

Lore of the Corps

“The Largest Murder Trial in the History of the United States”: The Houston Riots Courts-Martial of 1917

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[Editor’s Note: As February is “Black History Month,” this Lore of the Corps about African-American Soldiers is both timely and appropriate.]

On the night of 23 August 1917, about 100 African-American Soldiers assigned to the 24th Infantry Regiment marched from their nearby camp into Houston, Texas. They were armed with Springfield rifles, and were enraged because they believed that one of their fellow Soldiers had been killed by the local police. As the troopers moved through Houston, they fought a running battle with civilians, Houston police officers and elements of other military units stationed in the city. When the riot ended, fifteen white men had been killed. Sixty-three African-American Soldiers believed to be responsible for the riot—and the deaths—were subsequently court-martialed in the “largest murder trial in the history of the United States.”¹ While the story of Houston riots trial is worth knowing, the impact of the tragic event on the evolution of the military justice system is what makes it important in our Corps’ history.

After America entered World War I in April 1917, a battalion of the all-black 24th Infantry Regiment was sent to Houston, Texas to guard the construction of a new training facility called Camp Logan. While the local white citizens of Houston welcomed the economic prosperity that they believed that Camp Logan would bring to their community, they loudly protested the decision to station African-American Soldiers in Houston. In racially segregated Texas—with its Jim Crow culture—white people did not like the idea of well-armed African-American Soldiers in their midst. Some whites also feared that these troops might bring ideas and attitudes that “would cause local blacks to ‘forget their place.’”²

From the outset, the Soldiers of the 24th Infantry resented the “Whites Only” signage prevalent in Houston. Several troops also came into conflict with the police, streetcar conductors and other passengers when they refused to sit in the rear of the streetcar. Finally, there were many incidents in which Soldiers took offense at epithets directed at them by white townspeople. The use of the “N-word,” in

particular infuriated African-American Soldiers who heard it, and the slur “was invariably met by angry responses, outbursts of profanity and threats of vengeance.”³ More than a few Soldiers were arrested or beaten, or both, as a result of these run-ins with local citizens.⁴

Matters came to a head on 23 August, when a white Houston police officer beat two African-American Soldiers in two separate incidents; the second beating occurred when the Soldier-victim was questioning the policeman about the earlier assault. When this second victim did not return to camp, a false rumor began that he had been “shot and killed by a policeman.”⁵ Although this second victim ultimately did return—proving that he had not been killed—his fellow infantrymen were so upset that they decided to take matters into their own hands.

Despite entreaties from their commander, Major (MAJ) Kneeland S. Snow, to remain in camp and stay calm, about 100 men mutinied and departed for Houston.⁶ Having seized their Springfield rifles and some ammunition, the Soldiers’ intent was to kill the policeman who had beaten their fellow Soldiers—and as many other policemen as they could locate.

Once inside the city, the infantrymen fought a series of running battles with the Houston police, local citizens and National Guardsmen, before disbanding, slipping out of town, and returning to camp. While the riot had lasted merely two hours, it ultimately left fifteen white citizens dead (including four Houston police officers); some of the dead had been mutilated by bayonets. Eleven other civilian men and women had been seriously injured. Four Soldiers also died. Two were accidentally shot by their fellow Soldiers. A third was killed when he was found hiding under a house after the riots. Finally, the leader of the alleged mutineers, a company acting first sergeant named Vida Henry, apparently took his own life—most likely

¹ THE ARMY LAWYER: A HISTORY OF THE JUDGE ADVOCATE GENERAL’S CORPS 125, at fig.37 (1975) (photograph caption “Largest Murder Trial in the History of the United States”).

² JOHN MINTON, THE HOUSTON RIOT AND COURTS-MARTIAL OF 1917, at 13 (n.d.). In 1917, municipal legislation in Houston mandated racially separate YMCAs, libraries, and streetcar seating. Some streets also were specified as “whites only” for the watching of parades. GARNA L. CHRISTIAN, BLACK SOLDIERS IN JIM CROW TEXAS 1899–1917, at 145 (1995).

³ *Id.* at 149.

⁴ THE ARMY LAWYER, *supra* note 1, at 126; Transcript of Proceedings of a General Court-Martial at 8, United States v. Robert Tillman et al. (n.d.) (No. 114575).

⁵ Transcript of Proceedings of a General Court-Martial at 33, United States v. Robert Tillman et al.

⁶ *Id.* at 4.

because he had some idea what faced him and the other Soldiers who had participated in the mutiny and riot.⁷

In the days that followed the Houston riots, Coast Artillery Corps personnel and Soldiers from the 19th Infantry Regiment were deployed to restore order and disarm the suspected mutineers. Those believed to have participated in the mutiny were sent to the stockade at Fort Bliss, Texas to await trial.

A little more than two months later, on 1 November 1917, a general court-martial convened at Fort Sam Houston began hearing evidence against sixty-three Soldiers from the 24th Infantry. All were charged with disobeying a lawful order (to remain in the camp), assault, mutiny, and murder arising out of the Houston riots. The accused—all of whom pleaded not guilty—were represented by a single defense counsel, MAJ Harry H. Grier. At the time he was detailed to the trial, Grier was the Inspector General, 36th Division. While he had taught law at the U.S. Military Academy and almost certainly had considerable experience with courts-martial proceedings, Grier was not a lawyer.⁸

The prosecution was conducted by MAJ Dudley V. Sutphin, a judge advocate in the Army Reserve Corps.⁹ Interestingly, there was additional legal oversight of the trial. This is because Major General (MG) John W. Ruckman, who convened the court-martial as the Commander, Southern Department, detailed judge advocate Colonel (COL) John A. Hull to supervise the proceedings to ensure the lawfulness of the court-martial.¹⁰

⁷ CHRISTIAN, *supra* note 2, at 153, 172.

⁸ Harry Surgisson Grier (1880–1935) graduated from the U.S. Military Academy in 1903 and was commissioned in the infantry. Over the next thirty-two years, he served in a variety of assignments and locations, including two tours in the Philippine Islands, service with Pershing's Punitive Expedition in Mexico, and World War I duty with the American Expeditionary Force (AEF) in France and Germany. Grier also had a tour as an Instructor and Assistant Professor of Law at West Point. "Harry Surgisson Grier," ANNUAL REPORT, ASSEMBLY OF GRADUATES, at 243 (June 11, 1936).

⁹ Born in Dayton, Ohio, in October 1875, Sutphin graduated from Yale University in 1897 and received his LL.B. from the University of Cincinnati in 1900. Sutphin then practiced law in Cincinnati. He specialized in trial work and served as a judge of the Superior Court of Cincinnati for a short period. After the United States entered World War I, Sutphin left his civilian law practice to accept a commission as a major (MAJ), Judge Advocate General's Reserve Corps. After a brief period of service at Headquarters, Central Department, Chicago, Illinois, Sutphin was reassigned to San Antonio, Texas, where he served as Trial judge advocate in the Houston Riot court-martial. Sutphin subsequently sailed to France where he served as judge advocate, 83d Division, AEF. In 1919, Sutphin left active duty as a lieutenant colonel and returned to his law practice in Ohio.

¹⁰ Hull served as The Judge Advocate General (TJAG) from 1924 to 1928. Born in Bloomfield, Iowa in 1874, he earned his Ph.D. from the University of Iowa in 1894; a year later, Hull received his law degree from Iowa. During the Spanish-American War and the Philippine Insurrection, Hull served as a Judge Advocate of Volunteers. Then, when he was twenty-six years old, Hull was appointed as a MAJ and judge advocate in the Regular Army. He soon became widely known as the "Boy Major." At the

The trial lasted twenty-two days, and the court heard 196 witnesses. The most damning evidence against the accused came from the testimony of "a few self-confessed participants who took the stand in exchange for immunity."¹¹ Grier, the lone defense counsel, despite the inherent conflict presented by representing multiple accused, argued that some of the men should be acquitted because they lacked the *mens rea* required for murder or mutiny. He also insisted that because the prosecution had failed in a number of cases to prove guilt beyond a reasonable doubt, the accused should be found not guilty. Finally, while acknowledging that some of the accused were culpable, Grier blamed the Houston police for failing to cooperate with military authorities to keep the peace between white Houstonians and the African-American Soldiers.¹²

When the trial finished in late November, the court members agreed with the defense and acquitted five of the accused. The remaining Soldiers were not as fortunate: thirteen Soldiers were condemned to death and forty-one men were sentenced to life imprisonment. Only four Soldiers received lesser terms of imprisonment.

The thirteen accused who had been sentenced to death requested that they be shot by firing squad. The court members, however, condemned them to death by hanging and informed the accused on 9 December that they would suffer this ignominious punishment.

Two days later, on the morning of 11 December, the thirteen condemned men were handcuffed, transported by truck to a hastily constructed wooden scaffold, and hanged at sunrise. It was the first mass execution since 1847.

Although the Articles of War permitted these death sentences to be carried out immediately because the United States was at war, the lawfulness of these hangings did not lessen the outcry and criticism that followed. Brigadier General Samuel T. Ansell, then serving as acting Judge Advocate General, was particularly incensed. As he later explained:

The men were executed immediately upon the termination of the trial and before their records could be forwarded to Washington

beginning of World War I, Hull was the Judge Advocate, Central Department, Chicago, Illinois. Soon thereafter he was placed on special duty with the Southern Department, where he supervised the prosecution of the Houston Riot courts-martial. In February 1918, then Colonel Hull sailed for France, where he organized and became the Director of the Rents, Requisitions and Claims Service, AEF, located at Tours. He later served as the chief, Finance Bureau, AEF. After returning to the United States in August 1919, Hull served in a variety of assignments in Washington, D.C. before being promoted to major general and TJAG in 1924. After retiring from active duty in 1928, Hull served several years as an associate justice on the Supreme Court of the Philippine Islands.

¹¹ MINTON, *supra* note 2, at 16.

¹² CHRISTIAN, *supra* note 2, at 162.

or examined by anybody, and without, so far as I can see, any one of them having had time or opportunity to seek clemency from the source of clemency, if he had been so advised.¹³

Ansell quickly move to prevent any future similar occurrence. General Orders No. 7, promulgated by the War Department on 17 January 1918, prohibited the execution of the sentence in any case involving death before a review and a determination of legality could be done by the Judge Advocate General.¹⁴

But there was an even more important result: as a result of General Orders No. 7, the Judge Advocate General created a Board of Review with duties “in the nature of an appellate tribunal.”¹⁵ The Board was tasked with reviewing records of trial in all serious general courts-martial. While

its opinions were advisory only—field commanders ultimately made the decision in courts-martial they had convened—the Board of Review was the first formal appellate structure in the Army. When Congress revised the Articles of War in 1920, it provided the first statutory basis for this review board. This legislative foundation still exists, and is the basis for today’s Army Court of Criminal Appeals.

The Houston Riots Courts-Martial of 1917—and a number of other instances of injustice during the World War I era—ultimately led to other far reaching reforms in the military justice system.¹⁶ But the history of those reforms, which culminated in the enactment of the Uniform Code of Military Justice in 1950, is another story for another day.

More historical information can be found at

The Judge Advocate General’s Corps
Regimental History Website

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

<https://www.jagcnet.army.mil/8525736A005BE1BE>

¹³ THE ARMY LAWYER, *supra* note 1, at 127.

¹⁴ As a result of this general orders, the verdicts in two follow-on general courts-martial—involving an additional fifty-four African-American Soldiers who were convicted of rioting in Houston—were reviewed in Washington, D.C. As a result of this review, ten of sixteen death sentences imposed by these follow-on courts-martial were commuted to life imprisonment. By the end of the 1920s, however, all those who had been jailed as a result of the Houston riots courts-martial had been paroled. MINTON, *supra* note 2, at 26.

¹⁵ THE ARMY LAWYER, *supra* note 1, at 130.

¹⁶ See e.g., Terry W. Brown, *The Crowder-Ansell Dispute: The Emergence of General Samuel T. Ansell*, 35 MIL. L. REV. 1 (1967); Frederick B. Wiener, *The Seamy Side of the World War I Court-Martial Controversy*, 123 MIL. L. REV. 109 (1989).