputation during a time of significant racial tension which meant helping black Americans whenever possible without inadvertently impeding the war effort or doing anything that could be construed as such, or alienating the association's social and political allies, especially sympathetic or liberal-minded political leaders. This was a delicate balancing act that leaves the organization with a mottled wartime history in respect to the Lynn case. As soon as Conrad Lynn approached the NAACP with his brother's situation, the organization reportedly did everything in its power to keep the case from taking off after urging Conrad not to press the issue.<sup>11</sup> In comparison to other war-related news, coverage of the case was limited in the black press and almost nonexistent in mainstream news outlets.<sup>12</sup> The majority of publicity came from articles

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<sup>10</sup> Letter to Ernest Calloway from Walter White, January 10, 1941; Letter to Walter White from Ernest Calloway, January 20, 1941; Telegram to George Murphy from Ira Williams, January 9, 1941; Memo to Thurgood Marshall from Walter White, January 9, 1941; NAACP Papers, Box II: B-148

<sup>11</sup> Walker, 165; Lynn, 92-93; Lee Finkle, 150-51; Dwight MacDonald, "Novel Case," 269.

<sup>12</sup> Letter to Walter White from Ashley Totten, February 24, 1943, NAACP Papers, Box B-148.

written by Dwight MacDonald, letters and pamphlets circulated by the Lynn Committee, and the work of Lynn Committee press secretary Layle Lane.<sup>13</sup>

To fully understand the significance (and irony) of the NAACP in regards to the Lynn case, it is necessary to examine the association's role in the passing of the Selective Training and Service Act of 1940, particularly sections 3-(a) and 4-(a), the nondiscrimination amendments. During the interwar period, primarily between 1922 and 1940 the army conducted studies on black troops, resulting in the formation of new policies for black soldiers during a time of war.<sup>14</sup> Some of the treatment of African American service people can be attributed to the study completed by the Army War College in 1925, evaluating black soldiers in World War I. Alan Osur credits this research as a rationale for the approach many army officers took towards race, noting similarities to influential white supremacist writer and historian James Ford Rhodes. The study investigates "the physical, mental, moral and psychological qualities and characteristics of the negro as a subspecies of the human family."<sup>15</sup> Among the disparaging fallacies listed, African Americans were found to be physically unsuited for combat duty, immoral, and possessing "a natural subservience [and] an instinctive regard for the white man as superior."<sup>16</sup> Osur justifies the racial attitudes of World War II commanders to their previous exposure to such misinformation. Needless to say, members of the House and the Senate, being privy to the same information were equally exposed to and generally supportive of the army's racial bias. As conflict intensified

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<sup>13</sup> Lynn v. Downer Correspondence, NAACP Papers, Box B-148; Finkle, 153-54.

<sup>14</sup> Finkle, 130.; Alan M. Osur, 1-5.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

overseas, and the U.S. debated its involvement, by 1940 it announced that the army would maintain its segregation policy, but “use black soldiers in all branches of the service” including “combat units on the same proportional basis as whites.”<sup>17</sup> However, these plans were not made public until the end of 1940, thus misleading black Americans to believe history was repeating itself and that the army would fall back into its race related policies from World War I.

On June 3, 1940 the Committee on Participation of Negroes in the National Defense Program (CPNNDP) was formed, headed by Howard University professor Rayford W. Logan.<sup>18</sup> Previously Logan led a committee which appeared before the Senate Subcommittee of Military Appropriations asking that the 1941 Military Establishment Bill be amended to provide mandatory space for ten percent of enlisted men and officers of African descent. Despite asking for the quota system, Logan disapproved of the continued use of separate units for black and white troops. The original goal of the CPNNDP was to get Congress to add a nondiscrimination clause “in one of the many defense measures under consideration that would compel the army to establish black quotas in all of its service branches.”<sup>19</sup>

Quotas may not have been the best option, or ideal, and possibly not even legal, but they were necessary if black Americans were going to serve in any capacity. A personnel increase call scheduled for August 19, 1940 originally requested a mere 3,395

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<sup>17</sup> Finkle, 130.

<sup>18</sup> Ibid., 133-34.

<sup>19</sup> Ibid., 132-33, 134.

black men. The same call authorized 145,000 whites.<sup>20</sup> This being the case, Logan “asked the House to insert a nondiscrimination clause in the proposed Conscription Bill so that blacks would be assured of a proportional share of service positions.” In his book *Forum For Protest*, Lee Finkle argues that Logan and his allies at the *Courier*, “were not opening an assault on segregation,” and “believed that it was unrealistic to attack segregation during a world crisis” but their actions, while subtle, spoke otherwise.<sup>21</sup> Instead of challenging military segregation directly, Logan pressed for black units led by black officers, something he and the CPNNDP felt to be more attainable and realistic. Before the U.S. entered the war, the army had five black officers, three of whom were chaplains, and one nearing retirement.<sup>22</sup> Therefore the hope of all-black units with black leadership was unfeasible in 1940.

Finkle also argues the CPNNDP’s acceptance of military segregation caused friction between the *Courier* and the NAACP as well as between the CPNNDP and the *Courier* despite the NAACP’s considerable public silence on the issue. The association neither “confront[ed] the movement,” nor “publicly engage[d] in any large-scale effort of its own to attack the Army’s practice...prior to the introduction of the Selective Service Bill in mid-1940.”<sup>23</sup> When it came down to fighting against the quota system the NAACP expressed no interest, something the *Courier* and CPNNDP never hesitated to point out.

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<sup>20</sup> Ibid., 135.

<sup>21</sup> Ibid., 135.

<sup>22</sup> Ibid., 136.

<sup>23</sup> Ibid., 137.

It was not until the Burke-Wadsworth Conscription Bill was near completion that the NAACP joined the fight.<sup>24</sup>

On August 8, 1940 the NAACP telegraphed seventy-two senators elaborating on the unfair treatment received by black volunteers and asking for the inclusion of a non-discrimination amendment to assure black troops the right to equal participation in every branch of the armed services.<sup>25</sup> The telegram was a success, gaining the attention of New York Senator Robert Wagner who brought an anti-discrimination amendment before the Senate. Section 3-(a), also known as the Wagner amendment was intended to provide black servicemen with the opportunity for military service without restriction due to race.<sup>26</sup> Unfortunately Wagner's support, like many government initiatives was too good to be true. The Wagner amendment not only maintained segregated units, it also did not guarantee the protection of black draftees from discrimination, only volunteers. This was not a problem for the Senate who largely opposed Wagner's amendment due to the notion that it would compel the army to establish black units in each branch of the military. Despite their role in the amendment's success, the NAACP remained quiet when the Wagner amendment passed successfully. On September 3, 1940 the NAACP sent yet another telegram, this time to several members of the House of Representatives for support of the Wagner amendment, "with the addition of a provision to cover blacks who were conscripted as well as those volunteering."<sup>27</sup>

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<sup>24</sup> Ibid., 138-140

<sup>25</sup> Ibid., 140; Special Groups, Vol 1., 42.

<sup>26</sup> Selective Training and Service Act of 1940, 50 U.S.C.A.A. Appendix, § 304(a) quoted in 140 F.2d 397, 398.

<sup>27</sup> Ibid., 140-41.

Three days later the House passed an anti-discrimination amendment, protecting the “rights” of black volunteers and draftees, introduced by Congressman Hamilton Fish of New York. Following the successful passage of the Fish Amendment, Walter White ordered a “special story” released to several black newspapers so they would know the association was responsible for the amendment. Although the NAACP took credit for the Fish amendment, it was actually the work of the CPNNDP. On September 4, Fish met with Rayford Logan, Louis Lautier, and two other men who gave the congressman a draft of the amendment and told him where they wanted it in the bill. “The amendment for which the NAACP claimed credit, was directed toward the establishing of black quotas in the Army.”<sup>28</sup> The Selective Training and Service Act of 1940 was signed into law complete with both anti-discrimination amendments on September 16, 1940. Less than a month later on October 9, the White House issued its official statement regarding military policy for black troops, stating, “the War Department is not to intermingle colored and white enlisted personnel in the same regimental units.”<sup>29</sup>

The most sensible way to contest the army’s segregation policy was to challenge the draft, in the fifteen months between the signing of the Selective Training and Service Act on September 16, 1940 and the attack on Pearl Harbor on December 7, 1941.<sup>30</sup> As previously mentioned, some individuals such as Ernest Calloway did attempt to refuse the draft but the black press provided lukewarm support, if any. Before Pearl Harbor, the black press focused largely on the quota system and how its provisions were not being

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<sup>28</sup> Ibid., 142.

<sup>29</sup> Ibid., 144.

<sup>30</sup> This is an originally crafted thought that closely resembles a passage in Lee Finkle’s book *Forum For Protest*. It has not been paraphrased, but is the result of a rational, objective approach to the lack of protest against military segregation prior to December 1941. For comparison, Lee Finkle, *Forum For Protest*, 148.

met. Since the NAACP had not been outwardly vocal or publicly active in the push for quotas, despite its role in the Wagner amendment, the association was “able to assume the scepter of leadership once again by late 1940.” By the end of the war, the overall consensus in the black press was that the NAACP “led the fight for racial equality during the war” thus perpetuating the notion that the NAACP was not only a leader in achieving race related war aims but also that the association did not take on a cause or case that it did not believe it could win.<sup>31</sup>

When Conrad Lynn approached the national branch of the NAACP for help with his brother’s case, he was working as legal counsel for the Jamaica branch. Little did he know at the time that the association *couldn’t* help with the case. It would be eleven years after the Supreme Court dismissed the case that Conrad Lynn learned the truth behind Walter White’s deal with President Franklin D. Roosevelt.<sup>32</sup>

In 1940 as the election grew closer and the Draft Bill remained under debate, Republican presidential candidate Wendell Willkie aimed to gain the favor of black voters. Meanwhile Fish, the Republican congressman from New York pushed for his non-discrimination amendment with sponsorship from the *Courier*, a Republican paper. In an effort to appeal to black voters and assure their support in the polls, F.D.R. agreed to back the NAACP in their sponsorship of the Wagner Amendment, in exchange for the organization’s compliance with the understanding that in the event of war, they would not investigate or protest the Draft Act. William Hastie first relayed this information to Conrad Lynn as both his brother’s case and the war were underway. Therefore it is possible that Conrad interpreted this information as a lie intended to discourage the

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<sup>31</sup> Ibid., 147.

<sup>32</sup> Ibid., 150-51

brothers from pursuing their case any further. However, when Conrad experienced a chance encounter with Eleanor Roosevelt at an NAACP dinner in 1956, the former first lady confirmed the story as fact. Even as the case began, F.D.R. momentarily believed Walter White betrayed their deal.<sup>33</sup>

Finkle also alleges that the NAACP did not step in to help the Lynn case “until the war was drawing to a close and the Supreme Court had once refused to hear the case.”<sup>34</sup> While it is true that on paper the NAACP did not aid the case until they filed a brief as *amicus curiae* in May 1944, they actually offered assistance as early as January 1943. A letter from Thurgood Marshall to Arthur Garfield Hays confesses members of the association were following the case “with interest.” He goes on, saying they were “very anxious” to help in any capacity and “would appreciate an opportunity to do so.”<sup>35</sup> This letter dated January 6, 1943 was written two days after the District Court of New York announced its decision on the case. While this does not entirely refute Finkle’s statement, it does complicate things further, posing new questions, primarily why would the NAACP offer assistance *now*, two months after they made it clear that they wanted no part in the case?

This question, like many others, will probably remain unanswered as the paper trail only goes so far. On the other hand, one can delve a bit deeper into the who and when of things in order to clarify the events that transpired. For example, who finally prompted the NAACP to become active in the case, and when? Although Thurgood Marshall offered the association’s assistance in January 1943, there is no discernable

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid., 151-52.

<sup>35</sup> Letter to A.G. Hays from Thurgood Marshall, January 6, 1943, NAACP Papers, BoxII:B-148



evidence of the organization providing legal assistance until the brief *amicus curiae* in May 1944. Yet in October 1943, the association publicly announced their support of Lynn with the statement “we pledge our support to Winfred Lynn in his effort to be recognized as a conscientious objector to serving in a segregated army,” and vouching for the validity of the case to three months later.<sup>36</sup>

In an undated memo to Thurgood Marshall from attorney Milton Konvitz, the latter explains that Nancy MacDonald, wife of Dwight MacDonald and Winfred Lynn advocate visited him on behalf of the Lynn Committee. It was during this meeting that Mrs. MacDonald lobbied for the NAACP to submit a brief *amicus curiae* to the Supreme Court. The bulk of the memo operates as an updated rundown of the case with a few exceptions. Konvitz admits the case could have gone differently in its judgment if Winfred Lynn had submitted to his initial induction order. Due to Lynn’s delinquent status at his time of induction in December 1942, the Court sustained he had not been subjected to any discrimination. After updating Marshall on the case proceedings, Konvitz wholly endorses the NAACP’s involvement: “in the light of Judge Clark’s opinion, I think the NAACP should fully participate in the petition for a writ of certiorari.”<sup>37</sup> He goes on to say that the Workers Defense League will also file a brief *amicus curiae* and notifies Marshall of the ACLU’s participation as well.

This memo, likely written somewhere between December 1943 and April 1944, serves as yet another example of the NAACP’s wavering stance on the Lynn case. The association withheld and extended support multiple times between 1942 and 1945 for no

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<sup>36</sup> Letter from Roy Wilkins to William Hastie, October 13, 1943; Roy Wilkins correspondence with Lorraine Johnson, January 19, 1944, NAACP Papers, Box B-148.

<sup>37</sup> Memo to Thurgood Marshall from Milton Konvitz, no date. Lynn v. Downer Correspondence, NAACP Papers Box II: B-148

discernable reason. Unfortunately without tangible evidence to explain their behavior, one can only surmise the association's reluctance with the Lynn case. One reason may be Conrad Lynn's political affiliation with the Communist party. Although the U.S. and Soviet Union were allies at this stage in the war, it is well known that Americans have never favored communism or its advocates. For the association to align itself with a case challenging the draft law was one thing but to embrace the case with a known communist, as primary legal counsel is entirely different. Even the American communists refused aid in Lynn's case.<sup>38</sup> This leads to yet another series of questions. What if Winfred Lynn had reported for the initial induction? Would the NAACP have reacted the same way? Furthermore, what if Lynn were white?

It is somewhat safe to argue that if Winfred Lynn were white, the case might have yielded the same results but would have been handled differently. In a memo submitted to the Department of Selective Service by a legal advisor to a State Director of Selective Service arose the question of whether separate calls and units were truly legal, as "to defer Negroes on the basis that the Army has not called for them is in effect a discrimination against white male citizens and conceivably against the Negro race."<sup>39</sup> The locale of this legal advisor and their Director of Selective Service is absent from the report. Regardless this does not take away from the significance of the memo's contents, in which it is explained that the methods employed by the Selective Service intended to prevent discrimination based on race were largely ineffective due to technical loopholes in the policy and procedures of the armed forces, and in the act itself. This individual

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<sup>38</sup> Lynn, 104, 118.

<sup>39</sup> Special Monograph No. 10,, vol. 2,183 appendix item 86.

clearly comprehended the precariousness of the non-discrimination amendments' lack of authority in the selection of men. With the amendments operating as non-discriminatory in title only, the memo writer was well aware of the potential implication should a lawsuit arise. In a way, he predicted the Lynn case, or at least a similar case involving a white draftee.

The memo explains the risks involved with the Act as it was, arguing, "the discrimination involved would be against white persons called before their number was really due to be called, and would provide a reasonable ground that would probably be sustained on appeal."<sup>40</sup> The legal counsel gave a similar argument to that of Judge Clark in his dissent, warning that multiple appeals claiming discrimination "might well shake the very foundations of the civic attitude supporting the Selective Service Act." They went on, suggesting the Army, "devise some means for handling colored persons inducted under the Selective Service Act in accordance with its spirit and terms, rather than seek to avoid the induction of Negroes by any act of circumvention."<sup>41</sup> Again the concern was that too many appeals would bring unwanted attention to the flaws in the Act. There was also the risk of losing the public's support for the Act and quite possibly the war itself (depending on whether the memo was written pre or post Pearl Harbor). Either way the suggestion parallels the main focus of the Lynn case in that the writer encouraged the army to develop a plan to effectively utilize black draftees instead of trying to prevent black induction outright.

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<sup>40</sup> Ibid., 182 appendix item 86.

<sup>41</sup> Ibid.

### Chapter 3

#### The Black Press and African American Resistance to the War

Print media played a significant role during the war years as one of the primary methods of mass communication available to the American public. While broadcast media was also important at the time, this chapter focuses on print journalism in order to gauge the breadth of information regarding the Lynn case as well as the different framing and interpretations that were made available to the public. This chapter analyzes the different articles that appeared in both black and mainstream publications, placing them within a comparative framework, addressing questions such as what the black press said (or didn't say) about the Lynn case and how their portrayal differs from that of the mainstream, predominantly white press.

For the analysis of articles published by the black press, it was sensible to examine not just the paper most local to the case, the New York *Amsterdam News*, but also the larger, and most influential black papers. Hence the analysis includes articles published in the Baltimore *Afro-American*, Pittsburgh *Courier*, and Chicago *Defender*. Supplementing the information in the northern metropolitan papers are pieces from other, slightly less prominent periodicals, the *Norfolk Journal and Guide*, *Cleveland Call and Post*, and the *Atlanta Daily World*. Although many of the articles convey variations of the same information, utilizing newspapers from a cross section of geographical, cultural, and social spheres allows for a stronger sense of how something as remarkable as the Lynn case was reported during a major turning point for American race relations, yet subsequently forgotten by history. Unfortunately, the mainstream publications were

selected more by default than anything else. Few white papers reported on black Americans at all (with the exception of the occasional sensational headline), much less a black “draft dodger” suing the army while the rest of the country was at war. As a result there was little mention of Lynn or the comprehensive issue of segregation in the military.<sup>1</sup> For example, the *New York Times* and *New York Herald Tribune* featured only six articles each between 1942 and 1945.<sup>2</sup>

African American World War II scholarship predominantly focuses around a few select topics such as the Tuskegee Airmen and the “Double V” campaign. In the years directly following the war, and again from the mid-1960s to the mid-1970s, scholars examined the black press during the war years in order to better comprehend the role of the press, opinions of black America, and to gain a clearer understanding of 1940s era black protest.<sup>3</sup> While the *Courier* is widely known for its “Double V” campaign an endeavor later adopted by other black papers as well, initially the black press was highly opposed to America entering the war, specifically due to the unconfirmed role of black American servicemen. As conflict in Europe intensified, many black papers grappled with the question of whether this was exclusively a “white man’s war,” and if so, why should blacks be called to serve? On the other side of the argument were those writers

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<sup>1</sup> The lack of reporting by the white press was specifically addressed in a letter to Walter White from Ashley Totten of the MOWM in February 1943, and again at a conference held by A. Philip Randolph in April 1945 where among other things, it was suggested that conference attendees place a column or purchase ad space in the major daily papers (NY Times, Washington Post, etc.) with “the facts showing that segregation means to the American system and what it is doing to the spirit of the country,” and signed by some of the largest American organizations (NAACP, National Urban League, National Catholic Council). Ashley Totten to Walter White, February 24, 1943, Box B-148; A. Philip Randolph Papers, Box 17.

<sup>2</sup> The majority of historical newspaper articles utilized for this paper were obtained using the ProQuest Historical Newspaper database at the Schomburg Center for Research in Black Culture in Harlem, New York. Other articles were found in the NAACP and A. Philip Randolph papers or through the Google newspaper archive.

<sup>3</sup> Among the scholars examining the black press in the mid to late half of the twentieth century are Lee Finkle, Richard Dalfume, and Harvard Sitkoff.

and editors who believed black citizens deserved the opportunity to serve in all branches of the military, if expected to serve at all.<sup>4</sup> However in the weeks following Pearl Harbor, the press exhibited a drastic change in mentality. Papers were now strongly encouraging the black masses to support the war aims of the nation and embrace their patriotic duty. It was not long before the press lessened its criticism of the war, instead heightening its derision of black war and draft resisters who previously received a fair amount of public support.<sup>5</sup> The overall message was conflicting as the press “continued to denounce the government for discrimination against blacks” while simultaneously pushing for the greater community to “join wholeheartedly in the country’s war effort despite racial proscriptions.”<sup>6</sup> In other words, African Americans were being asked to support the war and fight for their country while disregarding the undisputable hypocrisy of it all.

Before and during the war, black Americans observed the similarities between Jim Crow segregation in the south and laws applied by the Third Reich denoting non-Aryans, and other “aberrants” to second-class citizenship.<sup>7</sup> While the federal government was always a topic of interest in black publications, as war preparations were made the

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<sup>4</sup> Studies conducted during the interwar period on the combat potential of black servicemen in WWI alleged black American men were physically unfit, and emotionally and mentally incapable of engaging in combat. As a result, combined with the under utilization of black troops in WWI, by the Second World War, black Americans were skeptical that they would be called to serve at all, but also wary that history would repeat itself. Osur, 1-5.

<sup>5</sup> Harvard Sitkoff, “African American Militancy in the World War II South: Another Perspective,” in Neil R. McMillen (ed.), *Remaking Dixie Remaking Dixie: The Impact of World War II on the American South*, (Jackson, Miss.: 1997), 73-74; Finkle, 702.

<sup>6</sup> Finkle, 9.

<sup>7</sup> Among the millions of victims who suffered under Nazi occupation were those of the Jewish faith, the Roma (European Gypsies), homosexuals, the mentally ill, the physically challenged, and other non-Aryans considered genetically inferior and or undesirable citizens by the Third Reich. Prior to the ghettoization and genocide of these groups, the Nazis took away most of their rights with initiatives such as Nuremberg Laws and similar government decrees. Donald L. Niewyk, Francis R. Nicosia, “Excluding the “Racially Inferior,” 1933-1939,” In *The Columbia Guide to the Holocaust* (New York: Columbia University Press, 2000).

press intensified its focus and, “began to emphasize more and more the federal government’s relation to Jim Crow in America” in an effort to increase awareness of the nation’s hypocrisy.<sup>8</sup> At the same time, the papers who criticized the federal government for its segregation policies also neglected to openly support the one individual attempting to change part of the system—Winfred Lynn. A strategy implemented by the press to maintain black America’s support of the war effort.

Founded in February 1940, the National Negro Press Association (NNPA) brought black newspaper editors together annually for national meetings. During the war years, these meetings prompted the development of wartime guidelines for the black press as a whole with members affirming their “full support of the war policies of F.D.R. and loyalty to the United States” at each gathering.<sup>9</sup> Whether every black editor in attendance was entirely sincere in these sentiments is doubtful, but this public display of patriotism was likely done for two reasons. The first was to present a united front on the war aims of the black press, especially given the cynicism and ambivalence initially displayed by the larger black community. An old, widely respected institution, the black press came second only to the church in terms of shaping public opinion. Operated by some of the most distinguished black men in America, as a whole, the press generally shared the same primary objectives—to inform, educate, and uplift the race. Following the attack on Pearl Harbor, the press maintained its criticism of segregation and discrimination, but also showed signs of embracing a “close ranks” perspective on the

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<sup>8</sup> Finkle, 61.

<sup>9</sup> Ibid., 60.

war.<sup>10</sup> Eventually many editors became convinced that if black troops were given the opportunity to fight, and not just serve, *this* would be the war to yield a positive change to American race relations—improving the quality of life for blacks and bringing hope for a better future through racial equality.

The second reason the press would reiterate its commitment to the nation's war aims during these meetings was that many black Americans were not subtle when expressing their negative views on America entering the war. Ignorant of the feigned deference black Americans perfected across generations as a safety mechanism, government officials believed the community's overt anti-war position and increased militancy were simply a morale problem. Perhaps if the government had stopped to think, they would have realized that after centuries of slavery, decades of systematic and legal oppression, empty promises of equality, and innumerable acts of violence, asking African Americans to fight and die for white America was the problem.<sup>11</sup> But, again, Pearl Harbor changed things, and for many the sense of national duty prevailed, compelling thousands to enlist. However the majority still needed convincing, particularly after it was made clear that fighting fascism in Europe and Japanese imperialism in the Pacific had no effect on racial violence at home after the first lynching occurred in 1942.<sup>12</sup> It was

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<sup>10</sup> "Close Ranks" is an editorial written by Dr. W.E.B. Du Bois for *Crisis* in July 1918 encouraging black Americans to put aside their grievances with the government in order to support the Great War. Finkle, *Forum*, 112.; Finkle, *Militant Rhetoric*, 713.

<sup>11</sup> Seemingly it did not occur to the government that black Americans might resent being asked to lay down their lives in defense of a country that continually denied them the same rights as other, non-black citizens. The benevolent master mentality, originating from slavery tainted the minds of many white Americans, especially in the government, making them blind to the true feelings of those they oppressed. See Hill, 2.

<sup>12</sup> On January 25, 1942 Cleo Wright was removed from jail and lynched in Sikeston, Missouri for allegedly assaulting a white woman. The first lynching victim after Pearl Harbor, nationwide the black community was infuriated when no charges were filed on Wright's murderers or local police officials. *Ibid.*, 8.



not long before the press realized it was up to them to “encourage their readers to feel that, despite segregation, discrimination, and violence directed against blacks in the services, they must insist on serving in all branches.”<sup>13</sup> Regardless of their valiant efforts, black wartime morale continued to plague the press, military, and other branches of the government throughout the war.

Fearing the morale problem could leave the black community vulnerable to pro-Axis or pro-Communist propaganda, on June 22, 1942, the F.B.I. launched an investigation of the black press and prominent black leaders at the behest of its Director, J. Edgar Hoover.<sup>14</sup> As the inquiry was underway, Hoover also instructed FBI field agents that:

‘in the event that any individual or organization is discovered disseminating propaganda to the American negroes which tends to create unrest or dissatisfaction in the American form of Government, individual cases [should] be opened and...these cases [should] be vigorously followed for possible prosecution under the Sedition Statutes, Selective Service Act, Registration Act or Voorhis Act’.<sup>15</sup>

As a result of Hoover’s legendary, albeit controversial, enthusiasm for preserving national security, the perpetually image conscious black press, which often erred on the conservative side, had to be doubly sure its widespread message was undeniably patriotic. Any outside misconception that the press was promoting militancy, encouraging or condoning civil unrest, or anything similar could cause untold harm to the greater war

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<sup>13</sup> Finkle, 121

<sup>14</sup> Hoover ordered the *Survey of Racial Conditions* on June 22, 1942 with the final version presented to him on September 10, 1943. This information was deemed “Secret,” compiled by the Security Division of the FBI, and a full, unrestricted copy was not made available to the public until 1979. For further information, see Hill, 7-8.

<sup>15</sup> Letter, J. Edgar Hoover, FBI to SAC Albany, etc., Re: FOREIGN-INSPIRED AGITATION AMONG THE AMERICAN NEGROES; INTERNAL SECURITY, 3/10/42, no. 108, series 142, Bureau File 100-135-57 quoted in Hill, 17.

aims of the black community. With the potential future of improved race relations at stake, there was no time for misinterpretation by pro-war white America or its government. This left the press with little choice but to safeguard itself as much as possible against accusations of race baiting, or being unpatriotic. Additionally, throughout the war, the black press was subject to intense scrutiny from the Office of War Information (OWI) and heavy censorship regarding the actions and accomplishments of black troops.<sup>16</sup> Censorship from the War Department and OWI notwithstanding, the influence of the black press grew exponentially during the war years with an estimated four million readers each week.<sup>17</sup>

Despite its obscurity in twenty-first century American historical scholarship, the Lynn case was very important in its time. While publicity was limited in comparison to other war news, this was in no way indicative of the case's possible impact on race relations in the military, civilian life, or federal legislation; if anything it demonstrates the case's significance as it relates to these issues. With the government censoring so much of the black war news and morale critically low, it is no wonder the Lynn case received so little attention. One imagines the military wanted nothing more than for the Lynn case to conveniently disappear, an accomplishable feat without public support for Lynn's cause.

Similar to the NAACP, the black press exhibited a wavering stance on its feelings towards African American conscientious objectors and draft resisters that varied

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<sup>16</sup> Lee, 383-387; Phillips, 20-39; Russell A. Buchanan, *Black Americans in World War II*. (Santa Barbara, Cali.: Clio Press, 1977), 80-82.

<sup>17</sup> Finkle, *Forum*, 54; Brie, Henry G.. "World War II and the Black Press," In *Perspectives of the Black Press: 1974*, (Kennebunkport, Me.: Mercer House Press, 1974), 33-34; Charlotte O'Kelly, "Black Newspapers and the Black Protest Movement: Their Historical Relationship, 1827-1945," *Phylon* vol. 43, no. 1 (1st Qtr., 1982), 8.

somewhat by publication and the individual(s) in question. By the time the country was fully engaged in the war, the press's outlook had changed and editors now felt "an exemplary war record would aid the black community in gaining equality," a view that was heavily promoted upon readers.<sup>18</sup> This meant that although the press reported on draft resister cases, it could not appear to actively support such endeavors, a paradox that obscures the press's true position on Lynn's case. For example, the *Afro-American* strongly opposed Lewis Jones's case against racialized conscription, yet published over twenty articles about the Lynn case between 1942 and 1945. Why the paper provided such substantial coverage of Lynn is not known, but no less odd, especially given that the Lynn and Jones cases bore more similarities than differences. If viewed in the simplest terms, the only real distinction is that Jones accepted a prison sentence and Lynn sued the military while serving by default. Even so, Lynn readily admitted he would have taken the prison time if it would help his case, and one may speculate that if Jones's counsel thought to sue the army for discrimination, they would have.<sup>19</sup>

Throughout its proceedings, the black press reported on the Lynn case in articles that were often either identical or fairly indistinguishable from one another in terms of content. However the frequency, placement, and length of articles typically differed with each paper.<sup>20</sup> The *Afro-American* published the most stories between its national and city editions, with pieces typically making it onto the front page. This comes as a surprise given the *Afro*'s strict opposition to the Lewis Jones case that same year. The second

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<sup>18</sup> Finkle, 61.

<sup>19</sup> Melvin B. Johnson, "Court Declines to Pass Upon Colored Quotas," *Baltimore Afro-American*, January 9, 1943, 1.

<sup>20</sup> In some cases, the same article regarding Lynn was reprinted in one or more black newspapers.

most articles were featured in the *Courier* with twelve, followed by the *Defender*'s national edition that had nine. The *Amsterdam News* released eight stories on Lynn, one of which was simply a review of the March on Washington Movement's pamphlet, *The War's Greatest Scandal! The Story of Jim Crow in Uniform*. Outside of these large publications, a total of nine articles were printed between the *Atlanta Daily World*, *Cleveland Call and Post*, *New York Age*, *Philadelphia Tribune*, *Norfolk Journal and Guide*, and the *North Carolina Times*.

Generally, articles about the case offered little opinion to no opinion, opting instead to report facts, another tactic to show the papers did not directly support Lynn's cause. Instead, straightforward opinions were typically found in weekly columns or letters to the editor. In these instances, Lynn's advocates were not always the most outspoken, as was the case with *Defender* columnist Charley Cherokee whose brusque report of the Second Circuit Court of Appeals decision criticizes Lynn as "the one guy with no case for a test," despite the availability of "about a half million colored draftees with clear-cut, open-and-shut cases." Undoubtedly morale for Lynn's cause was low since the case lost its appeal a few days earlier, but Cherokee's cynicism was far from necessary and slightly unfounded. Granted, Lynn's delinquent induction increased the likelihood that the case would only progress to a certain point. However, when the ACLU publicly searched for cases to test the draft law before the U.S. entered the war, there were none to be found.<sup>21</sup> Cherokee's comment, though fairly innocuous, serves as little more than hindsight as it can be easier to find fault with the case after the court renders its decision. While other papers reported the decision objectively, with the hope that the Supreme Court would overturn the ruling, a reasonable aspiration implied in Judge

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<sup>21</sup> Walker, 165.

Campbell's dissent, Cherokee remarked "the U.S. Circuit court had to rule against him. Civil Liberties Union will appeal...but the high tribunal will have to support the Circuit court."<sup>22</sup> The following week, *Amsterdam News* columnist S.W. Garlington referred to Lynn as "*Winfred Martyr to Abolish Army Jim Crow Lynn*" in a recap of the Honor Roll of Race Relations for 1943 published the week before.<sup>23</sup> Among the other honorees were W.E.B. DuBois, Lena Horne, Benjamin O. Davis, Jr., and the 99<sup>th</sup> Pursuit Squadron. Yet for some reason, Col Davis was the only other individual Garlington chose to mock.<sup>24</sup>

Another exception to the lack of opinion was featured in the *Call and Post* in June 1944. The unnamed author provides an unabashedly candid understanding of the Supreme Court's decision to uphold the case as moot and accuses the Court of evading the central dispute:

This amazing pronouncement of the Supreme Court, which bids fair to make legal history, ignores the reasons why Lynn is no longer in Colonel Downer's custody, which is, of course, that he is a soldier in the Army and was ordered overseas to the Pacific area several months ago. The government's right hand, the Supreme Court, apparently takes no responsibility for what the Government's left hand, the Army, is doing.

Thus was born the Supreme Court's great Moot Suit. This issue, of course has been pulled out of a hat at the last moment. The question of 'mootness' was not even raised in the lower courts. The entire purpose of the Court's maneuver is therefore to avoid the issues: Does the Court sanction discrimination and segregation in selecting our thirteen million Negro citizens for the armed forces or are the military authorities acting illegally?<sup>25</sup>

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<sup>22</sup> Charley Cherokee, "National Grapevine," *Chicago Defender*, February 19, 1944, 13.

<sup>23</sup> S.W. Garlington, "Pointed Points," *New York Amsterdam News*, February 26, 1944.

<sup>24</sup> "Race Relations Honor Roll," *New York Amsterdam News*, February 19, 1944, 6.

<sup>25</sup> "EXPECT TO FILE FOR REHEARING IN WILFRED LYNN CASE; SUPREME COURT FOUND CASE 'TOO HOT TO HANDLE,'" *Cleveland Call and Post*, June 10, 1944, 1B.

However the tone exhibited here was an uncommon response to the Court's decision. Most articles following the Supreme Court's refusal to hear the case state the simple facts.

An early article from the *Afro-American* titled "Habeas Corpus Writ Gives Man Chance to Test Draft Law," was informative, yet fairly short. Interestingly, it mentions Lewis Jones, another black draft resister the *Afro* had attempted to discredit a few months prior when they sent a reporter to conduct an interview that doubled as a psychological evaluation that concluded Jones was of sound mind and strong conviction.<sup>26</sup> The Lynn case is described as "the first test of that section of the Selective Service law forbidding discrimination on account of race or color in 'selection and training'."<sup>27</sup> The author also provides a breakdown of Lynn's defense strategy, which relied heavily on the Fourteenth Amendment to the Constitution. Comparing this tactic with that of Jones, which the *Afro* claims, "did not prove sufficiently strong...to bring a victory over separate army training."<sup>28</sup> While the article is completely objective in its portrayal of the case, it is also perplexing that the same paper that questioned Lewis Jones's sanity describes the early proceedings of the Lynn case as having "cleared the way for the test of separate training areas for the two races and the final decision in the case is expected to have far-reaching effects."<sup>29</sup> Though, to be fair, the *Afro*'s depiction of the Lynn case could also be attributed to everyday editorial inconsistencies.

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<sup>26</sup> Carter, *Afro-American*, November 7, 1942, 1.

<sup>27</sup> "Habeas Corpus Writ Gives Man Chance to Test Draft Law," Baltimore *Afro-American*, December 29, 1942.

<sup>28</sup> Ibid. This particular article insinuates that Jones's defense also depended largely on the Fourteenth Amendment, though the outcome was unsuccessful.

<sup>29</sup> Ibid.

Other articles published between November 1942 and mid 1943 uphold the trend of objective reporting with most of the pieces focusing on the undisputed facts of the case. The early stories, more so than those printed towards the end of the case tended to quote Lynn's letter to the draft board explaining his refusal to adhere to the army's policy of segregation. This minimal distinction, which is relatively unnoticeable in articles featured in the black press, is slightly unnerving in the mainstream press. Its omission, leaves readers open to a profound misunderstanding of Lynn's struggle and perpetuating negative stereotypes about black men's cowardice.

Without question, the majority of the case's limited publicity was a result of the audacious work by socialist writer and black protest supporter Dwight MacDonald. Alongside his wife Nancy, MacDonald produced the most thorough and assertive articles on the Lynn case. In his journal *Politics*, MacDonald accurately and eloquently conveyed the plight of black America, while persistently stressing the importance of the Lynn case, and questioning the rationale behind fighting a war for democracy with a Jim Crow army.

*Nowhere do the colored people of America feel more keenly the contradiction between ideology and practice in this war than in the armed forces, where they are segregated, by an agency of the Federal Government itself, with a thoroughness they had previously experienced only in the Deep South.*<sup>30</sup>

Each of his articles served to inform, update, and educate the reader about the case proceedings and its relevance to the postwar social aims of the greater black community. While members of the black press were self-restrained in their ability to outwardly support Lynn, and the mainstream press virtually ignored the case, MacDonald possessed a vested personal interest in Winfred Lynn and the defeat of Jim Crow in the American

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<sup>30</sup> Dwight MacDonald, "Free and Equal," *Politics*, vol 1 no 1, (February 1944), 23. Italics original.

armed services.<sup>31</sup> Where MacDonald's writing differs from that of other reports of the case is that he made a concerted effort to humanize Lynn whenever possible and commend his moral fortitude; "that this test is being made at all is entirely due to the fact that Winfred Lynn, in a quiet way, is a very determined person."<sup>32</sup> MacDonald also found ways to remind the reader that Lynn's draft objection was purely grounded in the existence and use of a racialized military by including the case background in varying levels of detail. A seemingly indispensable part of every one of MacDonald's Lynn articles was the fact that this was "*the only court test of military Jimcrow [sic] to be made so far in this war.*"<sup>33</sup>

Confident in his right to an opinion, oftentimes MacDonald was indiscriminate in his criticism of the military, federal government, or anyone else he believed to be an obstacle to Lynn's legal success and or the advancement towards equal rights for blacks Americans. Following the verdict of the Circuit Court of Appeals, which MacDonald initially viewed favorably, he decided to "make some criticisms...of the way the case is being handled by Conrad Lynn's successor, Arthur Garfield Hays."<sup>34</sup> MacDonald claimed his fault-findings were intended to "raise a much broader issue than the Lynn case itself: the conflict between legal expediency and social purpose that often arises in

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<sup>31</sup> Both Dwight and Nancy MacDonald were on the board of the Lynn Committee, producing literature such as "The War's Greatest Scandal" pamphlet.

<sup>32</sup> Dwight MacDonald, "The Novel Case of Winfred Lynn," *The Nation*, vol. 156, no 8, (February 20, 1943), 268.

<sup>33</sup> Each of MacDonald's seven articles on the Lynn case contained some variation of the same phrase acknowledging this as the first test of the 1940 Draft Act. Dwight MacDonald, "Free and Equal," *Politics*, vol 1. no 1 (February 1944), 23. Italics original.

<sup>34</sup> Dwight MacDonald, "Intelligence Office," *Politics*, vol 1, no 3, April, 1944, 85.



cases of this kind, especially in wartime.”<sup>35</sup> MacDonald’s article, the tone of which falls somewhere between lecture and rant, primarily concentrates on the modified legal strategy that occurred when Conrad Lynn entered the army and Arthur Garfield Hays took over as primary counsel. Conrad Lynn’s original brief which generated MacDonald’s first interest in the case, predominantly focused on the notion that segregation is discrimination. In the first issue of *Politics* in February 1944, MacDonald remarked the case, “*does not confine itself to legal technicalities, but cuts to the heart of the issue, arguing in broad and historical terms.*”<sup>36</sup> However, the revised approach that centered on the questionable nature of racialized quotas and separate call lists for draftees did not sit well for MacDonald who accused Hays of removing all “relevance to this issue” leaving the case “reduced to a Mandarin-like legalistic quibbling.” From there, MacDonald asks, “Is the object of the Lynn case to win a legal victory, or to test certain principles? For there may, unfortunately, be a conflict between these two aims.”<sup>37</sup>

Apart from MacDonald’s baseless criticism of Hays’ legal tactics, what makes this article distinctive is his unflinching candor. MacDonald not only cared immensely about Lynn’s case, he also possessed an acute interest in the legal rights of all black citizens, something most white men would not have committed to print in the 1940s. Additionally, this particular article surpasses the extent to which MacDonald would typically humanize Lynn, fully supporting his fight towards the disintegration of racial barriers in American society.

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<sup>35</sup> MacDonald, *Politics* April 1944, 85.

<sup>36</sup> MacDonald, *Politics*, February 1944, 23.

<sup>37</sup> MacDonald, *Politics*, April 1944, 86

In order to appreciate the noteworthiness of MacDonald's articles in terms of relevance, and clarity, one need only see how other journalists in the mainstream press handled the case. Quantitatively, the most subjective commentary and analysis of the case proceedings in any publication, black or otherwise, was offered by MacDonald in his articles for *The Nation* and *Politics*, however, the New York *Herald Tribune* provided a different, albeit extremely one-dimensional portrayal of Lynn. Featured on page twelve, the first article from December 1942, is comprised of two sentences relaying the simple fact that Lynn's petition for a *habeas corpus* writ was denied and he was "charge[d] with evading the draft."<sup>38</sup> Unlike pieces featured in the *Afro* or *Politics*, this article excludes all details as to precisely why Lynn refused induction in the first place. In fact, of the six times the *Herald Tribune* mentions Lynn between 1942 and 1945, all of the articles fail to convey the importance of his struggle or the rationale behind it.

A piece from February 1944 reporting the unsuccessful appeal to the Second Circuit Court misrepresents Lynn's central argument, implying his suit was based solely on the use of racialized quotas, omitting the key fact that the Selective Training and Service Act contained two separate nondiscrimination amendments intended to prevent such events from transpiring. The author dedicates more of the article to supporting the majority ruling of Judges Thomas W. Swan and Augustus N. Hand, whose "two-to-one decision, that there is no discrimination in the practice of New York City draft authorities of requisitioning separate quotas for whites and Negroes into the armed forces" was of

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<sup>38</sup> "Habeas Corpus Petition Dismissed in Draft Case," *New York Herald Tribune*, December 5, 1942, 12.

seemingly greater importance than Lynn or Judge Clark, (the dissenting judge).<sup>39</sup> Though the crux of Clark's dissent is paraphrased, the language attempts to conceal the fact that Lynn's case is a direct opposition to Section 4(a) of the Selective Training and Service Act, which the author refers to as "a prohibition contained in the selective service act against discrimination because of race or color."<sup>40</sup> Nowhere is it reported that Lynn attempted to discuss his objection with the local draft board prior to induction nor his willingness to accept a prison sentence. For the reader unfamiliar with the case at this point, Lynn was portrayed simply as a draft evader, not a champion for equal rights. Furthermore, there is no hint that there would be an appeal to the Supreme Court, and again, no background information to provide readers with a clear foundation to comprehend the significance of the case. This article clearly favors the majority decision which points to the historical presence of segregated army units, but also desires for readers to remain ignorant of the case proceedings, the goals of Lynn and his counsel, and the fact that segregation was being reexamined and potentially outlawed. Two months later, when the Supreme Court declined to hear the case, the paper maintained its minimalistic reporting style of questionable neutrality. Once again Lynn's is presented as a mere draft dodger, his case described as "a Negro's protest that he was unlawfully inducted into the Army, because, he said, he was selected under a 'Negro quota' in violation of a provision against discrimination in the selective service act."<sup>41</sup>

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<sup>39</sup> "Appeals Court Upholds Negro Quotas in Draft: Finds No Discrimination in New York Practice," *New York Herald Tribune*, February 4, 1944, 21A.

<sup>40</sup> Ibid.

<sup>41</sup> "Supreme Court Rules on Legal Immunity Issue," *New York Herald Tribune*, May 30, 1944, 28.

Reports of the Lynn case featured in the *New York Times* bore a moderate resemblance to those in the *Herald Tribune*. A total of six articles published between 1942 and 1945 mention Lynn, three of which concentrated exclusively on the case. The first appeared on December 5, 1942 just as Lynn unsuccessfully petitioned Judge Byers for the *habeas corpus* writ. The author describes the case as having “raised for the first time the question of discrimination against a Negro in the operation of the Selective Service Act.”<sup>42</sup> Phrased in this way, the author is suggesting a separate case was (or would be) brought against the Selective Service for discrimination against white or other non-black draftees.<sup>43</sup>

The case was not mentioned again until the following December when the speciously titled article “SEEKS TO ESCAPE ARMY: Alleged Draft Evader Says He Was Called Out of Turn” described Lynn as “a Negro who, according to the Government was a draft delinquent when inducted into the Army in September, 1942” and submitted to the court a “request for release from military service.”<sup>44</sup> Not only does this author present inaccurate information about Lynn’s induction, which actually occurred in December 1942, but from the outset attempts to downgrade the purpose of the case, incorrectly citing the section of the Draft Act under dispute.<sup>45</sup> Two months later in the

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<sup>42</sup> “NEGRO DRAFT ISSUE DEFEATED IN COURT: Inductee Who Charged Bias Must Stand Trial,” *New York Times*, December 5, 1942, 11.

<sup>43</sup> The fact that a non-black draftee did not initiate a discrimination case is somewhat surprising yet perfectly rational as the use of racialized quotas more than likely called tens, if not hundreds of thousands of white and other non-black registrants to service out of turn. Nevertheless, the fact that a non-black did not approach the court is also rational as the culture of the times suggests discrimination was something white people rarely or knowingly experienced. See Special Monograph No. 10., vol. 2, 182-183 appendix item 86.

<sup>44</sup> “SEEKS TO ESCAPE ARMY,” *New York Times*, December 9, 1943. 13.

<sup>45</sup> The article erroneously references “Section 44 of the Selective Service Act” instead of Section 4(a) where the nondiscrimination clause for draftees is located.

wake of the Circuit Court's decision, the *Times* published another article this time implying that Lynn objected to the notion of military service in general, before vaguely explaining his aversion to segregated service and the case history. The bulk of the piece objectively conveys the court's majority and dissenting opinions, however the greater significance of the case remains unaddressed as does any notion of an appeal to the Supreme Court. This was the last time *Lynn v. Downer* was covered by the *Times* in detail.<sup>46</sup>

Whereas the black press and MacDonald customarily reiterated this case as the premier test of segregation within a federal institution, the topic of plausible legal precedents for black Americans was not of great importance to readers of the *Times* or *Herald Tribune*, indicated by the paucity of coverage and abundance of misprints between the two publications. One can only surmise that while the black community and federal government viewed Lynn as either a hero or a nuisance, the mainstream press thought little of him, his campaign, or his potential to elicit social change.

By examining the media attention given to the Lynn case, two things are evident. First, the changing stance of black leaders and organizations such as the NAACP and March on Washington Movement, both of which refused their assistance in the fall of 1942 but greatly encouraged the public's support by 1944. Interestingly, some of the boldest statements about the case came from C. Brown of the MOWM, and Wilfred Kerr, head of the Brooklyn chapter of the NAACP. Second, the press couldn't show complete solidarity with Lynn without jeopardizing the greater message to black America that their

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<sup>46</sup> The case is included as part of a greater update on proceedings in the Supreme Court in December 1944 and January 1945. Individually Lynn is mentioned in the *Times* coverage of the 1943 Race Relations Honor Roll, "for his fight through the courts to abolish Jim Crow from the armed forces." "18 ON HONOR ROLL OF RACE RELATIONS," *New York Times*, February 3, 1944, 42.

efforts were “essential” to winning the war. Arguably this notion is applicable to both the black and mainstream press, as a white draftee contesting the draft law would have proven detrimental to the war.

## Conclusion

The purpose of this work is not only to bring exposure to *Lynn v. Downer* and black draft resistance in World War II, but also demonstrate the significance of black protest during this pivotal time in American history. Without Lynn's suit against the army, the issue of racial segregation in federal institutions might have taken years or decades to challenge legally. As it was, the Lynn case opened the door to the Supreme Court for other segregation cases such as *Bolling v. Sharpe*, and *Brown v. Board of Education*. If nothing else, Lynn's struggle augmented preexisting dialogue about the social status of black Americans and the prospective end to legal segregation. It also showed black America that it was both possible and worthwhile to challenge segregation in court.

This war was a fundamental crusade against evil, its outcome of such grave importance that everyday distinctions between right and wrong were forcibly obscured by the unmitigated circumstances occurring overseas. Between the genocide transpiring in Europe and the resolve of the Japanese military, the objective was clear—the Allies had to win by any means necessary. In order for this to happen, certain concessions had to be made across the board. For example, U.S. Attorney General Francis Biddle, a staunch advocate of civil liberties had little choice but to permit the execution of six accused Nazi saboteurs following the verdict of a constitutionally questionable military tribunal.<sup>1</sup> That type of action was carried out for the safety and benefit of the nation as a whole and its

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<sup>1</sup> Jonathan Lurie, *The Supreme Court and Military Justice*, (London: SAGE Publications, Inc., 2013), 87.

war aims. It was this same line of reasoning (sacrifices made for the greater good) that meant the Lynn case *could not* succeed.<sup>2</sup>

Despite mounting evidence that Lynn's dispute was valid, as difficult as this is to admit, it was not in the best interest of the American people for the Supreme Court to hear the case while the country was at war.. Had the Court heard the case, it likely would have yielded complex, unfavorable results for black America. First, it is wholly possible and highly probable that the war would have ended before the Court made a decision or heard the case argued at all. The American justice system is nothing if not sluggish, especially when appealing to the Supreme Court. It would have taken years to reach a verdict and by then the case would have far less importance, as the war would be over. Postwar race relations remained fragile in the U.S. for decades, but directly following the war, the public was ready to move forward and resume everyday life. The sacrifice and victory would be remembered and commemorated, but otherwise people did not wish to look back any more than necessary.

Second, if the Court heard the case and it lost, the implications would have made life worse for black America by confirming that segregation and discrimination were perfectly legal in federal institutions. As a result, the limited legal rights of black Americans would have systematically disappeared, further impeding the quest for constitutional personhood generations of blacks fought to obtain.<sup>3</sup> Last, the country was unprepared for the level of social change a favorable verdict would produce. When one considers that it took some school districts several years to integrate following the *Brown*

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<sup>2</sup> During times of war civilian courts, particularly the Supreme Court of the United States are subject to pressure from the presiding President, the presidential administration, and the armed services in the handling of military related cases. See Lurie, *The Supreme Court and Military Justice*.

<sup>3</sup> See chapter 1, note 28.



decision which occurred nearly ten years after the war, Americans were ill prepared for anything resembling racial equality. Admitting to the military's flagrant violation of the Selective Service Act was tantamount to saying "blacks are Americans too," and the government was not about to do something so radical.

In a report released in 1953 by the U.S. Army, it was disclosed that if the Lynn case were argued on its own merits, it would have triumphed in court.<sup>4</sup> Unfortunately with the country in the midst of two wars (one on each front) in the eyes of the government, social change was not a pressing issue, and the government was not in a position to admit to dissembling the truth behind the Selective Service Act's nondiscrimination amendments. As frankly, both the Wagner and Fish amendments were added to the Selective Training and Service Act in part to appease black leaders and persuade them to support the war effort with the hope that the larger black community would follow suit. For several reasons, the best and most logical option for the Supreme Court was the one they made in refusing to hear the case. Upon first examination, the Lynn case appears to be a straightforward issue of racial discrimination. However one must first take into account the effect of its historical context in order to view the case and its outcome objectively.

The war years were a trying time fraught with notions of nationalistic conformity and deplorable race relations. At the same time, America was on the precipice of reshaping its race relations in terms of the black/white binary. Gunnar Myrdal wrote, "While the Negro was almost as effectively disfranchised in the South in the years before the outbreak of the present War as he has ever been, our judgment, when taking all these changes into account, thus was that his political position was potentially much stronger

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<sup>4</sup> Special Monograph No. 10,, vol. 1, 50.

and that his gradual enfranchisement was bound to come.”<sup>5</sup> Myrdal also observed that the mentality of all Americans was inching towards a more tolerant stance, particularly in the south where “the ‘no social equality’ theory was not quite so rigid as in earlier generations.”<sup>6</sup>

Historians debate the “origins” of the Modern Civil Rights Movement. However, the most conventional timeline begins with the 1954 school desegregation cases labeled *Brown v. Board of Education of Topeka*. This restrictive chronology suggests African American resistance to Jim Crow segregation and its legal form of second-class citizenship “began” more than halfway through the twentieth century. The tremendous agency displayed by African Americans before, during, and directly following World War II prove otherwise.

If nothing else, the Lynn case tells us that there remains much to be examined and added to the master narrative of black World War II history especially in regards to displays of activism and war participation. In particular reference to the relatively unknown black war resister Lewis Jones, it shows that for some individuals (Lynn included), a prison sentence was considered an acceptable sacrifice for maintaining one’s personal scruples. The same can be said of renowned civil rights activist Bayard Rustin.<sup>7</sup> While going to prison has become a sort of right of passage for those dedicated to social justice, war resisters like Jones and Rustin may have influenced the next generation of civil rights activists just as much as black World War II combat veterans.

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<sup>5</sup> Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy*, 20<sup>th</sup> Anniversary ed. (New York: Harper & Row, 1962), 1000.

<sup>6</sup> Ibid., 998.

<sup>7</sup> Scott H. Bennett, ed. *Army GI, Pacifist CO: The World War II Letters of Frank and Albert Dietrich*, (New York: Fordham University Press, 2005), 12.

Much the same as those who came before and after, Winfred Lynn dared to remove the mask of deference African Americans wore for generations until granted “equal” rights in 1964.<sup>8</sup> The Lynn case is a bittersweet example of early attempts made by members of the black community to combat racial segregation through the courts and federal legislation. Were it not for the courage of Winfred Lynn, and the legal expertise and tenacity of Conrad Lynn, Arthur Garfield Hays, and Gerald Weatherly, I am confident that this paper would not exist. For without Conrad Lynn’s original brief arguing segregation *IS* unquestionably discrimination, the Supreme Court might have ruled differently in 1954. In other words, without the Lynn case, federal legislation outlawing segregation could have taken much longer, if it happened at all.

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<sup>8</sup> The mask of deference refers to the renowned poem *We Wear the Mask* by Paul Lawrence Dunbar, a significant work used by numerous black history scholars to symbolize the level of feinting implemented by generations of African Americans to ensure safety and survival when engaging with whites. Despite the many sacrifices that culminated in the success of the Civil Rights Act of 1964 and the resultant progress since then, black Americans continue to struggle for full equality in the eyes of the law and society as evidenced by the disproportionate incarceration rate and police use of excessive force against black men that plagues our nation today. Until the day comes when black Americans cease to be feared and criminalized based on the color of their skin, and *all* Americans are treated fairly in accordance with our Constitutional rights, the notion of equality will remain an ideal. For now, we must continue the fight for freedom in order to form a more perfect union.

## Bibliography

### Archival and Manuscript Collections

A. Philip Randolph Papers, Library of Congress Manuscript Division. Washington D.C.

NAACP Papers. Library of Congress Manuscript Division. Washington D.C.

### Historic Newspapers

*Afro-American*

*Atlanta Daily World*

*Carolina Times*

*Cleveland Call and Post*

*Chicago Defender*

*New York Age*

*New York Amsterdam News*

*New York Herald Tribune*

*New York Times*

*Norfolk Journal and Guide*

*Pittsburgh Courier*

*Philadelphia Tribune*

### Government and Court Documents

United States ex rel. Lynn v. Downer, 322, U.S. 756 (1944)

Fahy, Charles, Tom C. Clark, Robert S. Erdahi, Ralph F. Fuchs, Beatrice Rosenberg.  
Memorandum For The United States In Reply To Petition For Rehearing  
November 1944.

———, Chester T. Lane, Edward G. Jennings. Petition For A Writ Of Certiorari To  
United States Circuit Court Of Appeals For The Second Circuit. May 1944.

Hastie, William, Thurgood Marshall, Leon A. Ransom, Milton R. Konvitz. Brief On The  
Behalf Of The National Association For The Advancement Of Colored People,  
*Amicus Curiae*. May 1944.

———. Brief On The Behalf Of The National Association For The Advancement Of Colored People, *Amicus Curiae*, On Petition For Rehearing Application For Writ of Certiorari. June 1944.

Hays, Arthur Garfield, Gerald Weatherly. Petition For A Writ Of Certiorari To The United States Circuit Court Of Appeals For The Second Circuit And Brief In Support Thereof. April 1944.

———. Petitioner's Reply To Memorandum For The United States In Reply To Petition For Rehearing. November 1944.

Lynn, Conrad. "Brief For Relator: United States District Court Eastern District of New York. United States of America ex rel. Winfred Lynn, Relator against Colonel John W. Downer, Commanding Officer at Camp Upton, New York, Respondent." Reprinted in *Politics* vol. 1 no. 1 (February 1944): 23-26.

———, Albert C. Gilbert. Brief In Support Of Petition For Certiorari. April 1944.

Lynn, Winfred William, Arthur Garfield Hays, Gerald Weatherly. Petition For Rehearing Application For Writ of Certiorari. June 1944.

United States Selective Service System *Special Groups* .Special Monograph, No. 10. 2 vols. Government Printing Office: Washington D.C.. 1953.

## Secondary Sources

Anderson, Richard C.. *Peace Was In Their Hearts: Conscientious Objectors in World War II*. Watsonville, Calif.: Correlan Publications, 1994.

Bennett, Scott H.. *Radical Pacifism: the War Resisters League and Gandhian Nonviolence in America, 1915-1963*. Syracuse, NY: Syracuse University Press, 2003.

Bond, Horace Mann. "Should the Negro Care Who Wins the War?." *Annals of the American Academy of Political and Social Science*. vol. 223 (Sept., 1942): 81-84.

Buchanan, Russell A.. *Black Americans in World War II*. (Santa Barbara, Cali.: Clio Press, 1977).

Cornell, Julien. "Exemption From the Draft: A Study in Civil Liberties." *Yale Law Journal*. no. 56 (1946): 258-275.

Dalfiume, Richard M.. *Desegregation of the U.S. Armed Forces: Fighting On Two Fronts 1939-1953*. Columbia: University of Missouri Press, 1969.

———. “The Forgotten Years of the Negro Revolution.” *The Journal of American History*. no. 55 (June 1968): 90-106.

Dietrich, Frank, Christine Dietrich, Scott H. Bennett. ed. *Army GI, pacifist CO: the World War II Letters of Frank and Albert Dietrich*. New York: Fordham University Press, 2005.

Davis, Ralph N.. “The Negro Newspapers and the War.” *Sociology and Social Research*. vol. 27 (March-April 1943): 373-78.

Finkle, Lee. *Forum For Protest: The Black Press During World War II*. Cranbury, New Jersey: Associated University Presses, Inc., 1975.

———. “The Conservative Aims of Militant Rhetoric: Black Protest During World War II.” *The Journal of American History*. vol. 60 no. 3 (Dec., 1973): 692-713.

Flynn, George Q.. “Selective Service and American Blacks During World War II.” *The Journal of Negro History*. vol. 69, no. 1 (Winter, 1984): 14-25.

Graham, Herman, III. *The Brothers’ Vietnam War: Black Power, Manhood, and the Military Experience*. Gainesville, FL: University Press of Florida, 2003.

"Habeas Corpus." Cornell University Law School, Legal Information Institute. Accessed April 18, 2015. [https://www.law.cornell.edu/wex/habeas\\_corpus](https://www.law.cornell.edu/wex/habeas_corpus).

Hays, Arthur Garfield. “Rejoinder By Mr. Hays.” *Politics*. vol. 1 no. 3 (April 1944): 88.

Higginbotham, F. Michael. Soldiers For Justice: The Role of the Tuskegee Airmen in the Desegregation of the American Armed Forces.” *William & Mary Bill of Rights Journal*. vol, 8 no. 2 (February 2000): 273-321.

Hill, Robert A..ed.. *The FBI's RACON: Racial Conditions in the United States during World War II*. Boston: Northeastern University Press. 1995.

“History of Brown v. Board of Education.” USCourts.gov. 2001. Accessed April 13, 2015. <http://www.uscourts.gov/educational-resources/get-involved/federal-court-activities/brown-board-education-re-enactment/history.aspx>

Johnson, Charles S.. *To Stem This Tide: A Survey of Racial Tension Areas in the United States*. Boston: Pilgrim Press, 1943.

Johnson, Guion Griffis. “The Impact of War Upon the Negro.” *The Journal of Negro Education*. vol. 10 no. 3 (July 1941): 596-611.

- Johnson, Ernest. "The Negro Press Reacts to War". *Interracial Review*. vol. 15 (March, 1942): 39-41.
- Jones, William P.. *The March on Washington: Jobs, Freedom and the Forgotten History of Civil Rights*. New York: W.W. Norton & Company. 2013.
- Kellogg, Peter. "Civil Rights Consciousness in the 1940s." *The Historian*. vol. 42 (Nov., 1979). 18-41.
- Krehibel, Nicholas A.. *General Lewis B. Hershey and Conscientious Objection During World War II*. Columbia, M.O.: University of Missouri Press, 2011.
- Lee, Ulysses. *The Employment of Negro Troops*. Washington, D.C.: Office of the Chief of Military History, U.S. Army:, 1966.
- Lawrence, Ken. "Thirty Years of Selective Service Racism." *National Black Draft Counselors*. 1971.
- Lentz-Smith, Adriane Danette. *Freedom Struggles: African Americans in World War I*, Cambridge, Mass.: Harvard University Press.
- Lurie, Jonathan. *The Supreme Court and Military Justice*. London: SAGE Publications, Inc., 2013.
- Lynn, Conrad. *There is A Fountain: The Autobiography of Conrad Lynn*. 2<sup>nd</sup> ed. Brooklyn, N.Y.: Lawrence Hill Books, 1993.
- . "Brief For Relator: United States District Court Eastern District of New York. United States of America ex rel. Winfred Lynn, Relator against Colonel John W. Downer, Commanding Officer at Camp Upton, New York, Respondent." Reprinted in *Politics* 1 (February 1944): 23-26.
- MacDonald, Dwight. "The Novel Case of Winfred Lynn." *The Nation*. vol. 156 no. 8 (Feb. 20, 1943): 268-270.
- . "By Way of Rejoinder." *Politics*. vol. 1 No 6. (July 1944): 179.
- . "Free and Equal." *Politics*. vol. 1 no. 1 (February 1944): 23.
- . "How Practical Is a Racially Segregated Army?." *Politics*. issue 18 (July 1944):184-86.
- . "Liberals & the Military (1)." *Politics*. vol. 2 no. 11 (November 1945): 350-51.

———. “On the Conduct of the Lynn Case.” *Politics*. vol. 1 no. 3 (April 1944): 85-88.

———. “The Intelligence Office.” *Politics*. vol. 1 no. 2 (March 1944): 62.

———. “The Supreme Court’s New Moot Suit.” *The Nation*. vol. 159 no. 1 (July 1, 1944): 13-14.

Matthews, Mark. *Smoke Jumping on the Western Fire Line: Conscientious Objectors During World War II*. Norman: University of Oklahoma Press, 2006.

McGuire, Phillip. “Judge Hastie, World War II, and Army Relations.” *The Journal of Negro History*. vol. 62 no. 4 (Oct., 1977): 351-362.

McMillen, Neil R.. *Remaking Dixie: The Impact of World War II On The American South*. Jackson, Miss.: University Press of Mississippi, 1997.

Muir, Malcolm. ed. *The Human Tradition in the World War II Era*. Wilmington, DE.: Scholarly Resources, 2001.

Murray, Florence. “The Negro and Civil Liberties During World War II.” *Social Forces*. vol. 24 no. 2 (Dec., 1945): 211-216.

Myrdal, Gunnar. *An American Dilemma: The Negro Problem and Modern Democracy*. 20<sup>th</sup> Anniversary ed. New York: Harper & Row, 1962.

Nalty, Bernard C.. *Strength For the Fight: A History of Black Americans in the Military*. New York: The Free Press. 1986

Newby, John L.. “The Fight For the Right to Fight and the Forgotten Negro Protest Movement: The History of Executive Order 9981 and it’s Effect Upon *Brown V. Board of Education* and Beyond.” *Texas Journal on Civil Liberties & Civil Rights*. vol. 1 (Winter 2004): 83-110.

O’Kelly, Charlotte. “Black Newspapers and the Black Protest Movement: Their Historical Relationship, 1827-1945.” *Phylon* vol. 43, no. 1 (1st Qtr., 1982): 1-14.

Osur, Alan M.. *Blacks in the Army Air Forces During World War II: The problem of Race Relations*. Washington: Office of Air Force History. 1977.

Ottley, Roi. “A White Folk’s War?.” *Common Ground*. vol. 2 (Spring, 1942): 28-31.

———. *New World A-Coming*. New York: Arno Press, 1968.



- Phillips, Kimberly. *War! What is it Good For?: Black Freedom Struggles and the U.S. Military From World War II to Iraq*. Chapel Hill, NC: The University of North Carolina Press. 2012.
- Polenberg, Richard. *America At War: The Home Front, 1941-1945*. Englewood Cliffs, N.J.: Prentice-Hall, 1968.
- . *War and Society: The United States, 1941-1945*. Philadelphia: Lippincott, 1972.
- Prattis, P.L. "The Role of the Negro Press in Race Relations." *Phylon*. vol. 7 (Third Qtr., 1946): 273-283.
- Price, Clement Alexander. "The Foundation for Change: World War II to the Mid-1950s, part 1." Class lecture, Rutgers University – Newark, Newark, NJ February 6, 2014.
- Reddick, Lawrence D.. "The Negro in the United States Navy During World War II." *The Journal of Negro History*. vol. 32 no. 2 (April 1947): 201-219.
- Sitkoff, Harvard. "African American Militancy in the World War II South: Another Perspective." in Neil R. McMillen (ed.). *Remaking Dixie Remaking Dixie: The Impact of World War II on the American South*. Jackson, Miss.: 1997. 70-92.
- . "Racial Militancy and Interracial Violence in the Second World War." *The Journal of American History*. no. 58 (Dec. 1971): 661-81.
- Terkel, Studs. *The Good War: An Oral History of World War II*. New York: Pantheon Books, 1984.
- Thompson, Chas H.. "The Basis of Negro Morale in World War II." *The Journal of Negro Education*. vol. 11, no. 4 (Oct., 1942): 454-464.
- Valk Anne and Leslie Brown. *Living With Jim Crow: African American Women and Memories of the Segregated South*. New York: Palgrave Macmillan. 2010.
- Walker, Samuel. *In Defense of American Liberties: A History of the ACLU*. New York: Oxford University Press, 1990.
- Washburn, Patrick S.. "The Black Press: Homefront Clout Hits A Peak in World War II." *American Journalism*. vol. 12 no. 2 (Summer, 1995): 359-365.
- Welliver, Warman. "Report on the Negro Soldier," *Harper's Magazine*. (April 1, 1946)

Wynn, Neil A.. *The Afro-American and The Second World War*. New York: Holmes & Meier Publishers, 1976.

———. *The African American Experience During World War II*. Lanham, MD: Rowman & Littlefield Publishers, 2010.