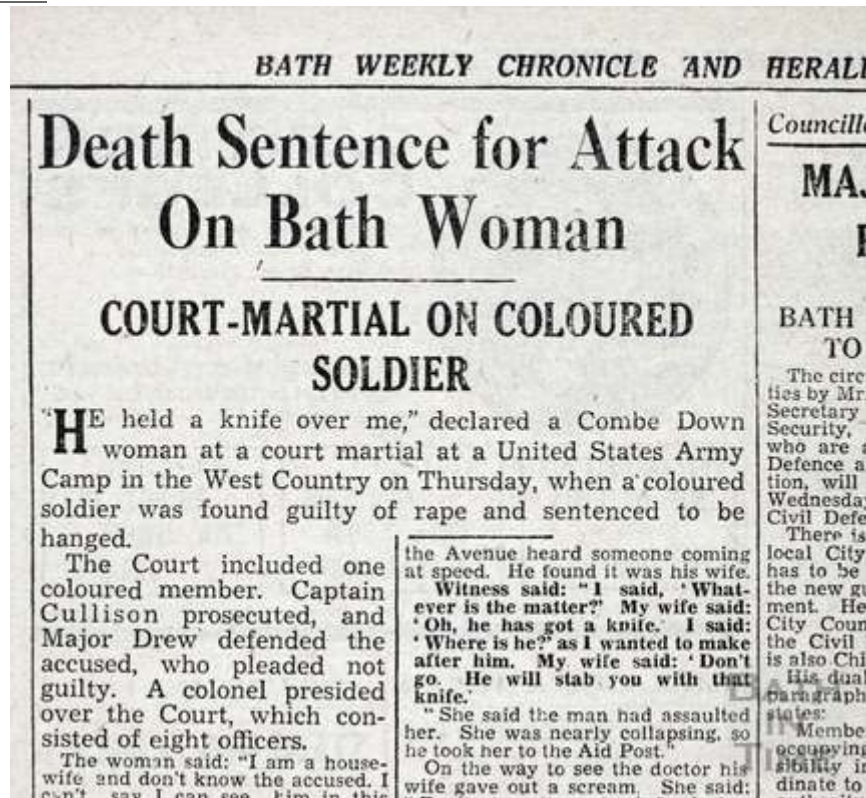


The Strange Case Of Leroy Henry

Posted on [August 16, 2014](#) by [robertwalsh1975](#)



(<https://robertwalshwriter.files.wordpress.com/2014/08/411559bath-weekly-chronicle.jpg>)

Leroy Henry was condemned only days before the
Normandy landings began. His case was a headache
Eisenhower didn't need.

The strange case of Leroy Henry attracts me for two reasons. One is that I like to look at the unusual. Even if posting on a widely-known and common story then I prefer one with a twist. It helps keep things interesting. Leroy Henry's case was very interesting. Private Henry was one of the hundreds of thousands of Americans who flooded the UK in preparation for Operation Overlord, the liberation of Europe. He arrived in 1943 and was assigned to the 3914 Quartermaster Gas Supply Company delivering fuel to various US Army units. He was also black and so had to endure both the racial segregation in the Army at the time and no small amount of racial prejudice, particularly from his fellow Americans. He was based in Somerset, near Bristol and it was at Somerset's Shepton Mallet Prison that he nearly, but not quite, kept an unjustified date with the hangman.

The summer of 1944 was, for obvious reasons, a rather busy time for Americans and their British hosts. Few people knew when or where the forthcoming invasion would happen, but it was no secret that sooner or later it would. Private Henry, like most young soldiers abroad, liked to spend his time off relaxing. A few drinks, a dance or a movie and maybe some time with a woman. There's nothing unusual about that, or about the fact that he was apparently paying for her time. But Leroy Henry was a black man in a segregated US Army from a country with a long-established history of keeping people like him in what many whites thought was their place. In the South lynchings still occurred, a black defendant stood a far higher chance of conviction (especially if the injured party was white) and, if convicted of a capital crime, was much more likely to face execution. Leroy Henry was black, came from Missouri (not the most racist state in the Union, but no sinecure, either) and was on trial for the alleged rape of a 33-year old British woman. A white 33-year old British woman. Rape in the US Army was (and still is) a capital crime under Section 120 of the Uniform Code of Military Justice (UCMJ) and defendants at the time would be tried for their lives under the US Army Articles of War of June 4, 1920. A black defendant, an institutionally racist Army and a white alleged victim didn't look promising for the defence. And it wasn't.

Henry was court-martialled at a US Army camp near the town of Warminster. Under the Visiting Forces Act, Parliament had agreed that the US Army could handle its own criminal cases unless the Army waived that right and handed the case over to the British police and legal system. They didn't. The court-martial was presided over by a Colonel, prosecuted by a Captain Cullison and Henry was defended by a Major Drew. The jury consisted eight officers, seven white and one black.

Henry's alleged victim (who shall remain nameless) alleged that he had appeared at her home in the village of Combe Down late one night lost, asking for directions to the city of Bristol. She also claimed her husband was present and that he had no objections when she offered to go out with Henry and personally direct him to the road for Bristol. Having left the house, she alleged that Henry had assaulted her, threatened her with a knife, thrown her over a wall and then raped her at knife-point. There were, however, some serious doubts about her having made a genuine allegation. Inquiries revealed that she had been, at least, a part-time prostitute, offering sexual favours to soldiers in return for money, food and goods often entirely unavailable to civilians due to strict wartime rationing. That in itself isn't proof of perjury, not in the slightest, but more doubts were to follow. Chief among them being that, while medical examination did reveal evidence of sexual activity, it didn't reveal any trace whatsoever of physical injury, signs of a struggle or indeed any evidence of physical mistreatment whatsoever. Inquiries also revealed that Leroy Henry and his alleged victim were known to each other and had been for some time.

Leroy Henry, not surprisingly gave a different version of events. He admitted sleeping with the alleged victim, but claimed he had agreed to pay her for doing so. According to Henry he had been prepared to pay her £1 (worth far more then that today) but that she had demanded twice that. According to Henry, he told her he didn't have £2 and was prepared to pay half that, at which point she flew into a rage and threatened to report him to the Army for raping her.

So, the jury had two different stories. One came from a black defendant without any supporting eyewitnesses who may or may not have been lying to save himself. The other came from a white woman whose character would have been considered dubious by the standards of the time and who claimed to have been victim of a violent attack while having suffered no physical injuries. The jury chose to believe the alleged victim. Private Leroy Henry was found guilty and condemned to death by hanging, sentence to be carried out at Shepton Mallet Prison, using a standard British gallows operated by British executioners. Henry was shipped to Shepton Mallet, a British civilian prison loaned to the US Army by the British authorities for the duration of the war, with an armed escort and under sentence of death.

147 US servicemen were executed for crimes committed during the Second World War, 70 of whom died in Europe. All were convicted of rape and/or murder. All were either hanged or shot, shooting being the preferred choice for purely military offences such as desertion or mutiny, with the exception of the US Army's sole execution for desertion during World War II, the widely-known case of Private Eddie Slovik.. Having been convicted of a capital crime involving a civilian, Leroy Henry would hang unless a Board of Review rejected the sentence or a General signed a commutation. Under the circumstances, neither a sympathetic Board of Review or equally sympathetic General were especially likely prospects.



(<https://robertwalshwriter.files.wordpress.com/2014/08/shepton-gallows.jpg>).

The then-new gallows chamber at Shepton Mallet Prison. Leroy Henry was lucky to avoid his date with the hangman.

Shepton Mallet had become the US Army's principal military prison for the 'European Theater of Operations' (ETO). It wasn't the only place in Europe where American soldiers were condemned and executed, but it was one of the more regular spots for either a firing squad or a hanging. At Shepton Mallet firing squads were conducted at 8am. There were two prisoners shot at dawn. Sixteen were hanged in the newly-constructed gallows room, built to British specifications and operated by British hangmen. Hangings were usually performed at 1am. Sixteen men were hanged at Shepton Mallet while two more were shot. Of those hanged, nine had been convicted of murder, six of rape and three of both. Six of them were executed standing side-by-side in three double hangings, a British gallows being designed to hang two inmates at once if needed. The average age of those executed was twenty-one years old. No officers were executed, they comprised seventeen Privates and one Corporal. The principal executioner was Thomas Pierrepont, assisted by his son Albert, Herbert Morris, Steve Wade and Alexander Riley. Albert did perform three himself, but Thomas pulled the lever most often.



(https://robertwalshwriter.files.wordpress.com/2014/08/general_of_the_army_dwight_d_eisenhower_1947.jpg)

Lodged in the specially-built 'Condemned Cell' at Shepton Mallet, things looked very bleak indeed for Leroy Henry. At least they did until the intervention of a local tradesman, a local dignitary and 33,000 local people. Jack Allen was the local baker who started the petition. Appalled by the quality of incriminating evidence (more the rather striking lack thereof) he began to collect signatures. This wasn't unusual in cases involving British condemned inmates and was seldom successful. In Leroy Henry's case it was, especially when in the nearby spa town of Bath Alderman and local Magistrate Sam Day added his voice and signature to the chorus of disapproval. What resembled a case of 'Jim Crow Justice' now became a political and diplomatic football.

Campaigning proceeded quickly and snowballed equally fast. Faced with a petition of 33,000 names, wide local outcry, highly-connected locals like Sam Day and finally the attention of the national press, General (and future President) Dwight D Eisenhower swiftly brought matters to a head. Not only did he refuse to confirm the death sentence, he also threw out the entire case. Private Leroy Henry was now free to return to his unit without a stain on his record. It's unusual that so high-ranking a figure as 'Ike' would personally involve himself in a routine court-martial, or that he would take such decisive and far-reaching action. It's especially indicative of the pressure placed on him behind the scenes as Henry was condemned only a few days before June 6, 1944 when, for obvious reasons, this was an extra headache on top of the D Day landings that he really didn't need.

So, justice was served after all, albeit in highly convoluted fashion, with an unexpected guest appearance from General Eisenhower...

Tagged [acquittal](#), [acquitted](#), [Albert Pierrepoint](#), [Americans](#), [army](#), [bigotry](#), [Britain](#), [British](#), [British politics](#), [capital punishment](#), [condemned cell](#), [convicted](#), [conviction](#), [court](#), [courtroom](#), [crime](#), [crime and punishment](#), [cruel and unusual](#), [danger](#), [death](#), [death house](#), [death penalty](#), [Death Row](#), [death sentence](#), [defence](#), [desertion](#), [dishonesty](#), [escape](#), [escaped](#), [executed](#), [execution](#), [executioner](#), [executions](#), [firing squad](#), [forensic](#), [gallows](#), [Great Britain](#), [guilty](#), [hanged](#), [hanging](#), [hangman](#), [History](#), [infantry](#), [judges](#), [justice](#), [law and order](#), [liar](#), [lies](#), [military death sentences](#), [miscarriage of justice](#), [Missouri](#), [newspapers](#), [not guilty](#), [Parliament](#), [politicians](#), [prison](#), [prosecution](#), [prosecutor](#), [racism](#), [racist](#), [rifle](#), [Second World War](#), [shot](#), [soldiers](#), [unjust](#), [US](#), [US Army](#), [USA](#), [War](#), [warfare](#), [World War 2](#), [World War II](#), [World War Two](#), [wrongly convicted](#)



Published by robertwalsh1975

Robert is a freelance writer, blogger and scribbler covering military history and true crime, but also politics, history, sport, disability and welfare issues. He lives in Truro, Cornwall.

[View all posts by robertwalsh1975](#)

5 thoughts on “The Strange Case Of Leroy Henry”

1. Pingback: [ExecutedToday.com » 1945: Pvt. George Edward Smith, on VE Day](#)

jaquief says:

[August 9, 2017 at 8:23 am](#)

0

0

i

Rate This

I saw a documentary on this case several years ago. Apparently the black lawyers who defended Leroy Henry were so impressed with the way Britons responded to this injustice that after the war they joined the Civil Rights Movement. I was looking for their names when I came across your review. I haven't found them yet.

3. [Reply](#)

Chandra Panday says:

[May 4, 2018 at 10:02 pm](#)

0

0

i

Rate This

Praise be God to all the British Civilians who ensured the innocence of Private Leroy Henry. Hallelujah and Amen 🙏
Thank You.

4. [Reply](#)

Mark Shere says:

[May 5, 2018 at 12:07 pm](#)

0

0

i

Rate This

What happened to Leroy, and did he ever talk of his experience?

[Reply](#)

robertwalsh1975 says:

[May 5, 2018 at 2:11 pm](#)

0

0

i

Rate This

I don't have anything other than his being returned to his unit, unfortunately. I wouldn't be surprised if he kept as low a profile as possible.

[Reply](#)

POWERED BY WORDPRESS.COM.