

Army Pays \$725 in Set-Aside World War II Case

BY WILLIAM YARDLEY
New York Times staff writer

SEATTLE, Nov. 30 — A month after the Army said it made a mistake when it court-martialed Samuel Snow and 27 other black soldiers in World War II, the Pentagon has cut Mr. Snow a check for back pay, money withheld while he served a year in prison on a rioting conviction.

The check was for \$725. No interest. No adjustment for inflation.

Mr. Snow, now 83, says \$725 is not nearly enough for the anguish he endured as part of what was possibly the largest Army court-martial of the war. He has no plans to cash the check.

“I didn’t think it was appropriate,” said Mr. Snow, retired after more than 40 years of working as a janitor in Florida. “I’m going to ask them for more or something.”

In October, an Army board effectively overturned the convictions of Mr. Snow and the other former soldiers on rioting and other charges. The men, two of whom are known to survive, were imprisoned in many cases and dishonorably discharged after a riot at Fort Lawton here in August 1944 that led to the hanging death of an Italian prisoner of war held at the post.

The Army Board for Correction of Military Records specifically set aside the convictions of Mr. Snow and three others whose families requested reviews of the cases. The board found that the convictions were flawed because two lawyers defended 43 soldiers, the lawyers had 13 days to prepare for trial and, most critically, the prosecution withheld important evidence that could have potentially helped the defendants.

“All rights, privileges and property lost as a result of the conviction should be restored to him,” the board said of Mr. Snow. Rulings in the other cases were similar.

Col. Daniel L. Baggio, chief of media relations for the Army, said in an interview and in e-mail messages that he could not discuss Mr. Snow’s specific payment because of privacy laws. Colonel Baggio said a private of Mr. Snow’s grade was paid \$50 a month in 1945.

He said Mr. Snow’s \$725 appeared to reflect money withheld from his conviction on Dec. 18, 1944, to what would have been his likely discharge date, March 2, 1946. In an e-mail message, Colonel Baggio said the law controlling the board “does not authorize payment of interest, pain and suffering or damages.” If the back pay had been calculated at 8 percent for 61 1/2 years, compounded annually, Mr. Snow

could have received more than \$80,000. If the \$725 was simply adjusted for inflation, it would amount to more than \$7,700, a calculator on the Labor Department Web site shows.

In 1949, Mr. Snow tried to upgrade his discharge but was rejected by the records board. He returned in 1975, and his status was upgraded to “general under honorable conditions,” according to Army documents.



CHRIS LIVINGSTON FOR THE NEW YORK TIMES

Samuel Snow, who was court-martialed in World War II, at home in Leesburg, FL., in October.

The board determined then that after initially denying involvement, Mr. Snow confessed to rioting under duress because he had been jailed in a stockade. Mr. Snow said he received veteran’s health benefits.

Mr. Snow said in a phone interview that the \$725 check was accompanied by a letter that said “if I thought that wasn’t agreeable, don’t cash the check, because there wouldn’t be no more if I did.”

He said his son planned to look for ways to appeal, including going to his representative, Corrine Brown,

Democrat of Florida. An aide to Ms. Brown said Friday that she recently met Mr. Snow.

“I know the congresswoman would be concerned about this issue,” Ms. Brown’s legislative director, Nick Martinelli, said.

It was unclear what other benefits might have been denied to Mr. Snow or the families of others convicted and what might be available now. Colonel Baggio said such back payments were uncommon but did not respond to follow-up questions on additional benefits.

An official of the Defense Finance and Accounting Service, who insisted on anonymity because he said he was not authorized to speak publicly about the case, said Mr. Snow could appeal for more pay or benefits. The official said Mr. Snow was the sole convicted soldier to have been sent a check.

It was unclear whether the other known survivor, Roy Montgomery of Illinois, had applied for a review. The review process was ordered by Congress after a book about the case, “On American Soil,” by Jack Hamann, a journalist and an author here, was published.