HOMER JACKSON DEAN

1910 – 1999, WORLD WAR II

U.S. COAST GUARD, SEAMAN SECOND CLASS

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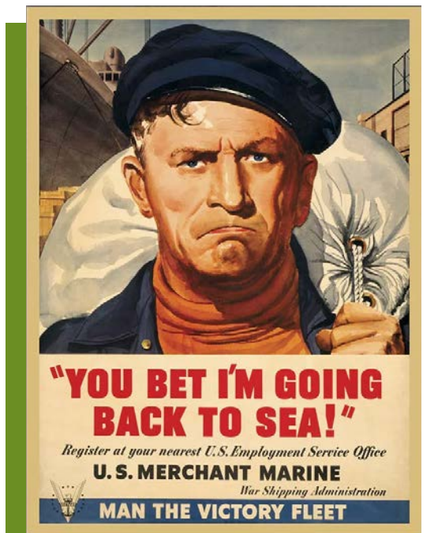
There is little that can be said for certain about Homer Jackson Dean except that he is interred in the West Virginia National Cemetery—and that he earned his place there through meritorious service in the United States Merchant Marine during World War II. But the precise details of his service are foggy, perhaps because Dean was also a very good liar, thrice-convicted forger, and con-man. He may even have been a murderer. Dean, however, always seemed to wriggle free of consequences at the last possible moment.

Perhaps the most true thing to be said of Homer Jackson Dean—born on December 14, 1910, in Ulysses, Kentucky—is that his life was as fascinating as it was contradictory.

Homer was one of four children born to parents Lilly H. and Horatio S. Dean. At the time of Homer's birth, his father worked on a farm. By 1918, the Dean family had moved to neighboring West Virginia and purchased a house in what is now the Spring Hill neighborhood of South Charleston. No longer farming, Horatio supported his family as a traveling salesman of school supplies.

Despite the Great Depression that crippled the global economy in 1929, the Dean family kept their finances on an even keel. They moved to downtown Huntington, into a house valued at $7,000 while many Americans were losing their homes. That the Deans owned their brand-new residence outright in one of the states hardest hit by the Depression indicates substantial financial security.

Either as added income, or simply to lend a helping hand, the family took in a pair of railroad workers as lodgers. This supplemented Horatio's earnings, though his school supply income was now augmented by his partial ownership of the West Virginia Seating Company—a business that sold, unsurprisingly, desks and other furniture to educational institutions (such as 182 chairs vended



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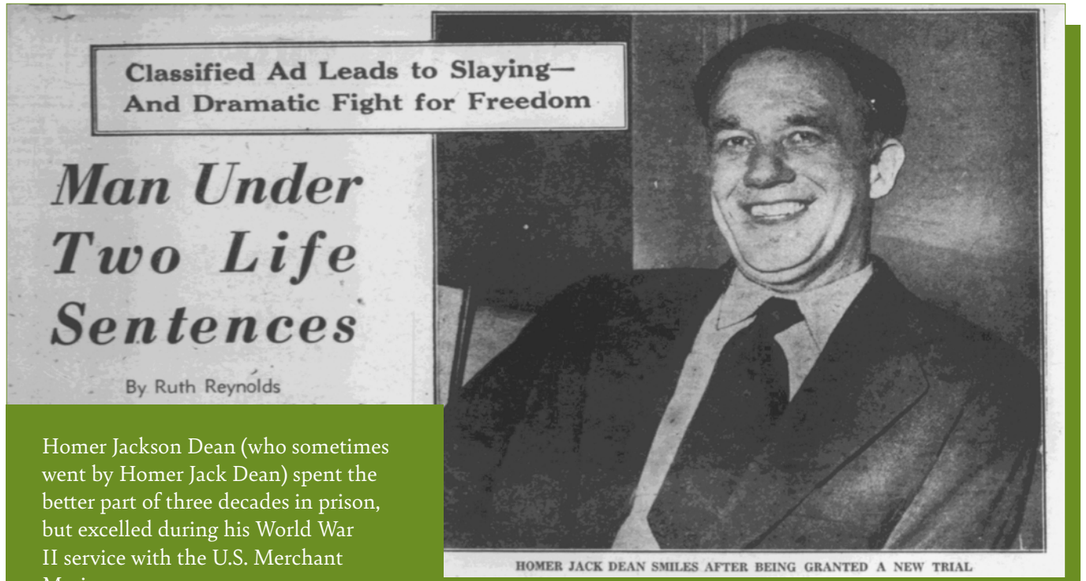

Classified Ad Leads to Slaying—
And Dramatic Fight for Freedom

Man Under Two Life Sentences

By Ruth Reynolds

HOMER JACK DEAN SMILES AFTER BEING GRANTED A NEW TRIAL

Homer Jackson Dean (who sometimes went by Homer Jack Dean) spent the better part of three decades in prison, but excelled during his World War II service with the U.S. Merchant Marine.

Cincinnati Times Star, 5 April 1958

to Morehead State College in Kentucky in 1930). Over time, the Dean family made connections with well-known politicians, which would later prove important for Homer.

After graduating from Huntington High School, young Homer remained at home and worked for his father selling seats, desks, charts, maps, tables, blackboards, bookcases, and the like. A month before his 21st birthday, Homer traveled across the Ohio River to Catlettsburg, Kentucky, and married Huntington native Helen Frances McComas. This union was quickly annulled, however, and the couple went their separate ways for reasons that remain mysterious.

Homer briefly attended night classes in automobile mechanics at Charleston Business College, but never took up a mechanic's vocation. Instead, he gained employment at the Smith & Brooks Company of Charleston. As "West Virginia's pioneer supply house in school furniture and... sanitary supplies," Smith & Brooks was very much a competitor of Horatio Dean's West Virginia Seating Company. Had Homer fallen out with his father? Or was he simply making his own way, taking work in which he had an ample resumé?

While employed at Smith & Brooks, Homer began writing false checks. In May 1933, he attempted to cash a forged check for $62 "with intent to defraud... [the] 'Dickinson Bros.'" at Kanawha Valley Bank in Charleston. On November 6, 1933, Homer was sentenced to serve two years in the West Virginia Penitentiary in Moundsville for forgery. This was the first of Dean's long list of incarcerations, though in May 1934, he was released on a conditional pardon for immediate hospitalization, due to "appendicitis and other physical ailments." Without an operation, Dean could have suffered fatal consequences. After a couple weeks' recovery, he returned to the penitentiary to serve out the rest of his sentence.

On April 21, 1935, Homer was discharged and, shockingly, was allowed to return to his job with the Smith & Brooks Company. Despite this second chance, Homer turned to crime yet again. In December 1935, he was arrested just across the Kentucky border in Catlettsburg for attempting to cash a $65 forged check at the Louisa National

Bank. The case was later dismissed due to a hung jury—the kind of procedural luck from which Homer Jackson Dean would benefit again and again throughout his life.

Compared to the rest of his siblings, who were either gainfully employed or married to spouses with respectable jobs, Dean's growing list of crimes made him an outlier. Since Dean did not lack for intelligence or moral examples in his immediate family, narrowly escaping another prison sentence might have inspired Dean to clean up his act. It did not.

On June 1, 1937, Homer surrendered himself to the West Virginia State Police at their Charleston headquarters. While held in the Kanawha County Jail for three forgery indictments, Dean was questioned for hours by city officers and State Police about an unrelated case.

Under interrogation, Dean eventually admitted to fighting in public six months prior with a known "Charleston character," Beauty Matthew Reese. Reese later turned up dead. Suddenly, Homer was suspected of far worse than just forgery. Law enforcement had reason to believe he was Beauty Reese's murderer.

No one had seen Beauty Reese since the early morning hours of January 15, 1937. Three months later, a fisherman found his decomposed body floating in the Kanawha River. The coroner determined Reese's neck was broken, and Dean's admission now made him the last person to see the victim alive. Homer also confessed to hitting a drunken Reese on the head with a bottle and leaving him unconscious, but claimed it was because Reese threatened him with a knife. Dean said he left town immediately and did not know how Reese's body ended up in the Kanawha River.

Despite these extremely suspicious circumstances, the state seems to have lacked evidence to charge Homer with the killing. Whether the family's personal and political connections played any part is not known. Regardless of the reason, Homer Jackson Dean's second incarceration was punishment for the three new counts of forgery, to which he pleaded guilty in court on October 25, 1937. He was sentenced to another five years in the West Virginia Penitentiary. The penitentiary's warden was required to notify the Eastern District of Kentucky before releasing Dean from prison, since the 27-year-old criminal had violated Kentucky's state postal laws to commit his forgeries in Catlettsburg.

Moundsville Penitentiary in 2015. *Library of Congress*

Homer Jackson Dean spent his 30th birthday in jail, but was eventually granted a reduction in sentence for the 151 days he served awaiting trial. When he walked free in January 1941, U.S. Marshals from the Eastern District of Kentucky were waiting outside the penitentiary doors. Even so, he served no additional time in the Bluegrass State—again, "time served" was deemed sufficient.

In records that appear to rely heavily on Dean's own uncorroborated testimony, Homer then went straight to the Naval Recruiting Station in Huntington and tried to enlist in the United States Navy. They refused when he divulged his criminal history—the United States was still months away from being pulled into World War II, and the Navy was not yet desperate for recruits. After being turned away, Homer allegedly went north to Ontario and enlisted in the Royal Canadian Army. If he was honest with the Canadian recruiters about his criminal past, they were more willing to overlook it, probably because the United Kingdom had been at war with Nazi Germany for the past two years.

According to Dean, he enlisted in the Canadian Medical Corps and joined the 16th Field Ambulance, which was attached to the 5th Canadian Armoured Division. He underwent training at Camp Niagara. In so doing, Homer became one of approximately 9,000 American men who enlisted in the Canadian military prior to the United States's entry into the conflict.

Rumors swirled that this could backfire on U.S. citizens, however—that their citizenship could be revoked for crossing the border to serve with a foreign military. When the Japanese fleet attacked Pearl Harbor on December 7, 1941, it seemed even more likely that Dean's choice might prove problematic. Spooked, he reportedly withdrew from the Canadian Army and returned to the United States for another attempt at enlistment.

It is also possible that the Canadian enlistment is a fabrication. Dean was a charismatic storyteller and habitual liar, and his own account of his World War II service is sometimes at odds with the official record. No mention of prior service in Canada appears anywhere in Dean's surviving Official Military Personnel File at the National Archives. While it is possible that Dean hid the enlistment from U.S. government officials for fear of repercussions, the fact that his "Royal Canadian Army" service only makes an appearance in his West Virginia Department of Corrections file—in a version of events that appears to have originated with Dean himself—demands some skepticism.

Previously turned down by the Navy, Homer instead looked to the U.S. Merchant Marine (USMM). While the USMM was and remains a private, civilian organization, it is heavily regulated and subsidized by the federal government, up to and including the issuing of federal identification and U.S. Coast Guard certification for all Merchant Mariners. Joining the Merchant Marine was a valid substitute for military service during World War II. To this day, those who served with the USMM between December 7, 1941, and the end of the war in 1945 are the only civilians—and the only Merchant Mariners—eligible for Department of Veterans Affairs benefits and burial in national cemeteries.

If Homer Jackson Dean was hoping to avoid the worst of World War II's dangers with the USMM, he miscalculated. By the end of World War II, approximately 9,500 Merchant Mariners would die out of the 243,000 who served, resulting in "a higher proportion of those killed than any other branch of the U.S. military." Furthermore, over 700 Merchant Marine ships were sunk as a result of enemy attacks. This was the perilous world into which Dean sauntered on September 10, 1942, when his service officially began in Norfolk, Virginia.

He started at the rank of Ordinary Seaman aboard the SS *Fairisle*, a newly built vessel operated by the Waterman Steamship Corporation under contract to the War Shipping Administration. Many of these ships were mass-produced cargo vessels built for the war effort. Ordinary Seamen like Homer

held the lowest grade of the deck department and performed tasks like standing as a lookout, handling lines when mooring the ship, repair work, loading and discharging cargo, and awakening men slated to go on watch. Even these menial tasks carried great weight. The USMM 1943 training manual expounded:

> **Too much emphasis can never be placed upon the importance of the lookout on shipboard. This is particularly true in time of war. . . . If you are on lookout you must report anything that comes into sight. This includes other ships, lights, land, shoals, discolored water, buoys, floating objects, periscopes, and wreckage. In short, report anything that might be of interest to the bridge, even garbage or refuse.**

On September 25, the *Fairisle* left Norfolk in a convoy en route to Guantanamo Bay, Cuba. The Naval Operating Base at Guantanamo "was a critical anchor in a chain of naval installations and aviation facilities" and acted as a major distribution point for merchant shipping where convoys formed, dissolved, and prepared for further passage. The ships' slow movement through enemy-patrolled waters created dangerous work for mariners like Homer. This danger earned the *Fairisle*'s crew 13 days' worth of bonus pay when Homer signed off on January 9, 1943.

Following this first successful convoy, Homer returned to the United States and made a quick trip back to West Virginia. On January 27, the 32-year-old married Mary Jane Adams Miller in Kanawha County. Homer claimed that he and 29-year-old Mary Jane had been childhood sweethearts. Dean's marriage date contradicts his later account of being aboard the SS *Birmingham* when it was torpedoed by a German U-boat in the Carribean. The *Birmingham* was attacked on the day of his wedding to Mary Jane, when Dean was several hundred miles from the nearest ocean.

After a few months ashore, Homer signed onto the crew of the SS *Bayou Chico* and again entered the employ of the Waterman Steamship Corporation, which operated more than one-tenth of USMM vessels during the war. Dean evidently showed promise as a mariner, because he received a temporary promotion to Able Seaman (AB). As an AB, Homer had to operate deck machinery, understand the principles of cargo stowage, overhaul and install rigging, and serve as a competent and certified lifeboatman.

Two days after Homer stepped aboard, the *Bayou Chico* departed Norfolk on May 25, 1943. Dean later reported that while serving aboard the *Bayou Chico*, the ship made two trips to the Soviet Union transporting crucial military supplies to Archangel (Arkhangelsk) and Murmansk. If true, this was a dangerous route known as the Murmansk Run, in which the slow merchant ships had to navigate icy, submarine-infested North Atlantic waters to deliver military vehicles, munitions, and supplies to keep Russia in the fight against Germany.

SS *Fairisle* in 1943. *National Archives*

These Arctic convoys were notoriously dangerous, passing within easy range of submarine and air bases in Nazi-occupied Norway. Convoy PQ-17 had been viciously attacked in July 1942, and lost 23 of its 35 merchant ships. While this was one of the bloodier examples of the war, the Murmansk Run remained the dread of many mariners. Fortunately for Homer, *Bayou Chico* successfully completed its mission, and he signed off the ship's roster on July 22, 1943.

One month later Homer departed Baltimore, Maryland, aboard the SS *Mayo Brothers*, now with a permanent promotion to Able Seaman. By the end of October, the *Mayo Brothers* arrived in the Bay of Palermo in Sicily. The Allies had captured Palermo in July, one of the first steps toward knocking Italy permanently out of the war. With the port in Allied hands, Merchant Mariners like Homer transported huge quantities of equipment and supplies to British and American troops securing the island. They also brought critical foodstuffs to keep the Italian population from starving. *Mayo Brothers* stayed in Italian and Mediterranean waters for some time, taking Homer to the Strait of Messina, Naples, Livorno, and Salerno. There were convoys to Bizerte, Tunisia, and submarine hunts near Mers El Kébir in Algeria.

This was perhaps the life of thrills Homer had always craved. Around this time, his own account claims he also helped deliver supplies to the island of Malta, then under aerial siege by the Luftwaffe. However, he claims to have done so aboard the SS *Mission Soledad*, records of which have yet to report him aboard. Still, Homer's history as an adventurer and rule-breaker renders the possibility difficult to rule out.

Despite Allied control of the region, ships in the Mediterranean were by no means safe from attack. Near Naples on November 26, 1943, the *Mayo Brothers* was attacked by German bombers. This may have been when Homer dove overboard to rescue Captain Adolphus Basch. Despite Homer's tendency to exaggerate, the episode seems to have been genuine. The crew was awarded $125 hazard bonuses for acquitting themselves ably during the assault.

Though Merchant Mariners "operated under strict orders not to stop [the ship], even to rescue a man overboard," Dean's bravery was rewarded. For saving Captain Basch's life, Homer was recommended for the Officer's Training School of the United States Maritime Service in Connecticut. Actual attendance would have to wait because he returned to the U.S. on January 26, 1944, and shipped out again before enrolling.

Having worked for the Waterman Steamship Corporation on his last three ships, Homer now signed on with the Mississippi Shipping Company in May 1944. He made his way to New Orleans and boarded the SS *Delmar* as an Ordinary Seaman. The ship was scarred by a recent cargo fire, but was still seaworthy enough to complete its cruise through the Gulf of Mexico on August 9. By this time, he and Mary Jane Miller had concluded the second divorce of Dean's life.

The wandering West Virginia sailor's final wartime ship was the SS *Fitzhugh Lee*. He joined its crew at the end of September 1944 as a Quartermaster—quite the promotion for someone who had probably never been aboard an oceangoing vessel before the war. Some of his responsibilities included assisting the navigator and officer of the deck, performing ship control, and conducting observations on the weather and position of the ship.

Dean claimed the *Fitzhugh Lee* was bombed during the "invasion of France," delivering a piece of shrapnel to his chest. Neither Dean or *Fitzhugh Lee* were in European waters during the June 1944

D-Day invasion, and he is probably referring to the Allied landings in southern France along its Mediterranean shore, Operation Dragoon. Homer and his crew probably did deliver supplies several weeks after the initial landings, and perhaps were attacked by German aircraft. If so, it is difficult to credit Dean's account of a serious wound, since later medical reports do not record any marks or scars on his chest.

Dean returned to the U.S. on December 11, 1944. Although World War II would continue for another nine months, Homer's service abroad was at an end. He earned ribbons for the Pacific, Atlantic, and Mediterranean theaters, and one Silver Star for being engaged in direct enemy action. While many veterans trained for and served in only a single theater (or adjacent theaters) Merchant Mariners like Dean often traversed the entire globe delivering the crucial supplies of war. Even accounting for Dean's probable exaggerations and fabrications, the sailor nonetheless saw a signifacant amount of action—and the globe—during World War II.

Thanks to his heroic rescue of Captain Basch on the SS *Mayo Brothers*, Homer departed Baltimore, Maryland, for Fort Trumbull in New London, Connecticut, on January 23, 1945, to enroll in the U.S. Maritime Service Officers School. He had the minimum 14 months of sea duty, along with the necessary recommendations and references. There was just one major obstacle: his criminal record.

Fort Trumbull would not permit his enrollment unless his record was wiped clean. Dean received permission to travel to Charleston and petition West Virginia Governor Clarence Meadows for clemency for his 1933, 1934, and 1937 charges. Family connections may have put the petition on the governor's desk quickly, because Dean soon received Meadows' pardon for "exemplary conduct"

Dangerous work at Salerno, Italy, 1943. Painting by Coast Guard combat artist William Goadby Lawrence. *National Archives*

during his World War II service, and because "the desire for opportunity for advancement should be recognized and rewarded." Back at Fort Trumbull with all his pre-war convictions wiped clean, Dean launched into the officers' course. It was not for the faint of heart. "You learn more here in four months than you can in three years at sea," noted one trainee, "It's up to the individual to see that he learns it."

The pardoned ex-criminal did not have the stomach for the Officers School. He requested permission to drop out, "knowing that I cannot grasp enough of the course to secure my license[,] I feel I would be wasting the instructor's time and the government's money to continue here." After only two months in the course, Homer was discharged from the Merchant Marines on March 28, 1945. In less than a month, the war in Europe was over, though fighting in the Pacific continued until September.

Homer returned to West Virginia and took a job with the City of South Charleston's Fire Department. Was he finally settling down in his mid-30s? On February 27, 1946, Dean married Mary S. Gillian in Franklin County, Ohio, but they quickly divorced. After only about a year at the fire department, Homer turned briefly back to the sea.

On June 18, 1946, Homer enlisted in the United States Coast Guard (USCG) and was immediately put aboard the SS *Washington Cedar* on a run from Virginia to Puerto Rico. Strangely, Dean's Coast Guard employment only lasted a single month. While civilian contractors did work aboard military ships—and the USCG did maintain and crew a number of transports and freighters during the war, working hand-in-hand with the Merchant Marine—Dean received an official Coast Guard discharge on July 23. Perhaps he was accepted so quickly based on his Merchant Marine service, but chafed under more rigorous Coast Guard discipline.

The wayward Dean seems to have returned to West Virginia and taken up work as a bartender. Trouble was soon brewing. Homer "began to drink and to run around, necessitating a good deal more money than [he] had," which resulted in Dean "resorting to his past habit of issuing bad checks." It had only taken a few months for some of Dean's worst instincts to reassert themselves, and matters soon escalated further. On January 7, 1947, Dean was charged in Columbus, Ohio, for unlawfully carrying a pistol. He served no prison time, but more bad choices followed. That summer, Homer married Hazel Hanshaw Slone in Berlin, Maryland—his fourth wife.

On December 23, the couple was arrested in Kenova, West Virginia. Forgery was on the docket again—police linked him to a $130 false check he attempted to cash at a bank in Maysville, Kentucky—but this time he was also accused of burglary. Lincoln Theater in Hamlin, West Virginia, had been broken into that March (before his marriage) and the culprit had stolen $1,127. Hazel was also charged with being an accessory to forgery. She received two consecutive three-year sentences but was eventually paroled.

More bad news reached Dean as he shivered in a Charleston jail cell. He was once again the prime suspect in a murder investigation, one that was not going to disappear like the Beauty Reese case a decade before. According to prosecutors, on December 10—two weeks before his arrest in Kenova—Dean had "unlawfully, purposely, maliciously, with premeditation and deliberation," murdered Elmo C. Rice, a real estate agent in Columbus, Ohio. Rice was discovered shot to death after leaving home with a man who, according to Rice's widow, wanted to test drive the car the couple was selling. The widow later identified Dean as the prime suspect.

Homer's mother Lilly stepped in to prevent her son's extradition to Ohio. She requested a "lunacy warrant" evaluation at the Huntington State Hospital for the purposes of pleading insanity in the upcoming trial. The state assented, but on February 6, Homer fled the hospital grounds. West Virginia State Police notified authorities in Ohio and Kentucky that Homer was a fugitive, and the

manhunt commenced.

The FBI joined the hunt for Homer on February 11, filing charges for inter-state automobile theft and unlawful flight. The fugitive ex-mariner now had federal crimes to worry about.

The law finally caught up with Dean on May 2 in Ironton, Ohio, not far from Huntington. Perhaps he managed to elude capture for three months precisely because he had gone to ground—though he did manage to cash two bogus checks at bars while hiding from his pursuers. Just as a stolen car kicked off the Columbus murder charges, it was a stolen car that proved his undoing in Ironton. A policeman recognized Dean by the side of the road, trying to pump air into the deflated tire of a car that was not his.

On June 11, 1948, still facing the possibility of extradition to Ohio, Dean was sentenced to life in prison in West Virginia under the Habitual Criminal Act. Designed to deter repeat offenders, the act's consequences were triggered because Dean had already served two prior felony convictions, even though these had technically been pardoned by Governor Clarence Meadows.

Homer's parents remained steadfast and visited him in prison. After another extradition hearing, Governor Clarence Meadows personally intervened and requested a report from West Virginia's Assistant Attorney General before ruling on whether to grant Ohio the extradition they sought. Meadows was unsure whether it was legal for Ohio to take Dean while he was already serving a life sentence in West Virginia.

A larger battle ignited between officials from the two states. A prosecutor from Ohio argued in a newspaper account "that there was 'no legal or factual reason' why Dean should not be brought to Ohio 'to stand trial for the highest degree of crime except treason.'" Referencing Governor Meadows, the prosecutor opined that "if an individual harbors a felon, he becomes a felon himself." Meadows retorted that he "probably knew as much about criminal law' as the Ohio prosecutor." The lawyer for Ohio fired back that Meadows had previously extradited another man with a very similar case, but Dean was being treated different because he was "a man who has powerful influence in the West Virginia state house."

It remains unclear exactly what kind of "influence" Dean had at his disposal, but at this time he did receive pro bono legal counsel from sitting State Senator John E. Amos. Notes in Dean's West Virginia Department of Corrections file mention that both parents were "very active in political affairs." Homer's father Horatio was a South Charleston city councilman for nearly a decade, and seems to have been childhood friends with U.S. Supreme Court Justice Fred Vinson. It will probably never be known which strings were pulled, if any, to ensure the best possible outcomes for Dean throughout his troubled life, but the wayward son's luck in legal matters is notable.

Dean spent his 39th birthday in Moundsville's West Virginia State Penitentiary, and learned while incarcerated of his father's death on June 11, 1950. With Horatio Dean gone and a new West Virginia governor, Okey L. Patteson, Homer appears to have lost some of his political protection. Patteson granted Dean's extradition on August 3 so the convicted felon could stand trial in Ohio, with the understanding that Homer would be returned to West Virginia upon the trial's completion.

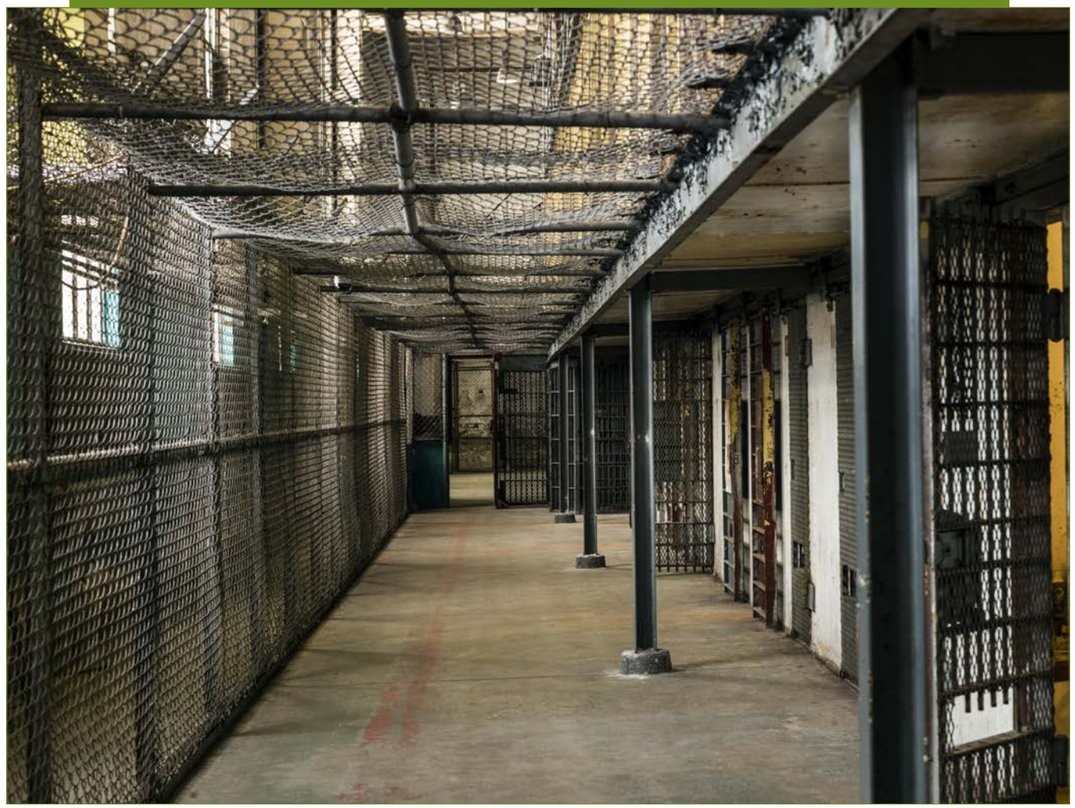
Three years after the murder of Elmo C. Rice, Homer Jackson Dean arrived at court in Columbus. Throughout the trial, Homer unwaveringly contended that he was not in Columbus on the night Rice was killed. Rice's widow contradicted this as an eyewitness, testifying that Dean was indisputably "the man who left with her husband an hour before his body was found on a bridge north of" their home. After 18 hours of deliberation, the jury of six women and six men found Homer guilty of first-degree murder on October 19, 1950. Homer was sentenced to another life term in the Ohio State Penitentiary.

After conviction, West Virginia's Governor Patteson reversed his stance on Dean's return to the Moundsville Penitentiary, saying, "the seriousness of the crime committed in the state of Ohio is of such a nature that I feel he should pay the penalty for such an offense first." Days later, however, Patteson flip-flopped again. "Since checking all the facts and circumstances in the case, I have decided to request that he be returned," he declared. Writing to Ohio's attorney general, Governor Patteson said, "We want him returned to West Virginia [because] Dean comes from a very fine family, and . . . his elderly mother is quite ill and is worried sick over him and is very anxious that he be returned to the West Virginia Penitentiary." Yet again, Dean's family had intervened in some way against harsher punishment for their son.

Soon after his return to Moundsville, Homer's sister and mother were granted permission to visit. They were reminded, however, that despite the hours-long train ride from Charleston to Moundsville, they could only converse for 20 minutes and must do so "through the visiting cage." Despite the obstacles, the Dean family visited often. Homer's criminal history also gained attention when the managing editor of *Front Page Detective Magazine* contacted the penitentiary's warden for permission to use Homer's story.

Homer made the best of his life in jail. He worked as a clerk in the prison's Parole Office for 33 months, but felt the work was "confining." Homer then assisted the prison physician for seven months, who noted that Dean "had a good attitude towards his work. He seemed to be honest and trustworthy and

Moundsville Penitentiary interior. *Library of Congress*



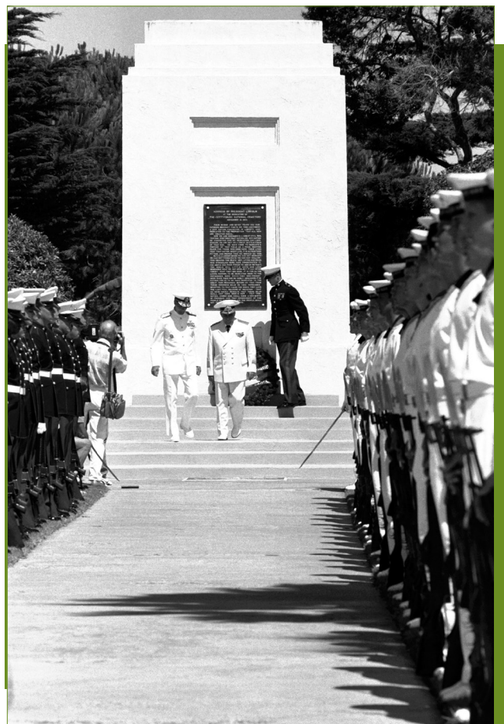
never got into any trouble. He abided by the rules and regulations and tried to see that other inmates did the same." In matters of recreation, Dean took charge of the penitentiary basketball team and scheduled games. All the while, Dean continued to plead his innocence in the Ohio murder charge and fight for his freedom in both states.

In 1952, the West Virginia Supreme Court of Appeals agreed to hear Dean's reasoning for why he should be freed from his West Virginia life sentence, which had been imposed by the state's Habitual Criminal Act under the premise that he had been convicted for a third felony. Homer obtained a Marshall County Circuit Court ruling that he had been incorrectly sentenced as a habitual criminal because Governor Clarence Meadows' 1945 pardon had wiped away the first two convictions. The state's Supreme Court disagreed, ruling with finality that "two previous convictions against a prisoner, even though pardons have been granted, may be used as a basis for a life sentence under the Habitual Criminal Act."

Even with this setback, Homer continued to fight. In August 1954, Dean wrote to the penitentiary's warden, exclaiming, "I have said many times and will continue to say on my death bed that I am not guilty of the Ohio murder charge. . . . If I am ever freed from here I will in all probability end up in the Ohio Penitentiary. I do not wish to serve time for a crime I did not commit. But as it seems an impossibility to ever get the sentence set aside I have long felt that if I could gain my freedom from this charge and did have to go to Ohio then that someday with good conduct I might be paroled from that State."

Homer's constant prodding finally paid off after Governor Patteson left office. On December 22, 1954, West Virginia Governor William C. Marland commuted his sentence, noting that former Governor Meadows' earlier pardons convinced him to do so. He ordered Dean's imprisonment reduced. Counting time off for good behavior, it was concluded that Dean had completed his sentence, and six days later Homer was released from the Moundsville Penitentiary into the custody of the Marshall County Sheriff for pickup by the Ohio Penitentiary Warden.

Behind bars in Columbus, Dean renewed efforts to overturn his second life sentence conviction, spending "every spare moment in the law library preparing writs for habeas corpus actions." Although his motions were continuously denied, Ohio Common Pleas Judge Joseph M. Harter nevertheless said he was "impressed by the manner in which they were prepared."



The commander of the Soviet Union's Pacific Fleet (center) dedicates a wreath at Fort Rosecrans, San Diego, California, in 1990. The ceremony was held to honor American Merchant Mariners who lost their lives convoying supplies to the Soviet Union during World War II.

National Archives

Journalist Jack Shough was also moved by Homer's storytelling. The reporter had not been completely convinced of Dean's guilt when covering the original murder investigation and trial, so in 1956, Shough went to work on the story again. He traveled to towns in Ohio, West Virginia, and Kentucky—where Dean testified he was before, during, and after the murder—to interview nearly 100 people and corroborate the convict's story. The reporter also persuaded Dean's sisters to gather the large sum of $500 for a former FBI agent and lawyer to represent their brother. Homer Jackson Dean was returning to court.

Shough and Dean's new lawyer, Robert G. Jack, gathered seven affidavits undermining the original testimony of Rice's widow. According to these accounts, the widow had admitted privately she could not identify the man who came to see her husband's car. They also subjected Dean to a lie detector test. The polygraph expert said the test proved Homer's innocence. Dean's new legal team took this material to the court and petitioned for a new trial.

Nor did Dean limit his efforts to the legal circuit. After years of petitioning from Dean, Ohio Governor Michael V. DiSalle reviewed the case in 1960, but declined to grant clemency after several months of consideration. The governor conceded that "it certainly appears that Homer Jack [*sic*] Dean was convicted on circumstantial evidence," but there "appears to be no question of the identification of Dean by both the wife of the victim and a cab driver" (for reasons unknown, Dean is often referred to as "Homer Jack Dean" in newspapers and other sources). DiSalle also highlighted Dean's long history of returning to crime after past pardons.

Time and again, however, small advances were gained in the courts. Errors committed by Ohio's prosecuting attorney during the 1950 trial increasingly came to light, calling the validity of some evidence into question. Memos, procedural details, and minor rulings bounced between a


FBI Joins Manhunt
For Hospital Escapee
Prisoner May Face
Habitual Criminal Act
Ohioans Demand
Convict's Return
Ohio Extradites
Alleged Murderer
Homer Jack Dean To Serve
His Life Sentence In Ohio
Dean Asks High Court
To Review Jail Order
Federal Judge Cites Trial Errors
Convicted Killer
Ordered Freed
Homer Jack Dean
Released From Prison

A small selection of Dean's newspaper headlines from 1948-1965.

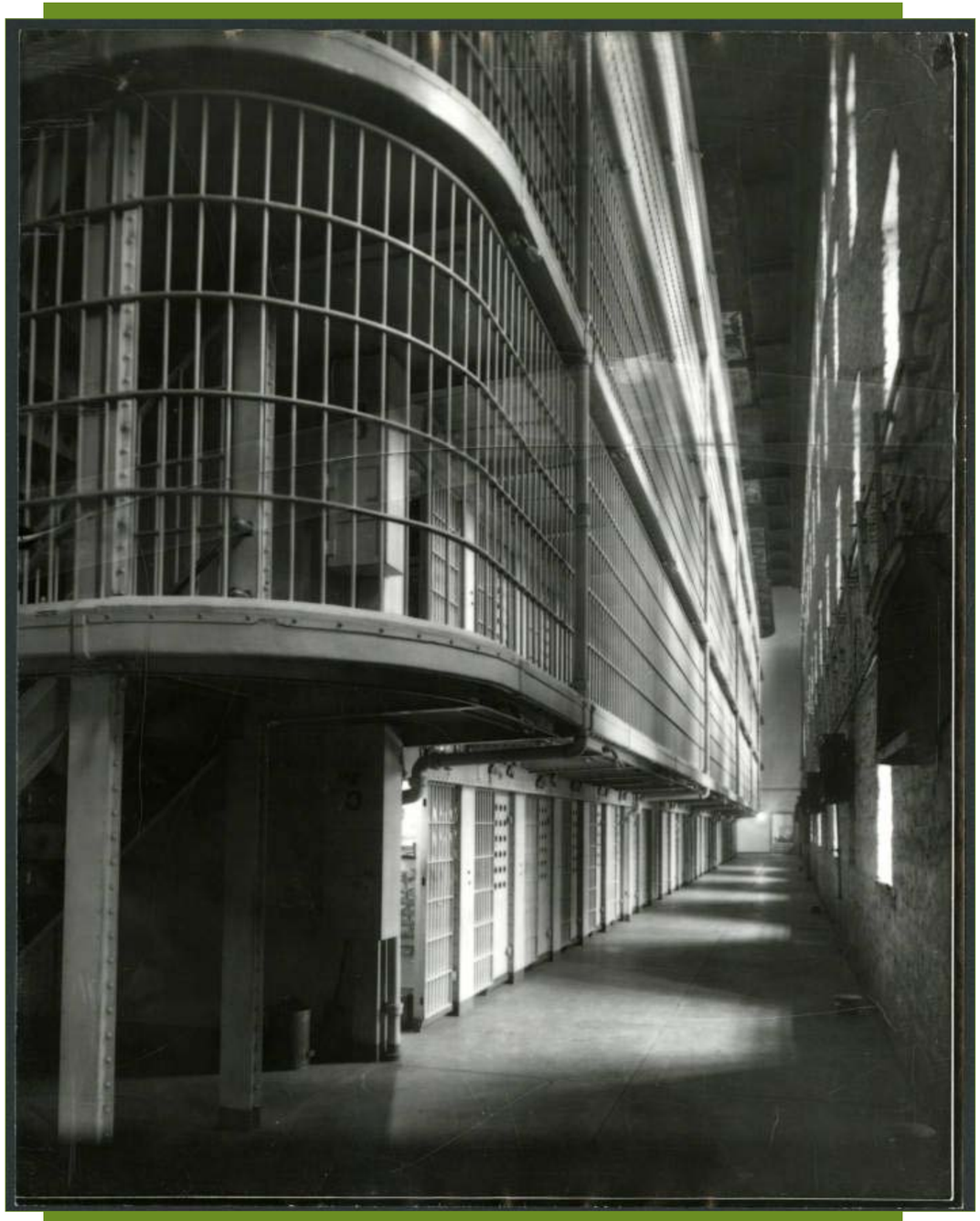
ballooning cadre of judges—some technicalities even landed before the U.S. Supreme Court—until at last, U.S. District Judge Mell G. Underwood became the 67th judge to deal with Dean's case in 1965. Underwood concluded that the original prosecutor had made inflammatory statements to the jury which overstepped the evidence presented in the trial. On April 20, after 15 years in prison, Homer Jackson Dean walked free for the last time.

Following his release, Dean took up unspecified work with the state of West Virginia. Compared to the rest of his exhilarating and crime-filled life, Homer kept a low profile. When he passed away on December 1, 1999—thirteen days before his 89th birthday—burial in a national cemetery did not seem like a likely prospect for someone with his background. The National Cemetery Administration's eligibility policy states, "interment or memorialization in a . . . national cemetery . . . is prohibited if a person is convicted of a Federal or State capital crime, for which a sentence of imprisonment for life or the death penalty may be imposed and the conviction is final."

But Dean's relentless fight had erased these obstacles. His multiple convictions for forgery had been wiped away by gubernatorial pardons, and his murder conviction had been overturned. Even then, as a Merchant Mariner, Homer Jackson Dean is a comparative rarity within national cemeteries.

Since U.S. Merchant Marine sailors are technically civilians, they were not granted Veterans Affairs benefits—including national cemetery interment—until 1988, when a few small categories of USMM personnel were designated eligible. This included "American Merchant Marine personnel who served in oceangoing service during the period of armed conflict between December 7, 1941, and August 15, 1945." Despite his many personal shortcomings, in the eyes of the nation Homer Jackson Dean had put his life on the line when it counted, and earned his place among the honored dead.

PLACE OF INTERMENT:
West Virginia National Cemetery
SECTION 1
SITE 388



Cell block in the Ohio State Penitentiary, Columbus. Conditions at the facility may have been one reason Dean's family fought against their son's extradition to Ohio. The penitentiary was badly burned in a 1930 fire, and by the 1950s was badly overcrowded. *Ohio History Connection*

ACKNOWLEDGMENTS

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As home to one of the nation's first national cemeteries—founded shortly after the Civil War—the community of Grafton has longstanding traditions of honoring America's veterans, including the longest continuously celebrated Memorial Day parade in the United States. The Grafton National Cemetery, located in the heart of the city and founded in 1867, is typically the endpoint of each year's parade. Since the Grafton National Cemetery began to run short of space during the 1960s, the West Virginia National Cemetery was dedicated in 1987, just a few miles outside of Grafton.

The West Virginia Humanities Council is proud to thank the following organizations for their participation in the West Virginia National Cemeteries Project: West Virginia Archives and History, the West Virginia University history department, Taylor County Historical and Genealogical Society, Taylor County Public Library, Grafton High School, and University High School, among many others.

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WEST VIRGINIA HUMANITIES COUNCIL

Veterans Legacy Grant Program
Department of Veterans Affairs
Washington D.C.

SOURCES AND COPYRIGHT

For readability, bibliographies have been omitted from this publication. Student research for these biographies relies heavily on primary sources—census records, city directories, draft cards, muster rolls, and more—made available digitally through Ancestry and Fold3. Yearbook repositories and the digitized collections of many universities and archives have been invaluable resources. Most newspaper research was conducted digitally via Newspapers.com, NewspaperArchives, and the Library of Congress's *Chronicling America* database.

Servicemembers' Official Military Personnel Files (OMPFs) and Individual Deceased Personnel Files (IDPFs) are another essential part of project research, provided free of charge in most cases by the National Archives through standard records requests.

As the West Virginia National Cemeteries Project has grown and matured, the team has found that new sources sometimes surface for veterans researched in prior project years. To better maintain a "living bibliography" of all its veterans, a single master document is kept up on the project's webpage under the "Programs" tab at **www.wvhumanities.org**.

Views and opinions expressed herein do not necessarily reflect those of the U.S. Department of Veterans Affairs, National Archives of the United States, or any other federal agency. For more information about the Veterans Legacy Memorial and the Veterans Legacy Grant Program, visit **www.vlm.cem.va.gov**.

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