

PORT CHICAGO

BY COMMANDER TODD MOE, U.S. COAST GUARD

The tragic 1944 dockside explosion and its aftermath beg the question: If sailors refuse an order, how can it be mutiny if the order was unlawful?

The 17 July 1944 explosion at Navy Weapons Station Port Chicago near San Francisco, California, was the deadliest homefront disaster of World War II. It killed 320 people, destroyed two merchant vessels—and in a moment of contingent history, helped spark the civil rights movement in the United States. (See “From Disaster to Desegregation,” February 2015, pp. 16–25.)

An official U.S. Navy inquiry into the event cleared white officers of any negligence in the accidental explosion and concluded that unsafe procedures followed by the African-American enlisted workforce contributed to the disaster.¹ A few months later, survivors of Port Chicago refused an order to conduct ammunition-loading operations at a neighboring weapons station over concerns that unsafe conditions continued. The Navy charged these dissenters with mutiny, claiming that disobeying orders in wartime was tantamount to usurping the authority of the base commander.

In a rushed military trial, the Navy convicted 50 of the African-American sailors of mutiny. The Navy later com-

mutated their sentences but never fully exonerated them, contending that the “Port Chicago 50” disobeyed an order during wartime and did not merit exoneration.

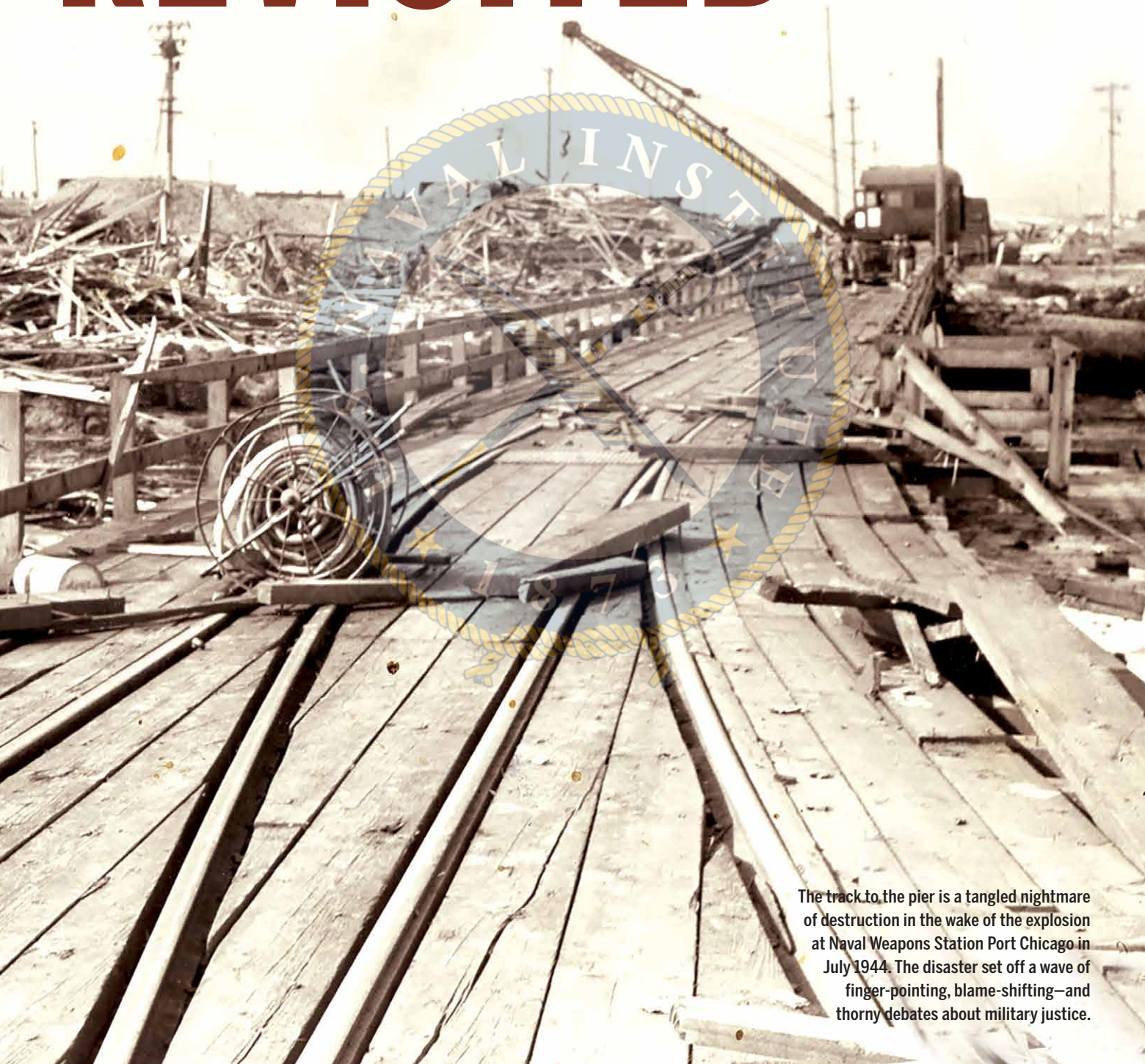
However, historical evidence from Coast Guard records suggests Navy leadership knowingly disobeyed lawful Coast Guard orders to conduct ammunition-loading operations in accordance with federal safety laws. In this context, orders given to enlisted sailors at Port Chicago were likely illegal.

Captain Goss vs. Title 46

The story begins nine months before the explosion, in October 1943, when the U.S. Coast Guard issued a comprehensive set of safety regulations governing the handling of military explosives in domestic ports. At the time, the Coast Guard was a military service within the Department of the Navy. One of its primary wartime roles was regulating military ammunition on-loads aboard commercial vessels. The Coast Guard codified these regulations as federal law as title 46 of the U.S. code.² The senior Coast Guard officer responsible for implementing these rules in the San



REVISITED



The track to the pier is a tangled nightmare of destruction in the wake of the explosion at Naval Weapons Station Port Chicago in July 1944. The disaster set off a wave of finger-pointing, blame-shifting—and thorny debates about military justice.



A boxcar-load of live bombs: Hauling the deadly cargo from railway to pier was not only “hard, back-breaking work,” but fraught with an obvious potential for catastrophe.

Francisco Bay captain of the port (COTP) zone, Captain Paul Cronk, sent supervisory details to Mare Island and Port Chicago in October 1943. He gave these details two orders: Instruct Navy explosives loading personnel in required safety practices, and observe implementation of the requirements during explosives-loading operations.³

The senior Navy officer responsible for operations at Mare Island and Port Chicago, Captain Nelson H. Goss, viewed Coast Guard safety regulations as an impediment to his goal of loading ten tons of ammunition per hatch per hour.⁴ He believed that this rate of throughput was necessary to sustain the war effort in the Pacific theater. Coast Guard regulations that banned accumulation of ammunition on the pier, eliminated use of cargo nets for certain explosives, and criminalized the common practice of rolling explosives along the pier likely would reduce the tonnage of ammunition moving through his two depots. Consequently, he felt justified in violating these regulations.⁵ On 1 November 1943 Captain Goss wrote a letter to Captain Cronk informing the latter that Coast Guard explosives loading details were no longer welcome at Mare Island and Port Chicago.⁶

Captain Goss's orders to ignore safety regulations while loading at least ten tons per hatch per hour had disastrous conse-

quences. In the hours leading up to the 17 July 1944 explosion, white officers had placed bets on which of their enlisted African-American work gangs would load the greatest tonnage of ammunition onto the ships during their eight-hour shift. This was hard, back-breaking work that involved moving live bombs from railway boxcars to the pier by hand, and onto the ships via winch. To enhance the speed of operations, officers often ordered the enlisted men to take shortcuts, such as rolling live ammunition along the dock or overloading winch loads. Seaman Joe Small, who was at Port Chicago during this time, later described loading conditions as unsafe and rushed. He recalled that division officers placed bets on which division would finish loading first and used off-base passes as an incentive to get the men to work faster.

A Court of Questionable Merit

The Navy court of inquiry charged with investigating the Port Chicago explosion would take less than a week to determine there were several possible causes of the explosion. The most likely explanation was the presence of a fine film of high explosives on the exterior of one of the depth charges. Alternatively, a default in the safety mechanism of one of the cluster bombs led to the explosion.⁷ The ultimate purpose

of the court of inquiry was not to determine the cause of the explosion—but to absolve the Navy of guilt.⁸

However, in attempting to clear Captain Goss of any wrongdoing, the court acknowledged that Goss purposefully disobeyed Coast Guard regulations (Title 46 CFR 146).⁹ The court attempted to justify the captain's actions by criticizing the Coast Guard regulations as an impractical burden that would reduce the speed of ammunition-loading operations.¹⁰ It admitted the Navy should have worked with the Coast Guard to change regulations they disagreed with rather than violate them. Interestingly, the court suggested that Navy ammunition loading operations should continue as before. If the Coast Guard was willing to negotiate safety standards, the Navy stood ready to listen.

The court of inquiry believed Captain Goss was justified in violating the law given exigent circumstances. Nonetheless, it found that he violated federal law by not following Coast Guard regulations. Consequently, orders issued by Captain Goss to his subordinates dealing with the subject of explosives-loading operations should be considered illegal.

It is within this background that Seaman Small and the rest of his division were being marched to the Mare Island ammunition terminal to conduct loading operations. The men knew that nothing had changed in the three weeks since the Port Chicago explosion. Captain Goss and many of the same officers were still in charge and required them to use the same unsafe Navy procedures. Many in the African-American enlisted workforce believed the Navy's unsafe procedures directly contributed to the Port Chicago disaster. Seaman Small and the rest of his division had raised numerous safety concerns in the weeks leading up to 9 August.¹¹ They clearly understood the potential for additional accidents and attempted to correct the situation.

Justifiable Refusal?

There is no question that when Small and his men refused to march to the pier they disobeyed an order. However, given the circumstances, the order was unlawful. If they had complied, they would have violated federal law and by using the same unsafe procedures they were likely to cause additional accidents. The Uniform Code of Military Justice (UCMJ) clearly requires orders to be lawfully given before a subordinate's compliance is required.¹² The Port Chicago 50 were justified in disobeying



Ten tons per hatch per hour: Such was the mandate under which the Port Chicago work crews operated. But there was only one way for the captain in charge to maintain such a daunting tempo: illegally flouting regulations.

Inset: Captain Nelson H. Goss, senior naval commander at Mare Island and Port Chicago, considered U.S. Coast Guard safety regulations an impediment. While he was exonerated for the disaster, sailors who refused to continue working under such conditions were charged with mutiny.



online-documents/court-of-inquiry.html.

5. *Record of Proceedings*, Opinion 33.
6. *The Coast Guard at War*; Robert L. Allen, *The Port Chicago Mutiny* (San Francisco: Heyday Books, 2006), 45–50.
7. *Record of Proceedings*, Opinion 51.
8. *Record of Proceedings*, Opinions 59–61.
9. *Record of Proceedings*, Opinion 30.
10. *Record of Proceedings*, Opinion 29.
11. Allen, *The Port Chicago Mutiny*; Joe Small interview no. 1, 21 July 1980, University of California, Berkeley, Library Oral History Center website, ohms.lib.berkeley.edu/ohms/viewer.php?cachefile=Interview62896.xml.
12. *Manual For Courts-Martial*, Article 92: Failure to Obey Order or Regulation: IV-23, U.S. Army website, www.apd.army.mil/pdffiles/mcm.pdf.
13. LT Joe Hanacek, USN, “Exonerating the Port Chicago 50 Is About the Future,” U.S. Naval Institute *Proceedings*, 146 no. 2 (February 2020), <https://www.usni.org/magazines/proceedings/2020/february/exonerating-port-chicago-50-about-future>
14. According to the UCMJ an order is unlawful if it is “contrary to the Constitution, the laws of the United States, or lawful superior orders or for some other reason is beyond the authority of the official issuing it.” DOD website, jsc.defense.gov/Portals/99/Documents/MCM2016.pdf?ver=2016-12-08-181411-957.

Commander Moe is assigned to the Maritime Intelligence Fusion Center Pacific as the staff cryptologist for Coast Guard Pacific Area. He graduated from the University of Wisconsin, Madison, in 2000 with a BA in anthropology and Scandinavian studies. He received a Fulbright Fellowship and moved his family to Trondheim, Norway, where he studied maritime archaeology at the Norwegian University of Science and Technology. His research interests include Coast Guard history and intelligence studies.

the order to conduct ammunition loading operations at Mare Island.

As a commissioned officer in the Coast Guard, Captain Cronk’s COTP orders had the same standing as orders issued by Navy officers. Therefore, Captain Cronk’s standing order to follow Coast Guard safety regulations throughout the San Francisco COTP zone was a lawful order that military members were obligated to follow. Given Captain Goss’s attempts to circumvent these regulations, Small and his men were operating under conflicting orders in the middle of a power struggle between senior leadership of the Navy and Coast Guard. The issue has remained unresolved up to the present time.

It is within this context that the U.S. House of Representatives passed legislation requesting the Navy to exonerate the Port Chicago 50 in December 2019.¹³ The Navy should seriously consider taking action on this request. It is justified in ensuring exoneration does not further undermine the UCMJ but is obligated to ensure the integrity of previous UCMJ actions. Setting aside convictions decades after an event simply

because of political pressure sets a poor precedent. In the case of the Port Chicago 50, however, exoneration based on Captain Goss’s illegal order would further edify the military justice system.¹⁴ It would demonstrate to the entire chain of command that junior military members have the ability to refuse unlawful orders without fear of reprisal. The Navy should complete the final step in this case—and issue full exoneration of the Port Chicago 50. ⚓

1. Port Chicago Disaster online documents, Navy History and Heritage Command, www.history.navy.mil/research/library/online-reading-room/title-list-alphabetically/p/port-chicago-ca-explosion/online-documents/court-of-inquiry/opinion.html; findings 13–16 are especially relevant.
2. *Regulations Governing Transportation of Military Explosives on Board Vessels During the Present Emergency*, NAV CG 1 October 1943.
3. *The Coast Guard at War: Port Security*, vol. 18, 1 September 1949, U.S. Coast Guard Historian website, www.uscg.mil/history/articles/USCGatWar-PortSecurity.pdf.
4. *Record of Proceedings of a Court Of Inquiry Convened at the U.S. Naval Magazine Port Chicago California, 24 July 1944*, Opinion 40, U.S. Navy Historian website, history.navy.mil/browse-by-topic/disasters-and-phenomena/port-chicago-ca-explosion/