

Lore of the Corps

A Murder in Manila—and then a Hanging

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“Army Officer Hanged For Killing His Fiancée” screamed the headline in the *Boston Daily Globe*¹ the article that followed described how, on March 18, 1926, 25-year old Second Lieutenant (2LT) John S. Thompson calmly “and without making any statement . . . walked to a scaffold” where a noose was placed around his neck. Moments later, when Thompson met his end, his death made history. He was the first American officer to be executed in peacetime² and the only graduate of the U.S. Military Academy to be executed for a crime.

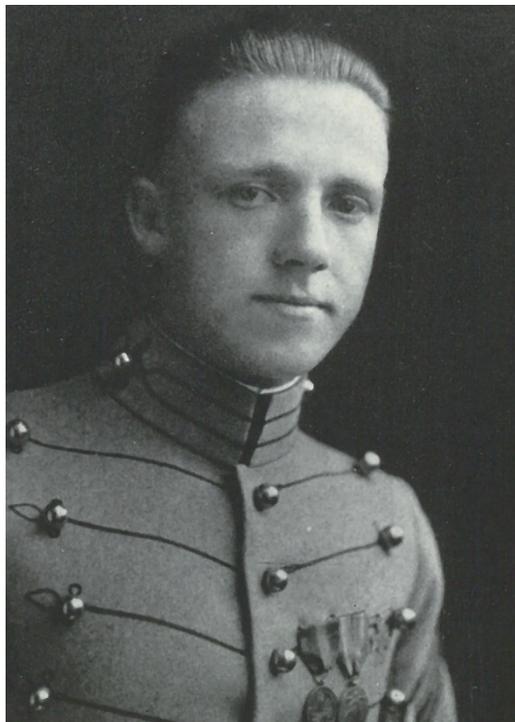
Born in Parnassus, Pennsylvania, in 1899, John Sewell “Tommy” Thompson did not enter West Point from civilian life as most cadets of this era. Instead, he enlisted in the Army in June 1917 and, on the basis of a competitive examination, obtained a spot as a cadet in 1920.³

After graduating in 1924 as a Second Lieutenant and receiving a commission as an officer in the Signal Corps, Thompson was assigned to the Philippines. He took the train from New York to San Francisco and then travelled by ship across the Pacific to the Philippines. He arrived at Fort William McKinley, located just outside Manila, in November 1924.⁴

In the Army of the 1920s, dinners and dancing were the focal point of many young, unmarried officers’ lives outside of work. Many servicemembers traveled to Manila to meet up at the Army and Navy Club or the Manila Hotel to eat, drink, and socialize.⁵

Shortly after arriving in the Philippines, Thompson, then twenty-five years old, met Audrey Burley, the 16-year-old step-daughter of Captain Hamilton P. Calmes, an Army doctor serving in the Islands⁶ at a party on a barge. She had “black, bobbed hair” and “pretty, bewitching eyes.”⁷ She was five foot four inches tall and weighed about 110 pounds.⁸

While the records in Thompson’s case do not contain many details about Audrey, she seems to have been quite popular, despite (or perhaps because of) her youth. She had a wide circle of friends and enjoyed dinners and dances with friends. She seemed to have been quite extroverted and was interested in acting; she danced the hula-hula in an amateur theatrical performance the night of her death.⁹



Second Lieutenant John S. Thompson, 1924

By February 1925, Thompson was infatuated with Burley. She was, he told his mother, “the most wonderful girl

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¹ *Army Officer Hanged For Killing His Fiancée*, BOSTON DAILY GLOBE, March 18, 1926, at A3.

² *Id.*

³ See Gen. Courts-Martial 168928, National Archives and Records Administration [hereinafter GCM 168928], Findings and Conclusion of Medical Board in the Case of 2d Lieut. John S. Thompson, at 7-8 (on file with the Records of the Judge Advocate General, Record Group 153).

⁴ GCM 168928, *supra* note 3, Memorandum from the Testimony of the Insanity Board.

⁵ See, e.g., JOSEPH P. MCCALLUS, *THE MACARTHUR HIGHWAY AND OTHER RELICS OF AMERICAN EMPIRE IN THE PHILIPPINES* (2010).

⁶ GCM 168928, *supra* note 3, Letter from Dwight Davis, Secretary of War, to President Calvin Coolidge 1, Examination of Lieut. John S. Thompson at 10.

⁷ GCM 168928, *supra* note 3, Letter, John S. Thompson to mother, May 25, 1925, at 1 [hereinafter Letter to Mother].

⁸ GCM 168928 *supra* note 3, Autopsy Report, Audrey C. Burleigh, April 6, 1925, at 1.

⁹ GCM 168928, *supra* note 3, Letter to Mother, *supra* note 6, at 6.

I ever met” and “the first girl to whom I ever said ‘I love you.’”¹⁰ After Audrey moved to Fort McKinley from Manila, she and Thompson became inseparable. He wrote to his mother:

We went out night after night just by ourselves, generally to the Club or in back of it. It was wonderful with the tropical moonlight and Audrey’s eyes and lips, which were more wonderful than any moon lit up for lovers. Sometimes we would hire a car for an hour or so during the evening. We loved to perfection. As Audrey said later over the phone, there wasn’t any one could show us how to love.¹¹

By April 1925, however, Thompson had grown despondent. Congress had changed the rules on pay for Army officers with prior enlisted service, meaning that Thompson’s years of uniformed service prior to West Point would no longer count toward his salary.¹² This upset Thompson because he believed he could no longer afford to marry Audrey.¹³ In addition, Audrey’s mother had decided that her daughter should return to the United States at the end of April, and John Thompson was beside himself over this turn of events. While Audrey had promised to remain faithful him—and apparently even promised that she would secretly marry him before returning to the United States—Thompson was convinced that her departure would mean the end of their relationship.¹⁴

Even by the standards of the 1920s, in which both men and women held what we today would view as quite conservative ideas about the role of females in society, Thompson’s views on women were out of step with his peers. As First Lieutenant W. H. Kendall put it in a sworn statement as part of the investigation into Burleigh’s murder, “Thompson seemed to have the idea that his duty was to safeguard the chastity of any women he liked. He had . . . very strong and puritanical ideas of the relations between men and women.”¹⁵ According to Kendall, Thompson “did not believe in sexual intercourse before marriage and even considered kissing to be immoral.”¹⁶ While many of Thompson’s contemporaries agreed with the former (at least in theory), his views on kissing were definitely out of step with the times.

John Thompson decided that there was only one way out of his predicament. Late in the evening on Saturday, April 4,

1925, he took a loaded Colt .45 caliber automatic pistol, which he had obtained from the arms room several months earlier, and hired a taxicab to take him to the Manila Hotel. He was looking for Audrey Burleigh, who had previously agreed to go to a dance with Thompson at the hotel.¹⁷

After arriving at the hotel, and learning that Audrey was at the Army and Navy Club, Thompson went by taxicab to that location, where he found and invited Audrey to go for a drive with him. As Thompson told his mother in a letter, written to her while he was locked up awaiting his trial by courts-martial, Thompson and Audrey began talking in the backseat of the taxicab.

I started asking her is she loved me. She said once she had but wouldn’t if I were going to act like this. . . . I was in a daze. . . . If she had only coaxed me like she always did to get me to do things and kissed me, I would have turned back. But she had no way of knowing my purpose, that I had lost control of myself.

She leaned forward and kicked at the back of the head of the dumb Filipino driving the car. I pulled the automatic out, never loving her more than I did then. I, mercifully, can remember nothing from then ‘til I saw her falling over on the seat, crying “I love you.”

Mother, that is what makes me want to be myself deprived of life I knew Audrey was wonderful and the best girl on the earth, but I didn’t know they made them that loving and brave. Five shots had entered her body causing eleven wounds and she told the one who had done it that she loved him.¹⁸

Thompson continued in this letter that he had turned the gun on himself and that he intended to shoot himself in the heart. But, when he pulled the trigger, the sixth cartridge had not fed into the chamber of the Colt .45 and there was no discharge. Thompson said his “nerves were gone” and, apparently distraught and confused, he made no attempt to re-load the pistol and attempt once again to shoot himself.¹⁹

Thompson thought briefly about returning to his quarters on Fort McKinley to obtain more ammunition with which to commit suicide. He decided against this course of action, however, as he claimed to have forgotten where he had put

¹⁰ *Id.* at 1.

¹¹ *Id.*

¹² See Act of June 10, 1922, ch. 212, sec. 1, 42 Stat. 627.

¹³ *Id.* at 1–2.

¹⁴ GCM 168928, *supra* note 3, Letter from Dwight Davis, Secretary of War, to President Calvin Coolidge 2.

¹⁵ GCM 168928, *supra* note 3, Statement of First Lieutenant W. H. Kendall 1.

¹⁶ *Id.*

¹⁷ GCM 168928, *supra* note 3, Interview, Colonel C. H. Conrad of 2nd Lieutenant John Sewell Thompson, April 6, 1925, Government Exhibit No. 7, at 15 [hereinafter Interview].

¹⁸ Letter to Mother, *supra* note 6.

¹⁹ Interview, *supra* note 15, at 19.

the ammunition in his room. Consequently, he told the taxi driver to take him to the 15th Infantry Regiment's guardhouse at Fort McKinley. On the way over, he claimed to have "kissed Audrey on the cheek and held her hand."²⁰

Thompson arrived at 1:20 A.M. He got out of the automobile, walked up on the porch of the guard house and said to Corporal William M. Mamgun: "I am Lt. John S. Thompson, Qrs. 54, self-confessed slayer of Miss Audrey Burleigh. Lock me up, take her to the hospital."²¹

The following day, on the morning of April 6, Colonel (COL) C.H. Conrad, Jr. came to the guard house to question Lieutenant Thompson about the slaying of Audrey Burleigh. At this time, there was no requirement under either military or civilian law to advise a person suspected of a crime that he had a right to consult with a lawyer. Under the Articles of War, however, which set rules for the admissibility of evidence at courts-martial, any statement Thompson might make to Conrad could only be used at his trial if Thompson were told that he did not have to saying anything. He also had to be informed that anything he might say could be evidence against him.²²

After Conrad advised Thompson of these rights, the young lieutenant decided to "make a full statement of the facts of the case." Conrad then put Thompson under oath and began questioning him.²³

19. Q - Are you happy?
A - Well, no.

20. Q - Are you contented?
A - I would say I am resigned.

21. Q - Has the Board treated you courteously and fairly?
A - Very.

22. Q - By what authority do you believe this Board was appointed?
A - Authority of the Commanding General.

23. Q - For what purpose do you believe the Board was appointed?
A - Inquiring into the sanity, temporary or permanent, of myself.

24. Q - Do you admit killing Miss Audrey Burleigh?
A - I do.

25. Q - What will follow completion of the investigation being made?
A - Trial by general court-martial.

26. Q - Do you have defense counsel?
A - I have.

27. Q - Who are they?
A - Defense counsel, Major Miller; Asst. defense counsel, Lt. Low; Individual Defense counsel, Lt. Lazarus.

28. Q - Did you ask for defense counsel?
A - I asked for individual defense counsel.

29. Q - What defense will they endeavor to establish?
A - I imagine they will endeavor to establish defense of insanity.

30. Q - Are you in sympathy with their efforts in your behalf?
A - Insofar as establishing insanity, no.

31. Q - In what respects are you in sympathy with their efforts?
A - I am in sympathy with their efforts to the extent that they have had imposed upon them a military duty which they should fulfill.

32. Q - Having killed the girl you loved, do you wish to live on?
A - The question I will not answer.

33. Q - Why not?
A - I will not answer that question.

34. Q - Why did you not commit suicide?
A - I was frustrated by fate I guess.

35. Q - Had you intended to commit suicide?
A - I had.

36. Q - Did you ever discuss suicide with Audrey Burleigh?
A - I did not.

37. Q - Was there ever talk between you of dying together at your own hands?
A - No, sir.

Statement of Lieutenant Thompson April 18, 1925

Thompson admitted that he had contemplated killing Audrey Burleigh as early as April 2. He explained that he truly loved Audrey, that she definitely loved him and that she said would marry him before leaving the Philippines. Nonetheless, he ultimately decided to end her life for two reasons. First, Thompson was upset about being deprived of longevity pay for service as an enlisted man and as a cadet at West Point—money that Thompson insisted he needed if he were to marry Audrey Burleigh. "My other reason," he told COL Conrad, "was fear of the loneliness to which I would be subject to the next two years without her, and the doubt as to whether things would be quite the same then as before."²⁴

The entire interview conducted by Conrad was recorded by a female typist, Miss Robertson, who typed out more than 200 questions and answers. Lieutenant Thompson then made minor pen-and-ink corrections to the statement, and signed it "John S. Thompson." At trial, this lengthy confession was admitted into evidence.²⁵

Thompson's trial by general courts-martial opened at Fort McKinley on May 4, 1925. Lieutenant Thompson faced a single charge:

²⁰ *Id.*

²¹ GCM 168928, *supra* note 3, Statement of Corporal William M. Mamgun, Board of Medical Officers, April 22, 1925.

²² Interview, *supra* note 15., at 14.

²³ *Id.*

²⁴ *Id.* at 18.

²⁵ *Id.*

In that Second Lieutenant John S. Thompson, Signal Corps, did, at Manila, Philippine Islands, on or about the 5th day of April, 1925, with malice aforethought, willfully, deliberately, feloniously, unlawfully, and with premeditation kill one, Audrey Burleigh, a human being, by shooting her with a pistol.²⁶

The proceedings opened on May 4—only a month after the slaying—so that a number of witnesses, who were scheduled to soon leave the Philippines for the United States, could testify prior to departing. After they testified, the proceedings were adjourned for three months so that Thompson’s two defense counsel, 2LTs Frank L. Lazarus and Leslie E. Simon, who planned to defend Thompson using an insanity defense, could obtain depositions from the United States. The hope was that depositions from Thompson’s family and friends would address his mental condition and provide support for the insanity plea.²⁷

Based on Thompson’s confession to the crime, and his admission that he had contemplated killing Audrey days prior to the shooting, it was very likely that the prosecutor, Major (MAJ) Thomas A. Lynch, would prevail on the merits.²⁸ The only viable defense was some sort of insanity plea or diminished capacity at the time of the offense. Certainly Thompson’s explanation for murdering the young girl he professed to have loved made little sense to those who heard it, and his actions immediately after the slaying only underscored the belief—at least of some observers—that he was “not quite right.”²⁹

Based on the circumstances surrounding Audrey Burleigh’s homicide, the Army had already decided to look into Thompson’s “mental and physical condition.” Consequently, on April 18, a Board of Medical Officers consisting of three Army physicians, examined John Thompson. They unanimously concluded that he was sane at the time of the crime.³⁰ In July, this same board met a second time to again inquire into Thompson’s sanity because of the depositions obtained by Thompson’s defense counsel from the United States. After carefully examining the depositions, and re-examining the accused, the three Army physicians again concluded that “Lieutenant John S. Thompson did not at the time of the offense charged suffer from any mental defect or derangement” that prevented him from controlling his actions. The Board further concluded that, at the time of

the murder, he was able to appreciate “right or wrong” and that he was now able to understand the nature of the trial proceedings and cooperating in his own defense.³¹

Despite the opinion of the Board of Medical Officers, there was every reason to think that an insanity defense might still prevail at trial, given the unusual circumstances of the homicide and Thompson’s decidedly abnormal behavior. But Thompson would have none of it. When his court-martial reconvened three months later, on August 3, 1925, Thompson refused to allow his counsel to raise the insanity defense, even going so far as to threaten to fire them if they persisted in raising the defense. Thompson believed it would be dishonorable to claim insanity when he believed himself to be sane and that an insanity plea would bring shame and embarrassment to his family.³²

But, while Thompson refused to plead insanity, he did raise a new defense: that he could not be convicted of premeditated murder because he lacked the requisite malice. The defense now contended that the accused could not be found guilty as charged because Thompson had killed Audrey Burleigh while “in the grip of and because of passion or fear aroused by the thought of losing” her. This meant that he was guilty of manslaughter and not murder.³³

It was a novel defense but one that did not have much chance of success. It was elementary law in the 1920s, as it is today, that in order for a provocation of some type to reduce murder to manslaughter, that provocation must be sufficient “to excite uncontrollable passion in the mind of a reasonable man.”³⁴ Disappointment over a reduction in military pay and fear of losing the love of a sixteen-year-old girl simply was not going to be adequate provocation, as a matter of law.

Lieutenant Thompson’s trial lasted a total of four days: August 3 and 4, and September 1 and 2, 1925. On the last day, the court-martial panel adjourned for deliberations. When the panel members returned hours later, Brigadier General (BG) Charles J. Symmonds, the president of the court, announced that the jury, “upon secret written ballot,” had first voted on the accused’s sanity. Said Symmonds: “The accused was, at the time of the commission of the alleged offense, so far free from mental defect, disease, or derangement . . . both (1) to distinguish right from wrong and

²⁶ GCM 168928, *supra* note 3, U.S. War Department, Adjutant General’s Office Form No.594, Charge Sheet, April 8, 1925, at 2.

²⁷ United States v. John S. Thompson, No. 015589 (Sept. 29, 1925) 68.

²⁸ For more on the remarkable life and career of Lynch, see Fred L. Borch, *The Life and Career of Thomas A. Lynch: Army Judge Advocate in the Philippines and Japanese Prisoner of War*, ARMY LAW, March 2015, at 1.

²⁹ GCM 168928, *supra* note 3, Letter from Rev. Dr. J. Milton Thompson to Secretary of War Dwight F. Davis, Subject: 2nd Lieutenant John S. Thompson, Signal Corps, Court Martial Case, at 2.

³⁰ GCM 168928, *supra* note 3, Supplemental Proceedings, Special Orders No. 45, Aug. 1, 1925.

³¹ GCM 168928, *supra* note 3, Letter from Rev. Dr. J. Milton Thompson to Secretary of War Dwight F. Davis, Subject: 2nd Lieutenant John S. Thompson, Signal Corps, Court Martial Case, at 4.

³² *Id.*

³³ United States v. John S. Thompson, No. 015589 (Sept. 29, 1925) at 377.

³⁴ MANUAL FOR COURTS-MARTIAL, UNITED STATES, pt. IV, ¶ 443 (1921) [hereinafter MCM 1921].

(2) to adhere to the right.”³⁵ General Symmonds then stated that the court members had voted on the issue of guilt or innocence, and found Thompson guilty of premeditated murder. His sentence: to be hanged by the neck until dead.³⁶

Thompson’s actions as premeditated. Certainly the fact that Thompson fired five bullets from his Army pistol into Audrey meant this was no accident. Finally, for a second lieutenant to be brooding about a loss of pay, and using that as an excuse for murder, at least in part, would have engendered no sympathy.

**RECORD OF TRIAL BY GENERAL COURT-MARTIAL OF
SECOND LIEUTENANT JOHN S. THOMPSON, A. S. NO. 015589, SIGNAL CORPS.**

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Record of Trial, *United States v. John S. Thompson*

Looking at the record in John Thompson’s case, it is not too difficult to understand the verdict. First of all, it is difficult to convince a jury that an accused was insane at the time he committed a crime, especially when that crime is one of extreme violence. But there were other factors that made the verdict of guilty highly likely. The victim was but sixteen years old, and the officers sitting in judgment of Thompson no doubt viewed her as an innocent young girl whose life had been taken from her for no good reason. Her status as the step-daughter of a fellow officer almost certainly influenced their decision too. Finally, there was no provocation, no lover’s quarrel that might have enraged Thompson. On the contrary, since the accused had admitted thinking about murdering his fiancée for some days prior to the shooting, BG Symmonds and his fellow jurors were likely to see

Under the military criminal law of the 1920s, there was no appellate court that could hear an appeal from Thompson as would have occurred in a civilian criminal prosecution. On the contrary, Congress provided only that after Major General (MG) William Weigel, the Philippine Department commander who had convened the court-martial, took action on the findings and sentence, would a three-member “Board of Review” examine Thompson’s trial for any irregularities.³⁷ This board, consisting of three Army judge advocates who were experts in criminal law, was located at the War Department in Washington, D.C. Additionally, because Thompson had been condemned to death, this sentence must be personally approved by the president. This is still the rule today.³⁸

Consequently, the entire record in Thompson’s case went by boat from Manila to San Francisco, and then by train to Washington, D.C. It was first examined by the Board of Review. That board’s decision—and recommendation—went next to MG John A. Hull, The Judge Advocate General of the Army. The Army lawyers in his office studied the Thompson record and were the focal point for any correspondence from Thompson’s family, friends and the public relating to the case. After General Hull and his staff had completed their review of Thompson’s court-martial, Hull signed a memorandum containing a recommendation in the case for President Calvin Coolidge. Hull’s memo went to the president by way of Dwight F. Davis, the Secretary of War.³⁹

Thompson’s father, the Reverend Dr. J. Milton Thompson, was a prominent Presbyterian minister with a church on Long Island, New York. He had considerable influence, and immediately hired New York City attorney Newton W. Gilbert to advocate on behalf of his son. He also enlisted George W. Wickersham, who had served as U.S. Attorney General from 1909 to 1913, to appear personally before General Hull in his War Department office and plead for Lieutenant Thompson’s life.⁴⁰ Associates and colleagues of the Thompson family also wrote letters requesting clemency.⁴¹

³⁵ *United States v. John S. Thompson*, No. 015589, Sept. 29, 1925, at 378.

³⁶ *Id.*

³⁷ GCM 168928, *supra* note 3, Judge Advocate General’s Department, Board of Review (1926).

³⁸ See UCMJ art. 71a (2012); MANUAL FOR COURTS-MARTIAL, UNITED STATES, R.C.M. 1207 (2012).

³⁹ GCM 168928, *supra* note 3, 1st Ind., J. A. Hull, The Judge Advocate General to Dwight F. Davis, Secretary of War.

⁴⁰ GCM 168928, *supra* note 3, Letter from Rev. Dr. J. Milton Thompson to Major General John A. Hull, The Judge Advocate General, Re: Second Lieutenant John S. Thompson, Dec. 28, 1925, at 1.

⁴¹ GCM 168928, *supra* note 3, Letter from Newton W. Gilbert to Secretary of War, Jan. 13, 1926; *Id.* Letter, Officers, Members and Congregation of Sage Memorial Presbyterian Church, to Major General John A. Hull.

The gist of their argument—as Reverend Thompson put it in a December 28, 1925 letter to General Hull—was that while Lieutenant Thompson had shot and killed Audrey Burleigh, this murder was the direct result of an “uncontrollable impulse” arising out of “an adolescent complex.”⁴² The Thompson family—Reverend Thompson, his wife and his daughter—had been “amazed, astounded, perplexed and bewildered” by the “revolting nature” of the homicide. But they were convinced that the “abnormal” aspects of the slaying must indicate that their son and brother was insane; there could be no other explanation.⁴³

Major General Hull knew that Thompson’s mental state was the key to the proper recommendation. Consequently, he asked MAJ (Dr.) J. B. Anderson, then stationed at Walter Reed General Hospital, to look at the Thompson files and give his opinion as to the accused’s sanity and mental responsibility.⁴⁴

On January 7, 1926, MAJ Anderson wrote to Judge Advocate Major General Hull. Having “carefully examined the record . . . with special attention to the reports of the two Medical Boards and to the various affidavits furnished by his parents,” Hull concluded that “there is no evidence of insanity.” On the contrary, Anderson agreed with the psychiatrists who examined Thompson prior to his trial in Manila. They determined that Thompson exhibited “antisocial behavior” and “excessive jealousy,” and that he sought “gratification of personal desires without regard to the rights of others.”⁴⁵ What might today be labeled as ‘narcissism,’ however, did not mean that Thompson was insane—at least as a matter of law.

The Thompson papers reveal one other factor that almost certainly had some impact on his case. This factor was that another homicide had occurred in Manila about the same time as Thompson had murdered his fiancée.

As Colonel N. D. Ely, the Chief, Military Justice Division, explained in a memorandum, this was germane because a Private William M. Johnson had been sentenced to death—and hanged—for murdering a fellow Soldier. As Ely put it, Johnson was a Soldier “with little or no education and obviously of a low mental type” and, after a quarrel and fight with another Soldier, Johnson ambushed that Soldier and killed him. He was tried by general court martial, convicted of pre-meditated murder, and his death sentence carried out

while Thompson’s case was under discussion. In Ely’s view, Thompson deserved to be executed for “firing five bullets . . . into . . . an innocent 16-year old girl, a member of a brother officer’s family.”⁴⁶ As he wrote,

I am convinced that if after a simple private soldier has been hanged for shooting another soldier, an officer of the same Division escapes with any less punishment after he has been convicted of the brutal murder of an innocent young girl, the effect on discipline and morale of the Philippine Division will be as bad as could possibly be imagined.

I have always maintained that the chief justification for punishment of crime is its deterrent effect on others and I think that this is a typical instance in which, under the circumstances . . . the death penalty should be inflicted, not only because it is fully merited but also for the further reason that the discipline of this particular Division and the Army as a whole require it. I believe if capital punishment is every justified in time of peace it is not only justified but actually demanded in this case.⁴⁷

The Thompson family knew about this other homicide, and they were worried that it would affect John Thompson’s case. This explains why Reverend Thompson wrote a letter to President Calvin Coolidge on January 20, 1926 in which he implored the president to distinguish between the two cases and not let “the question of discipline in the Army” and any desire for uniformity of result to influence Coolidge’s decision.⁴⁸

In a final six-page typed letter to President Coolidge, dated January 25, 1926, Reverend Thompson again stressed that his son’s life should be spared because he was “mentally incompetent.” The theme of this letter was that the younger Thompson was “abnormal” when it came to girls. “He would fall violently in love with some girl . . . and he assumed a propriety interest in her and attempted to direct every act of hers.” According to his father, this resulted in “a number of episodes which bear a great similarity to the situation in Manila.”⁴⁹ Reverend Thompson then told the president the following story about his son as a teenager:

He took out riding a young lady, Marian Andrews, in the early evening. He proposed to marry her

⁴² GCM 168928, *supra* note 3, Letter from Rev. Dr. J. Milton Thompson to Major General John A. Hull, The Judge Advocate General, Re: Second Lieutenant John S. Thompson, Dec. 28, 1925, at 3.

⁴³ *Id.* at 2.

⁴⁴ GCM 168928, *supra* note 3, Memorandum to The Judge Advocate General of the Army from Major J.B. Anderson, Medical Corps, Jan. 7, 1926.

⁴⁵ *Id.*

⁴⁶ GCM 168928, *supra* note 3, Memorandum for The Judge Advocate General from Colonel N.D. Ely, Chief, Military Justice Section, Subject:

Record of Trial in the Case of Second Lieutenant John S. Thompson, Signal Corps.

⁴⁷ *Id.* at 2.

⁴⁸ GCM 168928, *supra* note 3, from Letter, rev. Dr. J. Milton Thompson to Honorable Calvin Coolidge, President of the United States, Re: The Case of Lieut. John S. Thompson, U.S.A., Jan. 20, 1926, at 1–2.

⁴⁹ GCM 168928, *supra* note 3, Memorandum for His Excellency, The President of the United States, from Rev. Dr. J. Milton Thompson, Jan. 25, 1926, at 1.

immediately. She declined. He pulled a revolver from his pocket and pointed it at her face and said she would marry him or he could kill her. She wisely said alright, she would marry him but she needed to go home first to get some things. She reached home, found her mother in great anxiety waiting outside the door and thereby escaped him.⁵⁰

Reverend Thompson then closed this story with this sentence: “He enlisted in the Army the next morning.”⁵¹

One has to wonder what President Coolidge and his advisors must have thought when they read about young Thompson and Marian Andrews. Rather than engendering sympathy for Lieutenant Thompson, it seems highly likely that Reverend Thompson’s disclosure caused the White House to conclude that he was a dangerous psychopath who had found refuge in the Army and managed to attend West Point and earn a commission. Was what happened to Audrey Burleigh foreseeable?

In the end, efforts to save John Thompson were all to no avail. In his one-page recommendation to Secretary of War Dwight Davis, General Hull wrote that “the undisputed facts in the case show a cruel and premeditated murder.” He further insisted that not only was there “no evidence of any psychosis, but that on the contrary Lieutenant Thompson . . . was sober, sane and fully responsible for his acts.” Davis, in his nine-page recommendation to President Coolidge, informed the president that Thompson was “guilty of the unprovoked and atrocious murder of an innocent young girl.”⁵²

On February 9, 1926, President Coolidge confirmed the death sentence in Lieutenant Thompson’s court-martial.⁵³ Slightly more than a month later, on March 18, 1926, John Sewell Thompson climbed the stairs to the gallows, which were located in a warehouse at Fort McKinley. He had no last words. After the hangman put a noose around his neck, and tied Thompson’s hands behind his back, the one officer and eight enlisted men present in the warehouse witnessed the trap door open and Thompson plunge to his death. He was the first American officer to be executed in peacetime and remains the only graduate of West Point to be hanged.⁵⁴



President Calvin Coolidge confirmed Lieutenant Thompson’s Death Sentence on February 9, 1926

Whatever one may think of the merits of the Thompson murder case, the fact is that everyone involved in the trial and its aftermath died long ago. For obvious reasons, those related by blood or marriage to Lieutenant Thompson or to his victim, Audrey Burleigh, are unlikely to disclose any connection to them at this time. Similarly, the U.S. Military Academy at West Point prefers that this graduate remain forgotten—as would any institution of higher learning with a similarly situated alumni.

But *United States v. Thompson* is a case that should not be forgotten. It shows that human beings then, as now, are capable of making tragic decisions with horrific consequences. After all, a murder was committed in Manila for apparently no good reason—a homicide that caused much suffering in both the Burleigh and Thompson families for many years. The court-martial record with its many depositions and letters also provides a window into what life was like in the Army in the Philippine Islands in the 1920s. This, too, is what makes Thompson’s case worth reading about. Finally, for those interested in the history of the military criminal legal system, *United States v. Thompson* is a first-class example court-martial conducted in the Army in the years before World War II.

More historical information can be found at

The Judge Advocate General’s Corps
Regimental History Website
<https://www.jagcnet.army.mil/8525736A005BE1BE>

*Dedicated to the brave men and women who have served our
Corps with honor, dedication, and distinction.*

⁵⁰ *Id.* at 2.

⁵¹ *Id.*

⁵² GCM 168928, *supra* note 3, Letter from Dwight Davis, Secretary of War, to President Calvin Coolidge 1, Examination of Lieut. John S. Thompson at 9.

⁵³ GCM 168928, *supra* note 3, War Department, Gen. Court-Martial Orders No. 5, Feb. 9, 1926.

⁵⁴ *Army Officer Hanged for Killing His Fiancée*, *supra* note 1, at A3.