

Injustice Upheld in Port Chicago Mutiny Trial

by Robert L. Allen

Almost fifty years after the event the U.S. Navy still refuses to admit that a group of African American sailors were unjustly convicted of mutiny during World War II.

While the nation remembers the fiftieth anniversary of the triumph over fascism, the surviving black sailors are still stigmatized as mutineers for a work stoppage they engaged in at the Navy base at Port Chicago, Calif.

On January 6, 1994, a Navy review board issued its finding. The ruling by the Board for Correction of Naval Records admitted that racism existed in the Navy at the time, but it concluded that neither racial prejudice nor other improper factors tainted any part of the Port Chicago court martial proceedings. As one of the Port Chicago survivors remarked about the ruling: "It's like saying its raining everywhere but right here!"

The impetus to review the mutiny cases originated with research I published in **THE BLACKSCHOLAR** in the Summer 1982 issue. The research was later expanded into a book, *The Port Chicago Mutiny* (Amistad Press, 1989; paperback, 1993). In 1990 a television documentary based on the book and narrated by actor Danny Glover was aired by San Francisco's KRON-TV.

The mutiny charges came in the aftermath of a terrible disaster that occurred in 1944. On the night of July 17, 1944, a huge explosion occurred at the naval ammunition depot at Port Chicago, located on the Sacramento River about 30 miles northeast of San Francisco. The blast completely destroyed two cargo ships tied up at the pier, wrecked the pier and the navy base, and instantly killed 320 men, 202 of whom were black sailors

assigned to ammunition loading. It was the worst home-front disaster of World War II.

As was true of all naval facilities at the time, racial segregation and discrimination were customary practices. All the men assigned to loading ammunition onto ships were black; all the officers were white; no black man could become an officer. The black sailors — who were mostly in their teens — were assigned to racially segregated working divisions and housed in segregated barracks. Before the explosion sailors had complained about the racial segregation, and about unsafe working practices. None of the men had been trained for the work they were expected to do, and the officers (many of them inexperienced reservists) sometimes raced working divisions against each other to speed up loading.

Shortly after the explosion the surviving ammunition loaders were ordered to go back to work under the same officers and the same working conditions. Some 258 men balked, saying they feared another disaster. All of these men were locked up on a barge for several days while the officers considered what to do. Eventually, 50 black sailors were singled out by the officers and charged with mutiny. They were put on trial for their lives in September 1944. All 50 were found guilty and sentenced to 15 years imprisonment. (The remaining 208 were convicted of lesser charges in summary courts martials and briefly imprisoned.)

During the trial the NAACP Legal Defense Fund got wind of what was happening and dispatched special counsel Thurgood

Marshall to meet with the sailors and draft an appeal of the convictions. Marshall took the appeal all the way to the Pentagon, charging that the black sailors were being made scapegoats for the officers' incompetence.

The Navy refused to release the 50 men until after the war ended when they were granted a general amnesty. However their mutiny convictions still stand.

Ironically, although the black sailors were convicted of mutiny, their action changed the Navy. In my research I found Navy department memoranda expressing concern "to avoid any semblance of discrimination" against black sailors at Port Chicago by, for the first time, assigning white sailors to ammunition handling at the base. This was a first step toward desegregation.

But the issue of discrimination could not be avoided, and there was a public outcry when the black sailors were convicted. The public reaction, and Thurgood Marshall's hard-hitting appeal brief, strengthened the hand of liberals in the Roosevelt administration and the Navy who supported desegregation, while conservatives were persuaded that segregation was a bankrupt policy if only because it grouped black sailors together and made collective action possible.

Less than a year after the Port Chicago work stoppage the Navy desegregated its training facilities, and this was followed by desegregation of its shore facilities and ships.

The Navy also instituted new training and safety procedures for ammunition handling. The Port Chicago men did not know at the time that their action prompted these changes in the Navy. All they knew was that they were branded as traitors and cowards and convicted of mutiny.

The publication of the book and airing of the television documentary had a major impact on the lives of some of the accused mutineers. Men for whom Port Chicago was a traumatic, even shameful episode, now viewed it in a new light as a result of changed perceptions of its meaning. The men learned for the first time that their action was important in compelling the desegregation of the U.S. Navy as well as the development of more adequate safety procedures for ammunition handling. One Port Chicago survivor who had never discussed his experience with his adult son could

now do so, knowing the changes his action helped bring about in the Navy.

The article in **THE BLACK SCHOLAR** as well as the book and documentary greatly increased public interest in the Port Chicago case. They also brought the matter to the attention of Northern California congressional representatives George Miller, Ron Dellums, Fortney Stark and Don Edwards. In May 1990, Miller, whose district includes Port Chicago, and twenty-three members of Congress (including twenty members of the Congressional Black Caucus) sent a petition to then Navy Secretary Garrett appealing for a review of the cases. "We believe that a full review of the circumstances surrounding the original convictions and penalties is warranted in light of new information and heightened sensitivity about the racial policies and attitudes of the Navy," the legislators wrote in their letter. In a separate statement Congressman Miller pointed out that "Recent publications and a television documentary have demonstrated how untrained black sailors were required to work under enormous stress and extremely dangerous circumstances loading and unloading bombs and other explosive material. New evidence indicates that the officers often compelled the sailors to complete their tasks without adequate regard for their safety. After the explosion, the black sailors were denied survivors' leave and other services offered to typical trauma victims. Instead, they were ordered back to loading munitions at Mare Island under conditions similar to those that had existed at Port Chicago and arrested when they refused."

The legislators sent their petition to the Navy with a plea that "The review we seek could ultimately help ameliorate an unsavory chapter in the history of the segregated Navy, accru[ing] to the benefit not only of the Port Chicago sailors and the Navy itself, but also help[ing] honor the memory of the 320 men, black and white, who lost their lives in the service of their country on July 17, 1944."

In a one-page letter on August 15th Garrett rejected the congressional petition, arguing that the Uniform Code of Military Justice adopted in 1950 allowed only a one year

period for review of World War II court martial cases, and this had long since passed. Garrett suggested instead that individual Port Chicago survivors might apply for presidential pardons. Upon learning of Garrett's letter, Joe Small, a Port Chicago survivor, testily responded: "We don't want a pardon because that means, 'you're guilty but we forgive you.' We want the decisions set aside, and reimbursement of all lost pay."

Despite this setback, the story was gaining widespread national attention with lengthy articles appearing in the *New York Times* and *Los Angeles Times* and other print media, as well as national television coverage.

In January 1991, as President George Bush was launching the Desert Storm assault against Iraqi forces in the Middle East, Miller proposed a formal congressional resolution calling on the Secretary of the Navy to review the Port Chicago convictions. "At a time when black Americans are again, in disproportionate numbers, facing combat and death to defend our nation, we owe the veterans of the last World War assurances of justice from their own government," Miller said. With strong support from representatives Ron Dellums, Barbara Boxer, Fortney Stark, and nearly 40 other members of Congress, Miller in February of that year introduced a resolution for consideration by the House of representatives. The same resolution was introduced in the Senate by California Senator Alan Cranston. (Miller also introduced a bill, which was passed by Congress in October 1992, to create a permanent national memorial to the 320 men who died at Port Chicago. A temporary wooden marker had been placed at the site by the Navy in 1990 and a memorial chapel dedicated in 1991.)

The resolution was brought before the powerful House Armed Services Committee, and in May a revised version of the resolution was attached as an amendment to the Department of Defense authorization bill by Representative Ron Dellums. The amendment, Section 511 of the bill, declared: "Notwithstanding any other provision of law or regulation, the Secretary of the Navy shall initiate without delay a thorough review of the cases of all 258 individuals convicted in the courts-martial arising from the explosion at the Port Chicago (California) Naval Magazine on July

17, 1944. The purpose of the review shall be to determine the validity of the original findings and sentences and the extent to which racial prejudice or other improper factors now known may have tainted the original investigations and trials. If the Secretary determines that any such conviction was in error, he may take such action as he considers necessary to rectify any error or injustice."

The House and Senate passed the authorization bill and President Bush signed it (with the amendment) into law in December 1991.

Over the course of the next two years the Navy undertook its review, interrupted by a sexual harassment scandal that resulted in the firing of Secretary of the Navy Garrett and the Navy's Judge Advocate General, John Gordon.

With the election of Bill Clinton as President there was hope that a favorable decision might be rendered as a result of the Navy's review. Instead, the review board confirmed the original convictions.

The board reached this conclusion despite the fact that the charge of mutiny was not justified. Not all of the men were given direct orders to return to loading ammunition. Those who were may have been guilty of disobeying an order but, as the defense argued at the time, this does not constitute mutiny. Moreover, since the men were tried en masse, the guilt or innocence of individuals was lost in the prosecution's efforts to convict the men as a group.

All fifty men were found guilty of mutiny after only eighty minutes deliberation by the court, which consisted of senior Navy officers (all white). That amounts to less than one and one-half minutes of deliberation per defendant. The unseemly haste of this decision suggests that the outcome was decided before the trial ended. Indeed, the defense attorney (also white) has alleged that he heard the president of the military court remark, "We're going to find them guilty."

As if that were not enough, the KRON-TV documentary established that the prosecutor in the case, James F. Coakley, had a major conflict of interest in that his sister, Alice, was married to a chief prosecution witness,

Lt. Ernest Delucchi. This alone could be grounds for a mistrial.

Congressional Representatives Ron Dellums, George Miller, Fortney Stark and Senator Barbara Boxer expressed disappointment with the Navy department's latest refusal to overturn the convictions. In a statement the lawmakers said: "In the case of Port Chicago, it is readily admitted by the Navy that these black sailors were treated unfairly in their assignment because they were black. And yet, the Navy has concluded that it is unable to find any reason to remove the label of 'mutineer' from the records of men who made great sacrifices in the war effort."

"We will not rest here. We will continue to search for other means to address this issue in the belief that the surviving sailors and the families of those now deceased deserve the chance to clear their names."

The work stoppage at Port Chicago is an example of what I call the "hidden heritage" of struggle against racism in the military. Since overt protests and strikes are not allowed in the military, instances of protest against racism are often unacknowledged, instead being treated by military authorities as insubordination or even mutiny. The political meaning of such acts may be latent rather than explicit. Nevertheless, in the Port Chicago incident it is clear that the authorities understood the political implications of the situation. Even as they branded the work refusers as mutineers they took steps to defuse criticism by initiating desegregation.

Just as early civil rights activists were treated as common criminals by Southern sheriffs, so were the Port Chicago protesters labelled as criminals by the Navy in 1944. It is a sad commentary on the present mentality of the Navy that it refuses to recognize racial prejudice and other improprieties in the mutiny court martial proceedings. Perhaps because to do so would be to admit that the Navy was wrong, and that a group of black men — most of whom were only teenagers at the time — played a part in compelling the U.S. Navy to change its policies.

As the recalcitrance of Southern states in the 1950s and 1960s required intervention by the Congress and the President to insure black rights, so does the present recalcitrance of the Navy in the Port Chicago situation cry

out for intervention by the Commander-in-Chief. In editorials, several newspapers, including the *San Francisco Chronicle* and the *Oakland Tribune*, have called upon the President to take action. In this fiftieth anniversary year of the tragedy, President Clinton should set aside the Port Chicago convictions and clear the names of the black men who, by standing up to injustice, helped bring an official end to the system of racial segregation in the U.S. Navy.

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