

Wrongly convicted WWII vet dies after apology

BY WILLIAM YARDLEY
New York Times staff writer

SEATTLE — Samuel Snow died refusing to cash the Army’s check, but not before receiving a long-awaited apology.

Mr. Snow, a retired janitor who was a soldier during World War II, died early Sunday, 64 years after he was wrongly convicted in connection with the death of a prisoner of war at a military post here. At a ceremony on the old post hours before Mr. Snow’s death, a top Army official formally apologized to him and to the families of 27 other soldiers who had been involved in the case.

“It’s mighty long coming,” said Roy Montgomery, 87, who is now the only known survivor among the soldiers and who lives in a nursing home in Park Forest, Ill.

Still, Mr. Montgomery, Mr. Snow and the families of the other soldiers have not received what their supporters believe is fair financial compensation for having been wrongly convicted and imprisoned and having their pay docked after one of the largest Army courts-martial of the war, in 1944.

Last fall, after an Army review ordered by Congress found that the soldiers had been wrongly convicted, Mr. Snow was cut a check for \$725 in back pay. That amount was based on his pay at the time of his conviction, without being adjusted for interest or inflation. Believing he was owed more, and after reading an Army letter that said cashing the check would prohibit him from seeking more, Mr. Snow never accepted the money. He was 84 when he died.

“We’re probably going to frame that check,” his son, Ray, said Monday from the family’s home in Leesburg, Fla.

Members of Congress, including Representative Jim McDermott of Washington and Senator Bill Nelson of Florida, both Democrats, have been pushing a measure that would give the Army the authority to pay interest on the payments or adjust them for inflation. For Mr. Snow’s family, that could mean \$80,000 or more, depending on how the Army calculates the benefits a soldier receives.

The House has passed the measure as part of the Defense Authorization Act. A slightly different measure in the Senate awaits a full vote.

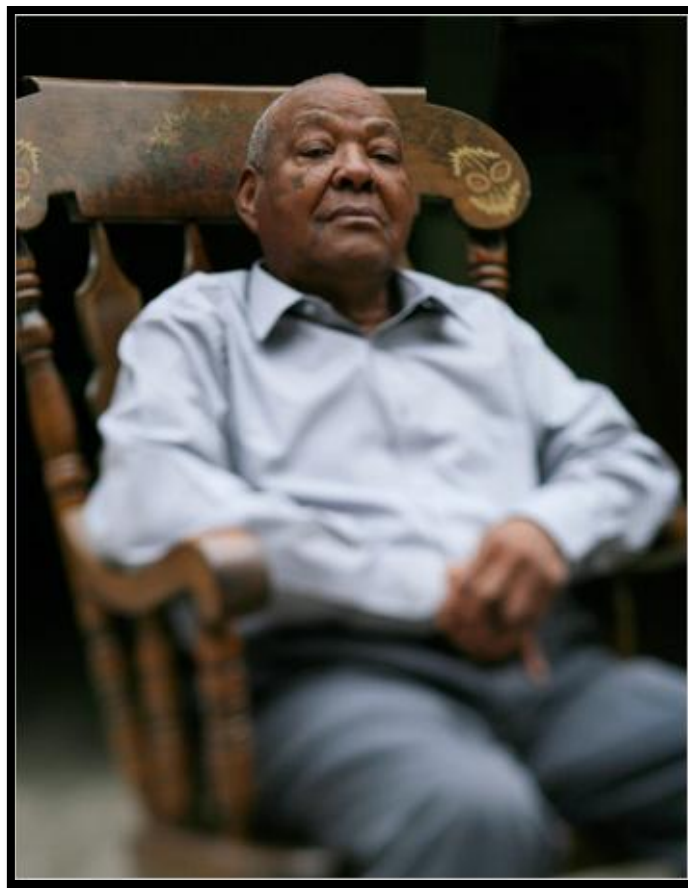
Only a handful of the families of the 28 men have submitted to the Army the request for review that must be filed before it will formally throw out the conviction, grant an honorable discharge and pay compensation.

“The United States Army is not spending a single dime trying to trace these folks,” said Jack Hamann, a Seattle journalist whose book about the case, “On American Soil,” brought the matter to the attention of Mr. McDermott.

Mr. McDermott has suggested that the wrongly convicted soldiers, all black, were “victims of racial injustice.”

The soldiers were stationed in Seattle at Fort Lawton on Aug. 15, 1944, when a prisoner of war, Guglielmo Olivotto, was found dead by hanging after a night of fighting between American soldiers and Italian prisoners.

Two defense lawyers, representing 43 men initially charged, had 13 days to prepare for trial. Twenty-eight black American soldiers were convicted of rioting; two were also



CHRIS LIVINGSTON FOR THE NEW YORK TIMES
Samuel Snow, at home in Leesburg, Fla., in 2007. He was one of 28 soldiers who had their 1944 convictions overturned..

convicted of manslaughter. Last fall, the Army's Board for Correction of Military Records found that the defense had been rushed and that the military prosecutor had withheld important evidence that could have helped the defendants.

Mr. Snow flew to Seattle from Florida last week to attend the ceremonies honoring the soldiers. But he became too ill with heart problems to attend the main event on Saturday, when an assistant secretary for the Army, Ronald James, gave

plaques to the families present and apologized on behalf of the Army for what he called "a grievous wrong."

Mr. Snow died early the next morning, but not before hearing about the apology, his son said.

"He had a smile so big," the younger Mr. Snow said.