

Robert L. Jamieson
**After half a
 century,
 Army rights
 a wrong**



JUSTICE DENIED – AND JUSTICE SERVED.

That sums up the case of black soldiers convicted in connection with a World War II race riot in which an Italian prisoner of war died at Seattle's Fort Lawton.

On Friday, the U.S. Army said it would overturn the conviction of Private Booker Townsell who was convicted of rioting in the 1944 fracas. But in an e-mail, one top Army official said "similar relief" likely would apply to three other soldiers -- including two convicted of manslaughter in the case -- whose families filed for review.

Here's why this stunning ruling matters:

It shows that principles like fairness, justice and honor still matter in the military.

It shows even the oldest wrong can be righted.

It shows the power of a few voices railing against a gross miscarriage of justice.

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The decision favoring Townsell sets the stage for clearing more of the 28 soldiers -- all black -- convicted in one of the largest and longest Army court-martials during World War II.

The key question -- did the accused get a fair trial?

No, said the Board for Correction of Military Records in Townsell's case -- an indictment of the whole court-martial process that showed black soldiers, willing to die for their country, couldn't escape discrimination.

During the court-martial, only two defense lawyers represented more than 40 men. And the defense didn't have access to key documents. And there was no witness or physical evidence connecting the defendants to the slaying.

Still, more than two-dozen were convicted of rioting, and two of manslaughter.

Some of those soldiers are still alive. Townsell is deceased; he was buried without an American flag.

In a blunt memo on Townsell's case, the board said due process had been denied, "amounting to fundamental unfairness."

The Army also put a lens on the prosecutor in the case -- Leon Jaworski, who went on to become a Watergate special prosecutor.

"The most egregious error" in this trial involved Jaworski's "access to and use of portions of the Inspector General investigation, a right denied defense counsel despite ... many requests," the memo said.

Jaworski was "able to and did use statements obtained in the investigation during trial to ... impeach defense witnesses," the Army concluded.

Given such broad criticism of the court-martial, Army sources tell me the same rationale behind Townsell's ruling likely would apply to the other soldiers -- though they say the review board makes its rulings on a case-by-case basis, and only if the review is requested.

Most surprising is the award: It set aside Townsell's conviction, gave him an honorable discharge and will compensate his estate for back-pay and allowances.

As I said: remarkable.

On Aug. 14, 1944, a fistfight broke out at Fort Lawton, which is now Discovery Park, between a black enlisted man and an Italian POW. Later that night, there was a larger disturbance, and the next morning, one of the Italian POWs was found hanged.

Friday's big turn shows the system can work, even if it takes time. But the path to justice was paved by three key players.

Seattle author and journalist Jack Hamann delved into the Fort Lawton case. He got a hunch that injustice had occurred and wrote a groundbreaking book published in 2005.

Rep. Jim McDermott picked up the book -- "On American Soil: How Justice Became a Casualty of World War II" -- and was "outraged" by the racial injustice.

He told his office something had to be done more than a year ago. The Seattle Democrat started working with Rep. Duncan Hunter, ranking Republican on the House Armed Services Committee, to get the issue before a review board.

"And the Army stepped up," McDermott said Friday.

Military officials looked long and hard at whether the military justice system as it existed during World War II and as applied by the prosecution was fair. Their finding is nothing short of refreshing at a time when the public's trust in people in power has been shaken during another war -- in Iraq.

"Extraordinary result," said Hamann, when I caught up with him Friday.

In his research, Hamann, a former lawyer, found that some of the soldiers were victims of false identification. Hamann also wrote the unconscionable hanging of the Italian POW -- which was never solved -- likely was committed by a racist member of the military police.

McDermott, who learned about the ruling while flying to Seattle from D.C., said he was beyond excited. "You don't usually have this clear a victory when dealing with the bureaucracy," he said.

"In this case, the Army didn't act bureaucratically -- they realized fair is fair."

About time.

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