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AJR-28 Bernard B. James. (2021-2022)

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Assembly Joint Resolution No. 28

CHAPTER 56

Relative to Bernard B. James.

[Filed with Secretary of State May 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 28, Cristina Garcia. Bernard B. James.

This measure would respectfully memorialize the President of the United States and the Congress of the United States to take action to restore honor to Bernard B. James, and to take the necessary actions to ensure the treatment of Bernard B. James is rectified by a full exoneration, including having the military record of Bernard B. James cleared of any court judgment and less-than-honorable discharge.

Fiscal Committee: no

WHEREAS, In 1944, while on tour in England, Bernard B. James and 17 fellow African American soldiers experienced an act of overt racism that would change the course of his military career and life forever; and

WHEREAS, Bernard B. James was born February 7, 1921, and spent his formative years in Chicago. His mother's Creole family came to the United States from the Dominican Republic; his father was of mixed African American and Cherokee heritage; and

WHEREAS, Bernard B. James was a top student and excelled in academics. He attended the Illinois Institute of Technology and Wilson Junior College in Chicago and worked as a junior engineer draftsman before he was drafted to the United States Army in 1943; and

WHEREAS, Bernard B. James served as a technician in the United States Army and as a member of the segregated 641st Ordnance Company; and

WHEREAS, The soldiers of the 641st Ordnance Company were all Black. However, it was United States Army policy that even all Black units were commanded by White officers. This often led to low morale among Black soldiers as the officers routinely used the N-word and the pejorative term "Northern" that southern officers used to refer to the Black troops. Additionally, Black troops were often given substandard food and clothing; and

WHEREAS, On March 6, 1944, the 641st Ordnance Company, about 100 Black soldiers, were called into a meeting with Captain Herman Hinton, a White commanding officer, and Hinton inquired about the men's morale and work; and

WHEREAS, Sergeant George Gayles, a Black soldier, articulated that the men were dissatisfied. Even though Gayles was only responding to Hinton's questions, Hinton demanded Gayles remove the Sergeant stripes from his uniform; and

WHEREAS, Bernard B. James protested the unfair nature of Hinton's emotional reaction telling him simply, "Captain, you gave him permission to speak freely;" and

WHEREAS, Hinton then told Bernard B. James to remove his stripes. Additionally, several other Black soldiers turned in their stripes in protest; and

WHEREAS, Two months after the March 1944 meeting, military police officers with submachine guns swarmed the camp and arrested the 18 Black soldiers, including Bernard B. James; and

WHEREAS, A hasty trial ensued, and all 18 soldiers were convicted by a court-martial. Bernard B. James was sentenced to 18 years in prison, later reduced to 13 years, for a violation of Articles 64 and 66 of the Articles of War, for his act of calling Hinton's hypocrisy into question; and

WHEREAS, Bernard B. James spent the next seven months in an English prison and missed the Battle of Normandy and the liberation of France by Allied troops. He also served an additional 15 months in United States Penitentiary, Terre Haute in Indiana; and

WHEREAS, Through pressure from social advocates, including iconic civil rights activist and attorney, Leon Despres of Chicago. Bernard B. James' prison sentence was appealed and Bernard B. James was released from prison in 1946. Bernard B. James then returned to postwar active service in Italy to serve his country regardless of the mistreatment; and

WHEREAS, The United States Army never fully pardoned Bernard B. James nor the 17 Black soldiers. Bernard B. James' discharge record from the United States Army instead listed him as Articles of War 107. Articles of War 107 is defined as being "Absent without Authority;" and

WHEREAS, Upon returning to home to his native Chicago, post-World War II, Bernard B. James began to rebuild his life. He began working as a mathematical engineer and engaged in activism as a member of the Catholic Social Justice Ministry, Friendship House. Further, Bernard B. James worked on both the Apollo and Mercury space explorations; and

WHEREAS, To this date, Bernard B. James has not received an expungement of his record or an apology from the United States Army or the United States government for the nearly two years spent in unmerited imprisonment; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States and the Congress of the United States to take action to restore honor to and to rectify any mistreatment by the military of Bernard B. James, who was unjustly court-martialed; and be it further

Resolved, That the Legislature respectfully memorializes the President of the United States and the Congress of the United States to take the necessary actions to ensure the treatment of Bernard B. James is rectified by a full exoneration, and having the military record of Bernard B. James cleared of any court judgment and less-than-honorable discharge; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.