

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.

PART 2 OF "MORE TRUTHS ABOUT JACKSON HEIGHTS" WILL BE AVAILABLE SOON!

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.