

Fort Lawton, on Puget Sound within the city limits of Seattle, Washington, was one of the military's major west coast debarkation facilities for men and materials during World War II. It also served as a German and Italian POW camp.

Following a night of violent disturbances between Italian POWs and American soldiers, on August 15, 1944 an Italian POW was found lynched in a remote area of the fort. After an Army investigation, 43 African-American soldiers were charged with rioting, and three of those were also charged with murder. It was the first (and only) time in American history that African-Americans were charged with a mob lynching.

The court martial at Fort Lawton was the largest and longest conducted by the military during World War II. It was front-page news across the country. After a five week trial, on December 18, 1944 twenty-eight soldiers were convicted of rioting and two were found guilty of manslaughter. Several of the men were given long prison sentences, but no one served more than four years. All but one was given a dishonorable discharge.

The POWs lynching and court martial had become an obscure historical event by the time Jack Hamann, a Seattle based award winning broadcast journalist, produced a report in the 1980s based on the Army's official version of the lynching and court martial.

Some of what Hamann reported didn't match other information he learned, so in the mid-1990s he decided to look into the case further. With the aid of his wife Hamann embarked on what became years researching

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fession to crimes that he couldn't have committed because he was elsewhere at the time they occurred, and his confession to crimes that never occurred, were "exceptional circumstances" that trumped his guilty plea and failure to appeal his conviction. His false convictions of those crimes was compounded by the illegally conducted interrogations that resulted in his confessions, and the quashing of all his convictions was warranted as the remedy. McMenamin's exonerations enables him to seek compensation for his nearly three decade ordeal.

#### Source of quotes:

Republican 'couldn't be happier' after convictions quashed, By Michael McMonagle, *Derry Journal*, May 11, 2007.

Commission Refers Terror-Related Convictions of Charles McMenamin to NI Appeal Court, Criminal Case Review Commission, September 7, 2006, [http://www.ccrcc.gov.uk/NewsArchive/news\\_433.htm](http://www.ccrcc.gov.uk/NewsArchive/news_433.htm)

## Soldiers Exonerated 63 Years After Wrongful Rioting Convictions

By Hans Sherrer

the events leading up to the lynching and the subsequent court martial.

Discovery of the original investigation and trial documents that had remained buried untouched for half-a-century in Washington DC archives, provided Hamann with many of the missing pieces to the puzzle of what happened at Fort Lawton on that August 1944 night.

Hamann discovered there was no evidence linking the two men convicted of manslaughter to the lynching. He also discovered there was no evidence that many, if not most of the men convicted of rioting had actually participated in the disturbance in the Italian POWs barracks. He further learned that the 43 defendants were represented by two lawyers who only had 13 days to prepare for the mass trial. Hamann also discovered exculpatory documents that weren't turned over to the defense. These documents included the Army Inspector General's 1944 report that detailed many errors in the investigation of the riot and lynching, and criticized many Army officials, including Fort Lawton's commander. Even more disturbing, Hamann identified that the person likely responsible for the lynching was a Caucasian MP. Hamann also tracked down the few surviving court martialled soldiers and got their account of the events.



Jack Hamann

Hamann's condensed his voluminous research into a book published in April 2005, *On American Soil: How Justice Became A Casualty Of World War II* (Algonquin Books).

After reading the book, in July 2005 U.S. Congressman Jim McDermott introduced a resolution with 24 co-sponsors in the House of Representatives that required the Army to investigate the appeal process afforded the 28 convicted soldiers. If it was deemed inadequate, the cases would be reopened. At the time McDermott said, "I don't think this will be controversial. Whether you're a Republican or a Democrat, you want the servicemen to be treated fairly."

One of the ex-soldiers still living that had been convicted of rioting, Samuel Snow, said in a telephone interview that there were huge problems with the case and the lack of evidence:

"They didn't take no fingerprints. They didn't take no footprints. We had no representation in this trial. It wasn't a fair trial. [Maj. William] Beeks had all those men." Beeks was defense co-counsel for all 43 defendants.

The Army did re-open the case, and after 15 months of evaluation by the Army Board for Correction of Military Records, the Secretary of the Army approved setting-aside the convictions because the defendants had been denied due process by the prosecution's failure to disclose exculpatory evidence, the defendants had not been provided with effective assistance of counsel, and the defendant's counsel was not allowed sufficient time to prepare for trial.

The decision was released on October 26, 2007, and it immediately applied to the four men on whose behalf a petition had been filed to set-aside their conviction. The other 24 convictions will be set-aside as petitions are filed with the Army, although only one of those men is still alive. The four men whose convictions were immediately set-aside are Samuel Snow, Booker W. Townsell, Luther L. Larkin and William G. Jones. Snow, 83, is the only one still living, so the other exonerations were posthumous.

The Army's decision paves the way for the men to be issued honorable discharges, and for them or their families to be restored "all rights, privileges and property lost as a result of the convictions." In November 2007 the Army responded to Snow's exoneration by sending him a check for \$725 in back pay.



Samuel Snow in November 2007.

The lawyers and staff of the Army Review Boards Agency acknowledged that the research documented in *On American Soil* was valuable in their evaluation of the case.

Most of Fort Lawton has been deeded to Seattle, which made it into Discovery Park, a scenic outdoor recreational area of hiking trails and play fields.

#### Sources:

Memorandum For US Army Review Boards Agency Support Division, St. Louis, *Board For Correction Of Military Records*, October 22, 2007.

McDermott calls for probe of '44 lynching, *The Seattle Times*, July 2, 2005.

Secretary of army reverses conviction in the largest courts-martial of WWII, *Mass Media Distribution Newswire*, November 6, 2007.

Army pays \$725 in set-aside World War II case, *New York Times*, December 1, 2007.

*On American Soil* is available from JD's online Bookshop at, <http://justicedenied.org/books.html>