

MORE TRUTHS ABOUT JACKSON HEIGHTS

Written by Noemi Figueroa Soulet, producer of THE BORINQUENEERS

I was motivated to write this article in response to the book *"Honor and Fidelity: The 65th Infantry in Korea, 1950-53"* written by Col. Gilberto Villahermosa (USA) which documents the unit history of the all-Puerto Rican 65th Infantry Regiment during the Korean War. The book also covers in detail the Jackson Heights incident which took place on October 28, 1952 when some Puerto Rican soldiers from Company "F" were arrested for abandoning their positions and for refusing orders from a superior officer, Lt. Col. Carlos Betances, Second Battalion Commander, to return to a Hill known as Jackson Heights, an outpost in the combat area of Korea.

"The battalion commander, Colonel Betances, found a large part of the company on the main line of resistance in charge of the First Sergeant, Sergeant Valentin, and gave the men an order to return to their position."¹

When most of the soldiers refused, Betances separated them into a group and arrested approximately 40 soldiers from Company "F". Barely two months later, 27 soldiers from Company "F" that had refused to obey orders were tried in four hasty courts martial. All 27 were convicted. Four of them were sentenced to 6 years in jail, eleven were sentenced to 5 years and the rest were sentenced to between six months to 5 years. Amongst the 27 men, there was a corporal and the rest were privates and privates first class. The witnesses for the prosecution testified that all the accused soldiers had excellent records before these acts.²

Although there were other courts martial in the 65th Infantry Regiment during that same time period involving some soldiers from Company "C" who abandoned Jackson Heights without orders the following day, a Puerto Rican officer from Company "A" ordered to return to Jackson Heights on October 28th, and some soldiers from Company "L" who refused their officer's orders to continue on a patrol, this article will focus on the Company "F" incident of October 28th. The eighty-seven Puerto Rican soldiers and one officer who were convicted in all the incidents appealed their cases in 1953 to an Army Board of Review. Eventually, the majority of their sentences were remitted (or cancelled) and they were restored to duty status. For a detailed accounting of these incidents, download the PDF files of "The Battles of Outpost Kelly and Jackson Heights" and "Trial by Courts Martial" from www.borinqueneers.com.

Col. Villahermosa did a wonderful job documenting the story of THE BORINQUENEERS (the nickname of the 65th Infantry Regiment), but I feel that he omitted some very important details about what happened to the men of Company "F" which better explains their behavior on that fateful day.

These details have been documented in the findings of an Army Board of Review dated August 20, 1953 which reviewed the trial cases of the Puerto Rican soldiers of Company "F" that were court-martialed. During the appeal process, the soldiers' lawyers claimed that *"effectiveness of counsel at*

¹ Board of Review Findings, Court-Martial Case 360555, 1953 WL 2245 (ABR), 12 C.M.R. 318, 20 Aug 1953

² Court-Martial Case 360555, 1953 WL 2245 (ABR), 12 C.M.R. 318, 20 Aug 1953

*the trial level was so deficient as to deny the several accused a fair trial and military due process.”*³ To support this claim, the lawyers submitted brief statements from each of the accused soldiers which were obtained after they had been tried and were imprisoned. Below are some important quotes from the Board of Review publication:

“The composite pattern of these statements is to the effect that events, which occurred on the main line of resistance on 28 October 1952, were the result of remarks made by Sergeant Valentin urging the men not to return to Jackson Heights; and that upon orders of counsel this information was not disclosed to the court by the several accused. These declarations of Sergeant Valentin are supposed to have included such remarks as:

*“Don’t go back up there, listen to me and you won’t get into any trouble. I know because I have been in the Army for ten years. I am the father of six children and I want to go back to Puerto Rico to see them. If you go up that hill, may God cause a mortar shot to kill you all.”*⁴

When the men of Company “F” had withdrawn to the base of the Jackson Heights Hill, Sergeant Valentin, the First Sergeant of the Company, was not only discouraging these men from returning to Jackson Heights Hill but was outright threatening them not to return. Excerpts from the original affidavit statements of 20 of these soldiers provide additional details as follows:

*“Sgt. Valentin formed the company in line and we marched to the Hill. On the way he told us he was not a leader to control a Company and that besides he had a family to think of. And he told us: “Boys, don’t be fools, you already completed your mission. Don’t go, I am an experienced Sgt. and I assure you nothing will happen to you.... That cannot be taken care of and you are going to get killed and if the whole group keeps its word, nothing will happen to any of you... We reached the lines and he stopped us and told: “Get into the holes until the leaders come to get you.” So we did. At about 5 in the afternoon Col. Betances came and said: “Sgt. Valentin, why have you not climbed the Hill with your Co.” and he said “Because there are no leaders nor platoon sergeants here.” Then the Colonel began to talk to a group of men who had recently arrived. Then the Sgt. came near the old group, our group, and told us: “Boys, keep your word, I know that nothing will happen to you.” Then the Colonel came and conferred with Sgt. Valentin and Sgt. Valentin conferred with him. Then the Colonel came near us and told us “Why don’t you climb the Hill. Remember that Co. F has always been a good company.” We all started moving and then Sgt. Valentin cursed us and that brought our morale down. He said “May God permit that as soon as we set foot in the Hill, mortar will get us all killed.” That was said in a low voice.”*⁵

*“The Company’s 1st Sgt told us he had orders for the Company to return to the Hill. He said he would go as far as the M.L.R. and that from there on he would not take a step because he had a family to think of, six sons and that he appreciated his life very much. I think that statement influenced us in not returning to the Hill.”*⁶

Most of these Puerto Rican soldiers also stated that their defense counsel had advised them not to take the stand and testify on their own behalf because their testimony would implicate Sgt. Valentin and threaten his military career.

³ Board of Review Findings, Court-Martial Case 360555, 1953 WL 2245 (ABR), 12 C.M.R. 318, 20 Aug 1953.

⁴ Ibid.

⁵ Affidavit Statements, Court-Martial Case 360555, Ofc of the Judge Advocate General, Washington, D.C., 20 Aug 53, WRNC.

⁶ Ibid.

*"I didn't state all this in Court because our lawyer didn't want me to make any comments regarding Sgt. Valentin."*⁷

*"Because [the lawyer] told us it was better not to say anything because that would prejudice Sgt. Valentin."*⁸

*"I gave a statement to my lawyer accusing Sgt. Valentin and the day of the trial said statement was not presented. I don't know what happened."*⁹

If what these soldiers state is true, this would mean that their defense counsel was not looking out for their interests and their right to be represented by counsel was denied. The Board of Review stated:

*"We need go no further than to hold that the failure to afford to an accused any of the enumerated rights denied him military due process and furnishes grounds for us to set aside the conviction."*¹⁰

"Conduct of trial defense counsel was severely criticized before this board, and it was contended 'that the accused were denied the right to testify as to a material fact vital to their defense.'" ¹¹

Not only did most of the accused not testify in their own defense at the trials, but surprisingly neither Col. Betances, the Battalion Commander, nor Sgt. Valentin, the highest non-commissioned officer present at the incident, were called as witnesses. Col. Betances said:

*"The funny thing is that I arrested Guzmán, I arrested 40 soldiers in no man's land... and I wasn't called to the court martial... I was not... Why? Because I was going to explain the situation. Yes, they did run. That's no way, they did run. BUT – a big but! And they didn't want to take a chance. They didn't call me. They didn't call me. And they found them guilty."*¹²

The Board of Review considered Sgt. Valentin's failure to testify:

*"We have been reminded that in argument that Sergeant Valentin did not testify in this case – for us to say why would be empty speculation at best. It is possible that, had he been placed on the stand by the defense, irreparable damage would have resulted to their case; on the other hand, his testimony may have assisted the various accused. Equally interesting arguments pro and con could be presented on the questions as to why the accused were not called to give evidence for themselves and also to "expose" Sergeant Valentin."*¹³

"It has been moved that the board of review, in exercising its right of judicial supervision of the administration of military justice, order an investigation by the "Office of The Inspector General", and that statements be taken, under oath, from Sergeant Valentin and trial defense

⁷ Affidavit Statements, Court-Martial Case 360555, Ofc of the Judge Advocate General, Washington, D.C., 20 Aug 53, WRNC.

⁸ Ibid.

⁹ Ibid.

¹⁰ Board of Review Findings, Court-Martial Case 360555, 1953 WL 2245 (ABR), 12 C.M.R. 318, 20 Aug 1953

¹¹ Ibid.

¹² LTC Carlos Betances Ramirez, Videotape Interview, 9 July 2000, Author's files

¹³ Board of Review Findings, Court-Martial Case 360555, 1953 WL 2245 (ABR), 12 C.M.R. 318, 20 Aug 1953

*counsel "to arrive at the true facts." As an alternative, it is proposed that a retrial be ordered so that Sergeant Valentin may be heard as a witness."*¹⁴

As far as we know, the recommendations of the Board of Review were never implemented. No retrial took place, nor was a statement taken from Valentin, nor was any punishment or action taken against Sgt. Valentin.

Nevertheless, the Board of Review concluded that the findings of guilty and sentences of the accused were correct in law and fact because the soldiers had heard and understood the order and yet had deliberately elected to disobey it.

*"Granting, arguendo, that Sergeant Valentin would testify in self-incriminatory detail to all of those matters which appellate counsel says he would, this could not alter the duty of each of the accused to obey the lawful command of his superior officer. If Sergeant Valentin importuned the men of Company F, 65th Regiment, to disobey their officers, a predicate we again espouse solely for argument's sake, such fact only establishes a serious violation of military law by him, and the possible participation by these accused in that offense."*¹⁵

*"Had any of the accused chosen to perform his duty as directed, it would have been a simple matter to fall in with Sergeant Valentin rather than take a position with those who refused to go forward."*¹⁶

But the Board of Review failed to take into consideration the written statements made by the soldiers which stated that Sergeant Valentin had told them that if they decided to return to the hill, he would not go up with them. Valentin said "He was not a leader to control a company."

Why would Sergeant Valentin make such a statement? Because a First Sergeant does not traditionally lead men into battle. The First Sergeant's role is to stay behind at the Main Line of Resistance maintaining the command post. But apparently since there were no other staff sergeants, lieutenants or company commanders present to lead the men, Col. Betances ordered Sgt. Valentin to take the soldiers back to Jackson Heights. Unbeknownst to Col. Betances, Sgt. Valentin had decided that he was not going to risk his life by returning to the hill.

In essence, the soldiers would be on their own without any leaders. Yet, the Army expected these green, untrained replacements which they had thrust unprepared into combat and who had just witnessed a carnage at Jackson Heights having lost most of their leaders, to follow Col. Betances' orders to return to Jackson Heights without having any leaders to stabilize them in battle. I believe some of the men would have returned if Valentin had led them but he lowered their morale and basically bullied them into not going.

Another important factor in the reluctance of the soldiers of the 65th to return to Jackson Heights was that the men were in a weakened physical and mental condition. Not only had they been traumatized as a result of the previous battle at Kelly Hill in September, 1952 where they suffered more than 400 casualties, but they were exhausted from the days-long battle at Jackson Heights which did nothing to

¹⁴ Board of Review Findings, Court-Martial Case 360555, 1953 WL 2245 (ABR), 12 C.M.R. 318, 20 Aug 1953

¹⁵ Ibid.

¹⁶ Ibid.

encourage the men to return to the hill. Many complained about not having enough ammunition. Affidavit statements from Company “F” soldiers would state:

“I was not feeling well because I had gone 5 days without sleep and I could hardly keep on my feet ... I am not guilty because the guilty one is that Sergeant Valentin who told us not to go up the Hill.”¹⁷

“It is not my fault that I was wounded in combat and that I had gone for the last days without food and water. The words of the Sergeant took hold of my mind... There was not enough ammunition and the company was not yet well organized.”¹⁸

The soldiers’ morale was very low. At Jackson Heights, the stench and sight of dead bodies and body parts only foretold a certain death if they returned to that hill. An excerpt from a letter written by Major Silvestre E. Ortiz, 65th Inf. Adjutant elaborates:

“Our men know well enough that among the horrible scenes they can expect to see when ordered to retake and hold those hills, is the gruesome spectacle of their comrades killed only hours before, and from whom the barbaric Chinese had removed their eyes from their sockets, placing them on their chests in large spoons.”¹⁹

Waiting for these Puerto Rican soldiers at Jackson Heights was an untenable, unsustainable piece of rock. Col. Villahermosa’s book does not emphasize the untenability of Jackson Heights as a major factor in the fiasco that took place. Of course, the military often assigns troops to impossible missions. But if you send troops on impossible missions, how can you blame them for not fulfilling their mission!

The fact is that Jackson Heights was an inappropriate selection for outpost defense. Other units also had difficulties defending and maintaining similar hills, but Jackson Heights was not like other hills because of its design and solid rock composition, the inability of the soldiers to effectively protect themselves while there, and the extremely favorable position of the Chinese. In fact, the men should never have been sent up there. I have heard this statement from various eye witnesses that were at Jackson Heights. It was truly a suicide mission. They could temporarily maintain it, but they could not indefinitely keep it. Therefore, the responsibility lies at the division and regimental level for selecting this location for a mission that was doomed to fail.

In a videotape interview of Colonel Carlos Betances, the 2nd Battalion Commander, he stated:

“Outposts are not designed to be held at all costs like they were in Korea. Outposts are placed to alert the main line of an attack by the Chinese and then to fire long distance fires to disrupt that attack, until the last minute then they pull out and they come back to the MLR and inform part of the defense.”²⁰

“What was wrong was ordering people to reconquer that place! Which we could reconquer at any time. We did, we did it. Every time we were ordered to attack and take it, we took it. We couldn’t

¹⁷ Affidavit Statements, Court-Martial Case 360555, Ofc of the Judge Advocate General, Washington, D.C., 20 Aug 53, WRNC.

¹⁸ Ibid.

¹⁹ Letter by Major Silvestre E. Ortiz, 65th Inf. Adjutant to Eliseo Combas-Guerra, 30 Oct 1952, La Fortaleza, San Juan, Puerto Rico

²⁰ LTC Carlos Betances Ramirez, Videotape Interview, 17 April 2000, Author’s files.

hold it. We couldn't hold it because there was no place. It was criminal to put people there that then they don't have a chance to defend themselves.”²¹

Before the incident of October 28th at Jackson Heights, Captain George Jackson, “G” Company Commander, had spent almost five days trying to hold the hill. After his company suffered more than 80 casualties, they were ordered to withdraw. The hill was renamed “Jackson Heights” in honor of his heroic stance. After returning from the hill, Jackson briefed the higher authorities informing them of the challenging physical conditions of Jackson Heights.

“Yes, they knew it was a difficult place, a difficult place, but somehow or another, they kept sending people back and back and back.”²²

“Our ground was never designed by God or nature to be an organized position or outpost. God had not even blessed it with a lowly shrub for concealment. IT WAS A WONDERFUL FIELD OF FIRE FOR THE ENEMY: artillery fire, rifle fire, machine gun fire, mortar fire. It met none of the requirements of an Outpost or a position.”²³

“When the Koreans were decimated on this location there was good reason in military logic, to let the Red Chinese have this worthless spot as a gift.”²⁴

Then Captain Willis Cronkhite, “F” Company Commander, stated that he did not know what he was getting himself into when he went to Jackson Heights and felt that the regimental and division commanders did not realize the challenging physical conditions of Jackson Heights.

“The first time that I ever had the thought that maybe we should have never been sent to Jackson Heights was when my forward observer that day, a Lt. Wilcomb, wrote me a letter recently and said we should never have been sent to Jackson Heights. And I thought to myself, “That’s right, we should not have been sent to Jackson Heights.” But I never thought that that day.”²⁵

And so, in retrospect, the situation was absolutely impossible and the young enlisted men seemed to understand that a lot clearer than I did, because it was a very shocking experience for me.”²⁶

“The mistakes were made at high levels where some person, who did not understand what they were doing, selected outposts that were physically within the Chinese position. And the Chinese simply could not tolerate allowing enemy troops to hold outposts within their positions. We didn't do it and we drove them out if they tried to do it.”²⁷

“In retrospect, I can understand exactly why the men refused the order, because... they realized that there was no place to dig in. They were being shot at and they were being killed and

²¹ Ibid.

²² LTC George D. Jackson, Videotape Interview, 21 May 2000, Author’s files

²³ Statement, Maj George D. Jackson, 9 February 1960, sub: Manpower in the 65th Infantry.

²⁴ Ibid.

²⁵ COL Willis Cronkhite, Jr., Videotape Interview, 16 Jan 2000, Author’s files.

²⁶ Ibid.

²⁷ Ibid.

*wounded and they had no place to dig in and so to go back there was to commit suicide, really. Now some of us made it, but a lot of us didn't."*²⁸

In a letter to Col. Cronkhite in 1997, Col. Gerald A. Wilcomb, his forward observer from the 58th Field Artillery Battalion who was at Jackson Heights, would also write:

*"The counter mortar program of the 3d Division Artillery sure as hell was ineffective. The counter battery program of the IX Corps Artillery was equally as ineffective. My battalion didn't show me too much either. The good services of the 3d Division Light Air Section were not called upon. What use was made of the Regimental Tank Company or the 4.2 Mortar Company? Except for preparation fires and suppressive fires for our withdrawal, which I guess had been fired, I don't think the 58th Field Artillery popped a single round our way. Your attack was successful. The hill was taken in no time with few casualties. The fire support required, however, was that which would have had to make an untenable situation "tenable." I don't believe anything could have ever made the Jackson Heights defensible that day. As I look back on it, I'm afraid I have to sympathize more and more with the troops that went on down the hill. In their innocence they knew a stupid operation when they saw one. The macho and career motivation of the guys wearing stars and eagles, maintaining we must retake what we lose, didn't mean squat at the peace talks in Panmunjom. Was an outpost one mile in front of the Outpost Line of Resistance worth it? Maybe, maybe not."*²⁹

Surely the opinions of these eye witnesses who were officers and knowledgeable about the physical challenges of the hill known as Jackson Heights must account for something. Everyone has mentioned the unique physical conditions of Jackson Heights as the most important reason for failure at Jackson Heights. The other factors just contributed to its failure. The bottom line is that Jackson Heights was untenable. Col. Jackson would conclude:

*"The soldiers on "Jackson Heights" sensed something wrong when they were subjected to uninterrupted enemy harassing fires all day long and they, seeing no enemy, could not fire back. They sensed the truth, which came out after the court martial trials and subsequent defeat of the Third Division and the surrender of "Jackson Heights" to Red Chinese Forces that it was in fact another "Dien Bien Phu" – "Cold Harbor" and "Pickett's Charge", that the place was indefensible, unsupportable by Corps and Division artillery; logistically unsupportable; no engineer support; no medical support; no signal corps support; NO support. It was not in the cards. No one can defy the principles of war with impunity. It was destined to fall."*³⁰

Some would argue that these soldiers did not fulfill their duties. But I would argue instead that the Army let these soldiers down by placing them in an impossible situation. They sent them off to war inadequately prepared, beat them down physically and mentally in one difficult battle after the other, did not give them the stable leadership that they required and then sent them to a rock to be killed. During the appeals, the Army must have realized this because they showed mercy on these soldiers by remitting their sentences, prompting Col. Jackson to state:

*The Army may have realized that there was some fault there that was not Puerto Rican.*³¹

²⁸ Ibid.

²⁹ Col Gerald A. Wilcomb, "Korean War Memoirs," 9 Jan 97, p. 7, Unpublished Monograph, Author's files.

³⁰ Statement, Maj George D. Jackson, 9 February 1960, sub: Terrain Analysis, Jackson Heights, Author's files.

³¹ LTC George Jackson, Videotape Interview, 21 May 2000, Author's files

Of course, the negative publicity and public support from Puerto Rico during the appeals also played an important role. In an article of the Puerto Rican newspaper “El Mundo” dated January 27, 1953, the Senate and House of Representatives of Puerto Rico submitted a joint resolution to the Governor of Puerto Rico asking for an investigation of the situation of the Puerto Rican troops stationed in Korea.

WHEREAS: It is alleged that the Puerto Rican troops in Korea have been victims of unfair, abusive and discriminatory practices, such as: (1) being sent to the battlefield without the prolonged training usually received by the North American forces; (2) combat service even while sick or in convalescence; (3) remaining at the front lines, without relief, for a longer period than required by military regulations; (4) the assignment of the most dangerous missions and a higher number of combat missions than assigned to other units, with the result that the Puerto Rican casualties exceed in proportion to the 48 States of the Union;

*WHEREAS: The nation of Puerto Rico and this Legislative Assembly are interested in learning the true situation of the Puerto Rican soldiers in Korea.*³²

In fact, the 3rd Infantry Division placed a “gag order” prohibiting Puerto Rican soldiers from talking to reporters about the case. This gag order was eventually dropped after pressure from news organizations, but it demonstrates the Army's reluctance for the details of courts martial cases to be made public.

What happened to these men during a difficult time in combat was due to a complex, multi-layered, emotional chain of events that has still not been adequately explained. There are still many unanswered questions. Was justice served when these soldiers' sentences were remitted? Or were there individuals who should have been held accountable but were not? Not even a Board of Review could alter the unfortunate consequences of so many, possibly unnecessary, casualties suffered by the 65th during the battles of Kelly Hill and Jackson Heights. Nevertheless, thousands of Puerto Rican soldiers served bravely in the 65th doing their best under difficult circumstances. In a written statement addressing the challenges faced by the Puerto Rican soldiers, LTC George Jackson reminded us that “A Puerto Rican community with 1/80th of the population of the United States was furnishing 1/18th of the U.S. Infantry fighting strength in Korea.”³³

³² “El Mundo” article dated 27 January 1953, San Juan, Puerto Rico.

³³ Statement, Maj George D. Jackson, 9 February 1960, sub: Manpower in the 65th Infantry.