

chance than their white comrades of having their punishments “disapproved” (overturned) by the reviewing authorities.

While there is little reason to doubt that racial prejudice played an important, and probably the leading, role in producing these disparities, the evidence suggests that it may not have been the only factor. The period during which black troops were prosecuted for rape at vastly higher rates than whites was very short: the two months of May and June 1945 alone saw more than half the total number of cases in which black servicemen faced courts-martial for raping German and Austrian women. While the number of prosecutions of soldiers of all races fell significantly thereafter, the decline was especially precipitous for black servicemen; during the following trimester, the number of black GIs arraigned for rape was down by 79 percent from the May–June peak. Further declines followed, so that for the April–June 1946 period, seventy-eight white defendants but just three black ones (4 percent of the defendant cohort) faced rape charges.⁸⁴

These fluctuations, moreover, are unlikely to be explicable by differences in reporting patterns. To the contrary, army authorities considered Germans more likely with the passage of time “actually to report to authorities offenses by U.S. personnel against their persons,” and attributed an apparent increase in crime figures to this trend.⁸⁵ In cases that resulted in convictions, 35.8 percent of complaints lodged by German women were against black defendants, a proportion almost identical (33.9 percent) to that of their English counterparts. Little is available to indicate whether victims in either country were less or more likely to come forward when their assailants were nonwhite. It is, however, the case that if the cohort examined in this article is representative of the whole, black perpetrators were prosecuted for rape at a somewhat lower rate than the proportion of black offenders made known to the military authorities—52 percent—would suggest. While the limited nature of the evidence precludes the drawing of definitive conclusions at present, it nonetheless appears that the military justice system went to no special pains to pursue and convict nonwhite rapists of German women.

Mary Lou Roberts has drawn attention to the fact that in France after the Normandy landings, a much higher proportion of rape complaints, some 77 percent of the total, were leveled against black soldiers. She attributes this to a tacit agreement on the part of French civilians and U.S. military authorities to configure rape as “a ‘black’ crime”—the former because of racial prejudice, the latter also in an effort to dispel the notion that “the Americans had neither the will nor the power to establish law and order in the lands they conquered.”⁸⁶ If such

84. U.S. Army, Historical Division, European Command, *Morale and Discipline in the European Command*, 6. The number of complaints of rape received from Austrian women and girls by the end of October 1945—sixteen in total—is so small as not materially to affect the overall picture.

85. U.S. Army, Historical Division, European Command, *Morale and Discipline in the European Command*, 3.

86. Roberts, *What Soldiers Do*, 257.