

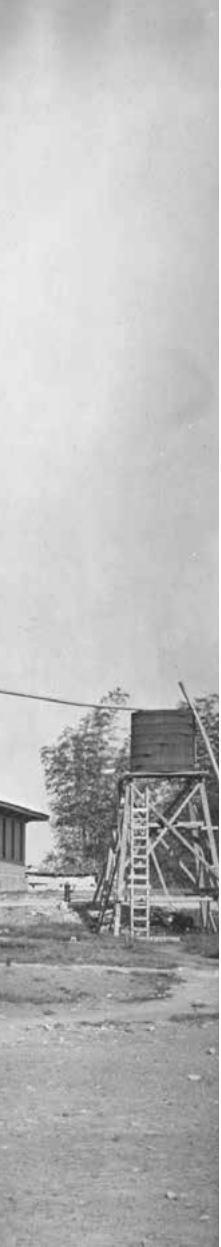


Above: The cavalry and infantry barracks at Fort McKinley, southeast of Manila, in the mid-1920s. *Opposite:* Lt. John S. Thompson was stationed at Fort McKinley in 1925 when he murdered 16-year-old Audrey Burleigh. Found guilty in a court-martial, Thompson became the first American officer to be executed in peacetime.

## Murder in Manila

The sad but true story of a West Point lieutenant convicted of homicide and hanged in the Philippines

By Fred L. Borch



“Army Officer Hanged For Killing His Fiancée” screamed the headline in the *Boston Daily Globe*. The article that followed described how, on March 18, 1926, 25-year-old Lt. 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 peacetime, and he was the only graduate of the U.S. Military Academy to be executed in the history of that institution.

What follows is the sad but true story of his trial by court-martial for murder and his hanging in Manila. This is a story that would be forgotten and could not be told but for the preservation of Thompson’s court-martial record in the National Archives. This record is unusual because its four volumes contain not only a complete pre-trial investigation and a 379-page transcript of the proceedings, but also letters relating to the murder and efforts by his family and other prominent Americans to save Thompson from the gallows.

The accused in the case was 2nd Lt. John Sewell Thompson. Born in Parnassus, Pennsylvania, in 1899, “Tommy” Thompson did not enter West Point from civilian life as did most cadets in this era. He had enlisted in the Army in June 1917 and, on the basis of a competitive examination, had obtained a spot as a cadet in 1920.

After graduating in 1924, and receiving a commission as an officer in the Signal Corps, 2nd Lieutenant Thompson was assigned to the Philippines. He took the train across the country to San Francisco and then traveled by ship across the Pacific to the islands. He arrived in November 1924 and was stationed at Fort William McKinley, six miles southeast of the city of Manila.

### **Thompson Meets Audrey, With “Pretty, Bewitching Eyes”**

In the Army of the 1920s, a young unmarried officer’s life outside of work revolved around other young bachelor officers. Since all officers were men, those who were single were interested in meeting single women, and this meant that parties, dinners, and dancing were the focal point of the social scene. Fort McKinley’s close proximity to Manila meant that



it was a short drive into the city to meet up at the Army and Navy Club or the Manila Hotel to eat, drink, and socialize.

Shortly after arriving in the Philippines, 25-year-old Thompson met 16-year-old Audrey Burleigh, the step-daughter of Capt. Hamilton P. Calmes, an Army physician serving in the Islands. In a letter to his mother, Thompson wrote that he had first seen Audrey “on a barge party.” She had “black, bobbed hair” and “pretty, bewitching eyes.” She was 5 feet 4 inches tall and weighed about 110 pounds. 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 seems to have been quite extroverted and was interested in acting; she had danced the hula-hula in an amateur theatrical performance the night of her death.

Thompson certainly found Audrey Burleigh attractive, and by February 1925, he was infatuated with her. She was,

he told his mother, “the most wonderful girl I ever met” and “the first girl to whom I ever said ‘I love you.’” After Audrey moved out to Fort McKinley from Manila, she and Thompson were inseparable. As he put it:

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.

In early April 1925, however, Thompson was despondent. First, Congress recently had changed the rules on pay for Army officers with prior enlisted service. This meant that Thompson, who had enlisted time that he hoped would mean an increase in his pay as a lieutenant, learned that his years of uniformed service prior to West Point would not count for pay. This was upsetting to Thompson because he believed that he could not afford to get married—to Audrey Burleigh—without additional income. Additionally, Audrey’s mother had decided that her daughter should return to the United States at the end of April. Thompson was beside himself over this turn of events. While Audrey had promised to remain faithful him—and apparently even promised that she secretly would marry Thompson prior to her return to the United States—Thompson was convinced that her departure would mean the end of their relationship.

Even by the standards of the 1920s, Thompson’s views on women were out of step with his peers. On more than one occasion, he got into fights with his fellow officers over women. As Lt. W. H. Kendall put it in a sworn statement, given as part of the investigation into Audrey 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.” According to

Kendall, Thompson “did not believe in sexual intercourse before marriage and even considered kissing to be immoral.” While many of Thompson’s contemporaries would have 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, who had previously agreed to go to a dance with Thompson at the hotel.

After arriving at the hotel, and learning that Audrey was at the Army and Navy Club, Thompson went by taxicab to that

*Five shots had entered her body  
. . . and she told the one who  
had done it that she loved him.*

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 court-martial, Thompson and Audrey began talking in the backseat of the taxicab:

I started asking her if 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.

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

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 the ammunition in his room. Consequently, he told the taxi driver, who had witnessed the entire event and was now almost certainly afraid for his own safety, 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.”

Thompson arrived at 1:20 a.m. He got out of the taxicab, walked up on the porch of the guard house, and said to guard on duty: “I am Lt. John S. Thompson, Qrs. 54, self-confessed slayer of Miss Audrey Burleigh. Lock me up, take her to the hospital.”

The following day, on the morning of April 6, Col. C. H. Conrad, Jr., came to the guard house to question Lieutenant Thompson about the murder 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 say anything. He also had to be informed



HEADQUARTERS PHILIPPINE DIVISION,  
Fort William McKinley, Rizal, P. I.

April 8, 1925.

that anything he might say could be evidence against him.

After Conrad advised Thompson of his these rights, the young lieutenant decided to "make a full statement of the facts of the case." Conrad then put Thompson under oath and, after Thompson had sworn to tell the "whole truth and nothing but the truth," Conrad began questioning him.

Thompson admitted that he had contemplated killing Audrey Burleigh as early as April 2. He explained that he truly loved Audrey, and she definitely loved him and had agreed to marry him prior to leaving the Philippines. Nonetheless, he ultimately had 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 Colonel Conrad, "was fear of the loneliness to which I would be subject the next two years without her, and the doubt as to whether things would be quite the same then as before."

A typist transcribed the entire interview, which ran to more than 200 questions and answers. Lieutenant Thompson then made minor pen-and-ink corrections to the statement and signed it. At trial, this lengthy confession was admitted into evidence.

### Being "Not Quite Right" Brings Mental Review

The trial opened at Fort McKinley on May 4, 1925. Lieutenant Thompson faced a single charge:

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.

Special Orders,)

No. 43. )

(Extract).

1. A general court-martial is appointed to meet at Fort William McKinley, Rizal, on April 18, 1925, or as soon thereafter as practicable, for the trial of such persons as may be properly brought before it.

## DETAIL FOR THE COURT:

Brig. Gen. Charles J. Symonds, U. S. Army,  
Col. Elmer A. Dean, MC, 12th Med. Regt. (PS),  
Col. Willis Uline, 31st Inf.,  
Col. Harry La T. Cavonaugh, Cav., 26th Cav. (PS),  
Col. Philip R. Ward, FA, 24th F.A. (PS),  
Col. George L. Byrroade, Inf., 57th Inf. (PS),  
Lt. Col. H. Clay M. Supplee, Inf., 45th Inf. (PS),  
Lt. Col. William B. Wallace, 15th Inf.,  
Maj. Spencer E. Shoaror, PS (Inf.), 45th Inf. (PS),  
Maj. Seth H. Proar, PS (SC), Hq. Phil. Div.,  
Maj. Reginald L. Foster, QMC, Hq. Phil. Div.,  
Maj. Alfred W. Bloor, GS, Hq. Phil. Div., (Law Member),  
Maj. Adam E. Potts, 59th C.A.

Maj. Thomas A. Lynch, PS (JAGD), Hq. Phil. Div.,  
Trial Judge Advocate.  
1st Lt. Courtney Whitney, A. S.,  
Asst. Trial Judge Advocate.

Maj. Escott B. Millor, PS (Inf.), 57th Inf. (PS),  
Defense Counsel.  
1st Lt. Percy S. Lowe, 60th C. A.,  
Asst. Defense Counsel.

By command of Major General Weigel:

EDWARD KIMMEL,  
Colonel, G.S.,  
Chief of Staff.

Official:

J. G. MacDONNELL,  
Major, A.G.D.,  
Assistant Adjutant General.

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The court-martial for John Thompson was appointed only days after the April 4, 1925, murder. Special Orders No. 43 listed the participating officers, and the trial began on May 4.

The proceedings opened on May 4th—only a month after the slaying—so that a number of witnesses, who soon were to 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, 2nd Lieutenants Frank L. Lazarus and Leslie E. Simon, who planned to defend Thompson using an insanity defense, could obtain depositions from the United States. They hoped that depositions from Thompson's family and friends would address his "mental condition" and provide support for the insanity plea.

Based on Thompson's confession to the crime, and his admission that he had contemplated killing Audrey for some days prior to the

shooting, it was very likely that the prosecutor, Maj. Thomas A. Lynch, would prevail on the merits. 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."

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 Thompson. They unanimously



Maj. Thomas A. Lynch served as prosecutor and seemed to have a strong case based on the Board of Medical Officers findings that Thompson was sane at the time of the murder.

concluded that he had been sane at the time of the crime. In July, this same board reconvened a second time to again inquire into Thompson's sanity because of the new 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.

### **Thompson: No Insanity Defense, But Says He Lacked Malice**

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



Brig. Gen. Charles J. Symmonds served as president of the court. He announced the jury's verdict of guilty on September 2, 1925, with Thompson to be hanged until dead.

him if he persisted in raising the defense. Why this change of heart? A memorandum in the court-martial record indicates that Thompson believed it would be dishonorable to claim insanity when he believed himself to be sane. Thompson also thought that an insanity plea would bring shame and embarrassment to his family, and he wanted none of that.

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.

It was a novel defense but one without 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." Disappointment over a reduction in military pay and fear of losing

the love of a 16-year-old girl simply was not going to be adequate provocation, as a matter of law.

### **A Sentence of Death? To Some, the Only Thing**

Lieutenant Thompson's trial lasted a total of four days: August 3 to 4, and September 1 to 2, 1925. (The defense received a delay from August 4 to September 1 in order to obtain depositions from witnesses located in the United States.) On that last day, the court-martial panel adjourned for deliberations. When the panel members returned some hours later, Brig. Gen. 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 (2) to adhere to the right." General Symmonds then stated that the court members had voted on the issue of guilt or innocence and found Thompson

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; Capt. defense counsel, Lt. Lowe; Individual Defense counsel, Lt. Lasaran.

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.

the deceased, and that he carried out that intention. Whether he manifested emotion or his design to others is immaterial. We have proven that he had such intention. Is there anything further?

DEFENSE: Nothing further.

The court was closed, and upon secret written ballot, all the members present at the time the vote was taken concurring in the finding, finds with respect to the accused, End Lieutenant John S. Thompson, Signal Corps:

- (1) That the accused is in proper mental condition at this time to undergo trial;
- (2) That the accused was, at the time of the commission of the alleged offense, so far free from mental defect, mental disease, or mental derangement as to be able, concerning the particular acts charged, both (1) to distinguish right from wrong and (2) to adhere to the right.

And the court, upon secret written ballot, all the members present at the time the vote was taken concurring in each finding of guilty, finds the accused; End Lieutenant John S. Thompson, Signal Corps:

Of the Specification:  GUILTY.  
Of the Charge:  GUILTY.

The court was opened and the trial judge advocate stated, in the presence of the accused and his counsel, that he had no evidence of previous convictions to submit.

Thereupon the trial judge advocate read to the accused the statement of accused's service, as shown on the charge sheet, and asked him whether it was correct, and whether he had any statement or correction to make concerning it; to which the accused answered that it was correct, and that he had no statement or correction to make concerning it.

The court was closed, and upon secret written ballot

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condemned to death, the President of the United States had to personally approve this sentence. This is still the rule today; any soldier, sailor, airman or marine sentenced to death must have this sentence approved by the White House.

Consequently, the entire case record went by sea from Manila to San Francisco and then by train to Washington, D.C. The Board of Review reviewed it and gave its decision—and recommendation—to Maj. Gen. John A. Hull, the Judge Advocate General of the Army. The Army lawyers in his office studied the Thompson record and received any correspondence relating to the case from Thompson's family, friends, and the public. After General Hull and his staff had completed their review of Thompson's court-martial, Hull sent a recommendation to President Calvin Coolidge by way of Secretary of War Dwight F. Davis.

Thompson's father, the Rev. 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 for his son. He also enlisted George W. Wickersham, who had served as U.S. attorney general from 1909 to 1913, to personally appear before General Hull in his War Department office and plead for Lieutenant Thompson's life. Associates and colleagues of the Thompson family also wrote letters requesting clemency.

The gist of their argument—as Reverend Thompson put it in a December 28, 1925, a 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.” The Thompson family—J. Milton Thompson, his wife, and his daughter—had been “amazed, astounded, bewildered, 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.

John Thompson admitted in his statement to killing Audrey Burleigh and indicated that he would not agree to a defense of insanity.

guilty of premeditated murder. His sentence: to be hanged by the neck to until dead.

Looking at the case records, it is not too difficult to understand this verdict. First of all, it is always 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 other factors made the guilty verdict highly likely. The victim was but 16 years old, and the officers sitting in judgment 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. Finally, there was no provocation; no lover's quarrel had occurred 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, General Symmonds and his fellow jurors were likely to see Thompson's actions as premeditated. Certainly the fact that Thompson fired five bullets from his Army pistol into Audrey meant this was no

The Record of Trial records the agreement of the members present on a verdict of “guilty” and that Thompson was competent to stand trial.

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.

As for the death sentence? In the 1920s, capital punishment was the usual—and expected—punishment for premeditated murder. Consequently, those sitting in judgment of Tommy Thompson almost certainly believed that death was the only possible punishment for this sort of gruesome slaying.

### Entire Record of Case Goes to D.C. for Appeal

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. Instead, a three-member “Board of Review” would examine Thompson's trial for any irregularities. 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



December  
Twenty eighth  
1925

Re: Second Lieutenant John S. Thompson

Major General John A. Hull,  
The Judge Advocate General,  
Washington, D.C.

My dear General:

Permit me, sir, to express to you, General Hull, and also to you, Colonel Ely, my very deep and sincere appreciation and gratitude for the courteous and considerate kindness which you have shown Governor Gilbert, General Wickersham and myself, in connection with this case.

Words are but a poor vehicle to adequately convey to you the sense of my inmost feelings; your friendly and sympathetic attitude has helped greatly to restore the music to heart strings, broken and mute; and these utterances, let me add, are not spoken for the sake of impression.

Reference has been made to Mr. Wickersham who appeared before you in my behalf, and I desire to say that the aid rendered me by this able, experienced, widely esteemed and versatile jurist, a former Attorney General of the U.S., was voluntarily given, without expectation of any financial reward, and prompted wholly by his acute sense of the justice of the cause which I am pleading.

Numerous instances, of like kind, have occurred, where men of widely recognized legal ability, on learning of the sad circumstances which have befallen me, and understanding their peculiar character, have generously proffered me their counsel and assistance "without money and without price."

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Such a disposition of the case would seem to both satisfy the demands of justice and to protect the interests of society.

For this we earnestly and confidently pray, with the perfect understanding, of course, that it means a protracted period of confinement, lest such a deed should again be committed.

Edgar Guest, in homely lines, has expressed something of the feelings which now struggle within us, as follows:

"Let's be brave when the joy departs,  
TILL PEACE SHALL COME to our troubled hearts,  
For the tears must fall and the rain come down  
And each brow be pressed to the thorny crown;  
YET AFTER THE DARK SHALL THE SUN ARISE,  
So let's be brave when the laughter dies."

Very respectfully  
J. Milton Thompson

## Thompson's Mental State Gets a Further Review

Major General Hull was no fool, and he realized 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.

On January 7, 1926, Major Anderson reported back to Hull. Having "carefully examined the record . . . with especial attention to the reports of the two Medical Boards and to the various affidavits furnished by his parents," he concluded that "there is no evidence of insanity." On the contrary, Anderson agreed with the psychiatrists who had 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." 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. That was the occurrence of another homicide in Manila at about the same time as Audrey Burleigh's murder.

As Col. N. D. Ely, the chief of the Military Justice Division, explained in a memorandum, this was germane because Pvt. 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 Lieutenant Thompson's was under discussion. In Ely's view, Thompson deserved to be executed for "firing five bullets . . . into . . . an innocent

Rev. Dr. J. Milton Thompson of Long Island, New York, wrote to Judge Advocate General Hull in December 1925 on behalf of his son, urging in place of a death sentence a "protracted period of confinement."

16-year old girl, a member of a brother officer's family." 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 ever justified in time of peace it is not only justified but actually demanded in this case.

The Thompson family knew about this other homicide, and they were worried that it would affect Tommy Thompson's case. This explains why Reverend Thompson wrote to President Coolidge on January 20, 1926, imploring 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.

### Thompson's Father Again Appeals to President Coolidge

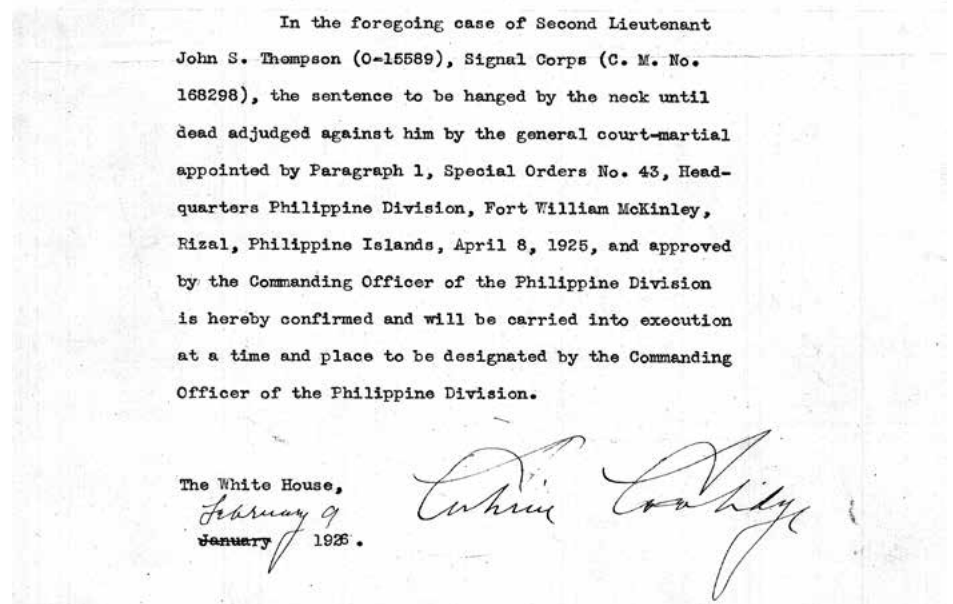
In a final six-page typed letter to President Coolidge, dated January 25, 1926, Reverend Thompson also again stressed that his son's life should be spared because he was "mentally incompetent." The theme of this letter was that the younger Thompson was "abnormal" when it came to girls. "He would fall violently in love with some girl . . . and he assumed a proprietary 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." 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 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 all right, 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.

Reverend Thompson then closed his story with this sentence. "He enlisted in the Army the next morning." One has to wonder what President Coolidge and his advisers 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



President Calvin Coolidge confirmed the death sentence on February 9, 1926, despite receiving an appeal from Thompson's father in January.

 **To learn more about . . .**

- Two U.S. pilots court-martialed in World War II, go to [www.archives.gov/publications/prologue/2011/spring/](http://www.archives.gov/publications/prologue/2011/spring/).
- Doing research in Civil War court-martial case files, go to [www.archives.gov/publications/prologue/1998/winter/](http://www.archives.gov/publications/prologue/1998/winter/).
- Military personnel records in the care of the National Archives in St. Louis, go to [www.archives.gov/publications/prologue/2011/fall/](http://www.archives.gov/publications/prologue/2011/fall/).



# ARMY OFFICER HANGED FOR KILLING HIS FIANCEE

## Lieut Thompson Killed Audrey Burleigh at Manila, Fearing He Would Lose Her

MANILA, March 18 (A. P.)—Second Lieut John S. Thompson, U. S. A., was hanged here today for the murder of his 17-year-old fiancée, whom he said he could not live without or marry because of his insufficient salary. He was the first American officer to be executed in peace time.

Calmly and without making a statement, the young officer, who was 25 years old, walked to a scaffold in a warehouse in Fort McKinley, after a day spent with his spiritual adviser and his attorney.

Thompson killed Miss Audrey Burleigh at Manila in the early morning of April 5, 1925. She was the step-daughter of Capt Hamilton P. Calmes, Medical Corps, and they were engaged to be married.

Thompson became despondent because of his inability to marry the girl and said he decided suddenly to kill her, and intended to end his own life. He feared that if the wedding was delayed he would never be able to make Miss Burleigh his wife.

### Kills Girl During Ride

The killing occurred after Thompson had driven from Fort McKinley to the Army and Navy Club, where Miss Burleigh had danced at an amateur entertainment, inviting Miss Burleigh to take a short drive. Thompson had his Filipino chauffeur drive toward old Fort San Antonio Abad. Miss Burleigh protested against driving in that direction, the chauffeur said. Thompson fired five revolver bullets into the girl and then compelled the chauffeur to drive to Fort

McKinley. There the officer informed the corporal of the guard that Miss Burleigh's body was in the car, and he requested that he be locked up.

Thompson was tried by court-martial on a charge of first degree murder. A plea of not guilty was entered, although Thompson admitted that he killed Miss Burleigh. His counsel sought to prove absence of malice or premeditation and obtained a continuance to introduce depositions that Thompson was of unsound mind.

The prosecution, however, produced several physicians, who declared that after an observation of a month they were of the belief that Thompson "did not at any time suffer from any mental derangement, either temporary or permanent, and is not so suffering now."

When the court reassembled the prosecution read a signed confession by Thompson.

"Why did you decide to shoot Miss Audrey Burleigh?" was asked.

### Thompson's Confession

Thompson replied: "First and most important, because of the pay act of June 10, 1922, which deprives me, but not others of those commissioned, of credit for longevity pay for enlisted service while a cadet at West Point, which, if granted, would be a big increase in salary, which is necessary for a second lieutenant to marry.

"Second, fear of the loneliness to which I would be subjected during the next two years without her, and a doubt as to whether things would be quite the same."

The court found Thompson guilty of murder in the first degree, and sentenced him to be hanged. The verdict was reviewed by the Judge Advocate of the Philippines, the War Department at Washington and was approved by President Coolidge.

Thompson was appointed from the ranks to the Military Academy at West Point. He was graduated with the class of 1924.

The body will be sent to Thompson's parents at Far Rockaway, N. Y., on the next trip of the army transport *Thomas*.

John Thompson died by hanging at Fort McKinley on March 18, 1926, as reported in the *Boston Daily Globe*. The case records provide a detailed look at both Army life in the Philippines in the 1920s and the general conduct of Army courts-martial.

responsible for his acts." Davis, in his nine-page recommendation to President Coolidge (undoubtedly authored by General Hull's staff), informed the President that Thompson was "guilty of the unprovoked and atrocious murder of an innocent young girl."

On February 9, 1926, President Coolidge confirmed the death sentence. 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 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 have been hanged.

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Whatever one may think of the merits of the Thompson murder case, the facts

### NOTE ON SOURCES

The author thanks Gordon Smith of Edmonton, Canada, for alerting him to the existence of the Thompson case.

All records of Army courts-martial conducted before 1975 are located at the National Personnel Records Center in St. Louis, Missouri. *United States v. Thompson* is File 168298, General Court Martial Case Files, 1917-1938, Records of the Judge Advocate General (Army), Record Group 153.

The Thompson trial received fairly extensive coverage in the newspapers of the era, including the *Boston Daily Globe* and *New York Times*.

and circumstances of this high-profile homicide have long been forgotten, if for no other reason than that everyone involved in the trial and its aftermath died long ago. Additionally, 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, much less reveal what Thompson did to Burleigh almost 90 years ago. 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 must have 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 Tommy Thompson's case worth reading about. Finally, for those interested in the military history in general, and the history of courts-martial in particular, *United States v. Thompson* is a first-class example of a court-martial conducted in the Army in the years before World War II. **P**

### Author



**Fred L. Borch** is the regimental historian and archivist for the Army's Judge Advocate General's Corps. A lawyer and historian, he served 25 years active duty as an Army judge advocate before retiring in 2005. He has history degrees from Davidson College and the University of Virginia and law degrees from the University of North Carolina, University of Brussels (Belgium), and the Judge Advocate General's School. He also has a degree in national security studies from the Naval War College. This is his sixth article for *Prologue*.