

THE STORY OF WINFRED LYNN



The Law

“in the selection and training of men under this Act, and in the interpretation and execution of the provisions of this Act, there shall be no discrimination against any person on account of race or color.”

*Selective Training and Service Act of 1940
(Section 4, a)*

The Practise

“1. Your Quota for this Call is the first White men and the first Negro men who are in Class 1A.”

*Selective Service, N. Y. City Headquarters
Subject: Requisition for Examination—Induction*

The Lynn Case

In June, 1942, Winfred Lynn, Negro worker of Jamaica, L. I., was notified by his draft board that he had been put into 1-a. He sat down and wrote this letter:

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 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.

This letter was the beginning of “the Lynn Case”—an important legal attack, the only one made to date, on the Army’s racial policy. Until December 1942 when Arthur Garfield Hays came into

the case as trial lawyer, Winfred Lynn and his brother Conrad, a very capable New York lawyer, carried on their fight practically alone. Winfred Lynn, in a quiet way, is a very determined person. For the past twelve years—he is now thirty-seven—he had been a landscape gardener, and had built up an active business planting trees and shrubbery on Long Island estates. He wasn't much interested in politics, and he had no great quarrel with the economic system—"I'll always get by," he used to say. But he did feel strongly about one thing—racial discrimination. When war came he couldn't make any sense out of the contradiction between the theory of a war for democracy and the fact of a jimcrow army being raised to fight it. Long before he got his 1-a notice he used to tell Conrad that, regardless of what happened to him, he wasn't going to be a party to such a practice. Many Negroes talked like that. The Lynns are unusual in that they did something about it, and something effective.

The legal basis for Lynn's case is that Section 4-a prohibits discrimination in selecting draftees, and that he, like most Negroes, was actually selected in a separate jimcrow quota. He accepted induction in order to be able to petition for a writ of habeas corpus, on the grounds that the jimcrow methods of selection violate the Draft Act.

The Supreme Court's New Moot Suit

In February 1944 the N. Y. Federal Circuit Court of Appeals handed down a two to one split decision against Lynn. A petition for a writ of certiorari prepared by Arthur Garfield Hays, acting for the American Civil Liberties Union, assisted by Gerald Weatherly, successor to Sergeant Conrad Lynn, was filed with the Supreme Court on April 27th, 1944.

On May 29th, 1944, the Supreme Court refused to review the Lynn Case. It evaded the whole issue by stating that the case was "moot"—i.e., could not be determined one way or the other—because Winfred Lynn is no longer in the custody of Colonel Downer, who was his commandant at Camp Upton, N. Y., when he originally brought his suit a year and a half ago. The Court took no notice of the *reason* Lynn is no longer in Colonel Downer's custody: namely, that he is now serving in the Pacific theatre of war.

Lynn's attorneys have filed an appeal, which will be finally determined by the Court when it reconvenes this fall after the summer recess. The American public must be informed about the Court's flagrant attempt to evade the serious issues raised by the Lynn case. *The Supreme Court must not be permitted to get away with this legal trickery!*

Is This Another Dred Scott Case?

The Lynn Case may go down in history as the Dred Scott case did in the last century. It may

turn out to be one of the most important ever argued before the Supreme Court. It raises two big issues:

1. Is it discriminatory to select American citizens for the armed forces in segregated racial quotas or are American citizens entitled to be called to serve in their turn—Jew, Protestant, or Catholic, white, red or black alike? This opens the question as to whether the Federal Government will legally sanction segregation of Negroes. Until now the problem has been left up to the 48 states.

2. Are jimcrow practises compatible with a war waged in the name of democracy? Winfred Lynn brought his suit because he believed that a segregated army was undemocratic. His suit deals only with discrimination in selection but he and his lawyers consider that winning this suit would be an opening wedge in the fight to end discrimination in the armed forces. And the Government in its countersuit also admits this when it says: "If the making of separate White and Negro quota calls to meet the requisitions of the armed forces is invalid, it must follow that the separation of inducted men in the armed forces into White and Negro units is also invalid, since 'discrimination' is prohibited in the 'training' of men as well as in their 'selection'".

Jim Crow In Uniform—Some Comments

General Lewis B. Hershey: "What we are doing, of course, is simply transferring discrimination from everyday life into the army."

U. S. Representative Charles E. McKenzie (La.): "If the law means what it says, Mr. Speaker, I maintain that the Selective Service has no right to say send me so many men of this color and so many of that. Their only right is to request so many men in each quota."

The Catholic Clergy Conference on Negro Welfare: The Selective Service Act "guarantees, in theory, the absence of racial discrimination from our armed forces" but this guarantee "has been flagrantly violated."

National Association for the Advancement of Colored People: "The treatment of Negroes in the Armed Services is marked by daily subjection to the indignities of segregation and discrimination with a constant recurrence of brutalities and murders by civilian and military police. . . . The President, as Commander-in-Chief, has the full power to end discrimination and segregation in the armed forces. We call on him to use that power now."

End Military Jimcrow—

For a Decent Postwar World

If Winfred Lynn loses his case, Negroes and colored peoples everywhere will know that we do not intend to live up to the letter of our law or to our democratic utterances. If Lynn wins, it will mean the beginning of the end of Jim Crow in

the Army and a tremendous step forward in the fight against the myth of the black skin.

Race relations is one of the most urgent problems this country will face after the war. The recent race riots in Detroit, Los Angeles and Beaumont are a small foretaste of what lies ahead if white and colored Americans do not reach a better understanding of each other. The Army's present racial segregation policy is poisoning the springs of inter-racial understanding. It is making millions of young Americans suspicious and antagonistic towards each other simply because their skins are colored differently. We must put an end to Jim Crow in the Army if we want a democratic America after this war.

These Organization Support the Lynn Case:

AMERICAN CIVIL LIBERTIES UNION
MARCH ON WASHINGTON MOVEMENT
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE
WORKERS DEFENSE LEAGUE
32nd QUADRENNIAL SESSION OF THE GENERAL CONFERENCE OF THE AFRICAN METHODIST EPISCOPAL CHURCH

These People Sponsor it:

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A. J. Muste
A. Philip Randolph
George S. Schuyler
Mabel K. Staupers
Norman Thomas
Willard S. Townsend
Noah C. A. Walter

Will YOU Support It?

To win this case there are two things necessary, wide publicity and the continued work of first class legal aid. We want Lynn's story to be known to every thinking family in the United States. We need the public support of strong and powerful organizations who believe in the fight that Winfred Lynn is making for his fellow citizens. By filling out the blank below you can

FIGHT MILITARY JIMCROW

Nancy G. Macdonald, Treasurer

Lynn Committee To Abolish Segregation in the Armed Forces
(formerly National Citizens' Committee for Winfred Lynn)
360 West 125th Street, N. Y. 27, N. Y.

- ☐ I am enclosing my check for.....
- ☐ Please send me.....copies of the Story of Winfred Lynn to distribute among my friends.
- ☐ I enclose a list of friends who might be interested.
- ☐ Please send me.....copies of the pamphlet Jimcrow in Uniform, 5c each, 4c each for 25 or more.

NAME

ADDRESS

CITY..... ZONE..... STATE.....

