



Eugene Kane

Delayed justice clears Milwaukee soldier

It's an obscure case from America's racial past. But for one African-American family in Milwaukee, it also represents vindication of a beloved family member's reputation, more than two decades after his death.

In 1944, 43 black soldiers were court-martialed by the Army after a bloody riot at a Seattle military base. The morning after the riot, an Italian prisoner of war named Guglielmo Olivotto was found lynched. Twenty-eight black soldiers were convicted of starting the riot, including two soldiers also charged with manslaughter. It was one of the largest Army courts-martial of World War II, according to a report in *The New York Times*.

One of the soldiers was Booker Townsell of Milwaukee, who was convicted and sentenced to two years in prison. After serving his time and being discharged from the Army, he returned to Milwaukee, where he worked at a factory and raised a family. He died in 1984 at the age of 69.

Lashell Drake, Townsell's granddaughter, knew her grandfather as a dignified man who always stressed education to his children. She knew he had served in World War II but had not heard him talk about his military experience.

"It wasn't something we ever discussed," she said.

It turns out Townsell was keeping a dark secret from his family. But in October, an Army review

board, acting on evidence uncovered by a journalist who wrote a book about the case, overturned Townsell's conviction. The ruling could lead to reversing the convictions of all 28 soldiers, honorable discharges and back pay for surviving family members.

Only two of the original 28 soldiers are still alive.

The review board found the court-martial was flawed and the defense had been unfairly rushed to trial. To Drake, the decision was a major victory for her family.

"My grandfather was a very proud man," she said last week. "He would have wanted his name cleared, and this decision does that for him. It gives him his good name back."

The road to Townsell's redemption started a year and a half ago, when members of his family heard author Jack Hamann on a Chicago radio station discussing his 2005 book, "On American Soil: How Justice Became a Casualty of World War II." Using material that had never been disclosed, Hamann's book led to bipartisan requests in Congress to review the case.

Townsell's family contacted Hamann and began a campaign to petition the Army to reverse Townsell's conviction.

"If it hadn't been for the Townsell family, this could have dragged on for years," Hamann said in an interview.

"They were the ones who made it happen."

Hamann said many survivors of the 27 other soldiers might not realize they could seek to have those convictions also overturned, along with honorable discharges and back pay. The analysis used to reverse Townsell's conviction would apply to all of the soldiers, an Army lawyer who reviewed the case for the review board told *The New York Times*.

"My grandfather was a very proud man. He would have wanted his name cleared, and this decision does that for him. It gives him his good name back."

Hamann's book lays out the twists and turns of the 1944 event. Incredibly, the tale involves Leon Jaworski, a young lieutenant who prosecuted the case for the Army and would later serve as special prosecutor in the Watergate case. Hamann discovered that Jaworski failed to share evidence with defense lawyers that could have exonerated the black soldiers.

Hamann's investigation uncovered racial bias against the soldiers that led to their unfair convictions. One particular sore point was the way all the soldiers were rounded up and charged immediately without the benefit of full counsel. Hamann also found evidence that some white military police officers had played a role in stoking angry feelings between American and Italian soldiers on the base.

Hamann said it seemed suspicious that black soldiers in 1944 would participate in a lynching, given the racial attitudes in America at the time.

According to his research, no black person had ever been put on trial for a lynching until then.

A lawyer who specializes in military affairs helped Drake and other family members with their petition to the Army review board. The process involved plenty of research and documentation of her grandfather's case.

The decision that overturned Townsell's conviction was a sweet victory.

"My grandfather's reputation was at stake," she said. "We never knew he had spent two years in prison when we were growing up, but this was something that didn't defeat him. He was determined to turn his life around."

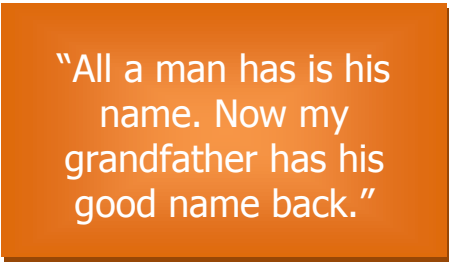
Hamann said the case represented an ultimate case of "why justice delayed is justice denied."

"This family went after this for all the right reasons," he said. "They should get most of the credit."

In January, the family will celebrate their legal victory with a ceremony attended by Army officials to recognize Townsell's conviction being overturned after almost 63 years. Local politicians, including U.S. Rep. Gwendolyn Moore and state Sen. Spencer G. Coggs, plan to appear at the ceremony, which Drake hopes will send a message about persistence in the face of challenge.

"All a man has is his name," Drake said. "Now my grandfather has his good name back."

Contact Eugene Kane at (414) 223-5521 or ekane@journal sentinel.com.



"All a man has is his name. Now my grandfather has his good name back."