

Heroes & Heritage Series

PORT CHICAGO



**CITIZENS
FOR
HISTORICAL
EQUITY**

The Port Chicago 50
Dignity in Defiance

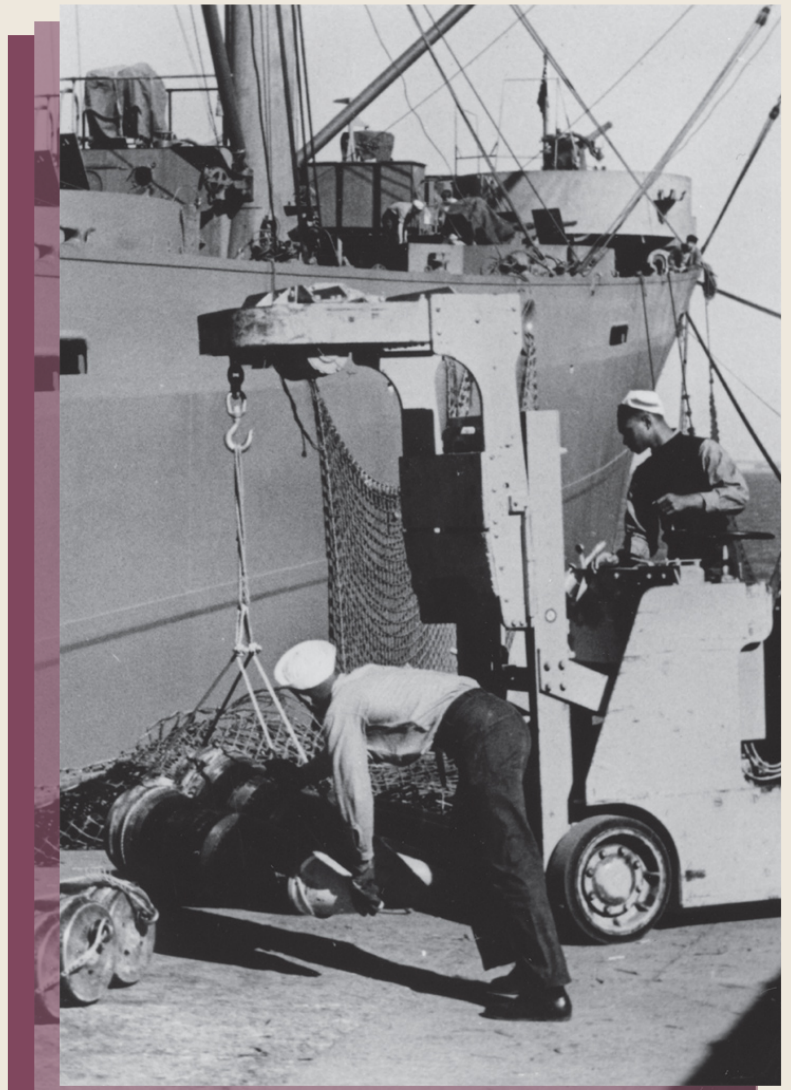
Did a Mutiny Occur at Port Chicago?

The history surrounding the Port Chicago disaster and its aftermath is complex and raises many questions. Some of the most common questions educators hear are, "What is mutiny?" and "Why did the sailors refuse orders?" These questions are fundamental to answering the underlying question at the heart of the Port Chicago 50's narrative: *"If the Port Chicago 50 refused orders during wartime, does that make them guilty of mutiny?"*

This chapter will set aside the critical role racial discrimination played in these historical events in order to establish that, regardless of race, the Port Chicago 50 were innocent of refusing the orders of Port Chicago's Naval leadership because the orders themselves violated the Navy's own laws and regulations; rendering them invalid.

"There's no such charge under Naval jurisdiction of 'conspiracy to attempt mutiny.' ...Either you commit mutiny or you don't... I don't think [the Port Chicago 50] were any more guilty of mutiny than I was."

- Lt. Gerald Veltmann
Naval-Appointed Attorney of the
Port Chicago 50



Timeline of Events



February 1942

Construction Begins on the Naval Magazine at Port Chicago

Federal Safety Regulations Outlaw Dangerous Munition Loading Practices

October 1, 1943



June 1944

Port Chicago Naval Leadership Disregards Federal Safety Laws

The Port Chicago Disaster Kills 320, Injures 390, Destroys Town

July 17, 1944



July 24, 1944

Investigation Shows Leadership Violated Safety Laws on the Day of the Explosion

Sailors are Directed to Violate Federal Safety Laws, Sailors Lawfully Refuse

August 9, 1944



September 1944

The Port Chicago 50 are Wrongfully Convicted for Refusing Unlawful Orders

October 1943

Title 46 Becomes Federal Law

On October 1, 1943, the U.S. Coast Guard – which serves within the Department of the Navy during wartime ¹ – published *Regulations Governing Transportation of Military Explosives on Board Vessels During the Present Emergency* (Title 46) ² which established wartime regulations for loading munitions onto ships in domestic ports like at Port Chicago Naval Magazine. In order to reduce explosive hazards, Title 46 outlawed accumulation of munitions near piers, use of cargo nets for certain explosives, and the common practice of rolling bombs.



June 1944

Port Chicago Leadership Disregards Title 46

In June 1944, construction was completed on an extra-wide pier at Port Chicago Naval Magazine. This new pier created enough space to allow for two ships to be loaded with munitions simultaneously. ³ Increased munitions required an increased pace, and Port Chicago Naval (PCN) leadership believed adhering to wartime safety regulations would result in a pace of loading too slow to effectively supply our troops with munitions. As stated in Naval documents, PCN leadership believed the laws were a hindrance:

“Coast Guard instructions are not practicable in their entirety in that a literal compliance with all requirements would so restrict operations that loading could not be accomplished at a reasonable rate.” ⁴

Evidence and testimony reveal mandated federal safety laws were disregarded by PCN leadership. Munition accumulation and bomb-rolling was occurring after Title 46 was established, and leading up to the day of the Port Chicago disaster. Navy documents reveal these dangerous shortcuts – enforced by PCN leadership to speed up loading times – were a violation of Naval and Federal law:

“Instructions were in effect on 17 July 1944 that [Title 46 laws] were to be followed in principle and... must be followed in detail. Violations of some of these regulations occurred.” ⁵

¹ <https://www.defense.gov/About/our-forces/>

² Title 46: https://www.google.com/books/edition/Regulations_Governing_Transportation_of/ANtdPQAACAAJ?hl=en

³ Allen, Robert L. *The Port Chicago Mutiny*. Berkeley, CA: Heyday Books, 1993, p. 40-41

⁴ Port Chicago Naval Magazine Explosion on 17 July 1944: Court of Inquiry, Finding of Facts, Opinion and Recommendations: Opinion 29

⁵ Port Chicago Naval Magazine Explosion on 17 July 1944: Court of Inquiry, Finding of Facts, Opinion and Recommendations 5(c)(3)

July 17, 1944

Port Chicago Disaster Kills 320, Injures 390

Just weeks after munitions volume and pace was increased, on the night of July 17, 1944, the unthinkable happened: a brilliant white flash was followed by multiple blasts that coalesced into a catastrophic explosion that instantly killed 320 people, including all sailors who were loading munitions that night. The pier and ships were completely obliterated. The nearby town of Port Chicago was decimated. Nearly 400 were injured.



July 24, 1944

Inquiry Report Reveals Safety Violations

Four days after the explosions, the Navy began its own investigation to inquire into the circumstances attending the explosion. During the inquiry, none of the 258 sailors who would later take part in the work stoppage were permitted to testify.⁶ Conversely, PCN leadership with a vested interest – who were under investigation for violating U.S. safety code – were allowed as “interested parties” to participate in the investigatory process. Moreover, they were allowed to “present evidence and examine witnesses.”⁷

Within days, the Navy’s inquiry uncovered multiple safety violations, including confirmation that leadership violated the law by encouraging competition⁸ and criminalized loading practices; dangerous actions that were in effect on the day of the disaster:

“These violations consisted of rolling depth charges, hoisting depth charges in nets, failure to use a mattress or [thrum] mat at times, and the wearing of shoes shod with uncovered nails.”⁹

- Navy Court of Inquiry, July 1944

⁶ Allen, Robert L. *The Port Chicago Disaster and its Aftermath*, from “*The Black Scholar*”, p. 17

⁷ Allen, Robert L. *The Port Chicago Mutiny*, p. 68-69

⁸ *Port Chicago Naval Magazine Explosion on 17 July 1944: Court of Inquiry, Finding of Facts, Opinion and Recommendations: Recommendation 11*

⁹ *Port Chicago Naval Magazine Explosion on 17 July 1944: Court of Inquiry, Finding of Facts, Opinion and Recommendations 5(c)(3)*

July 24, 1944

Inquiry Relies on Unsubstantiated Opinion

The inquiry report included an “Opinion” document with opinions about the facts from the perspective of Naval leadership. With no supporting evidence, the opinion was that mandated Title 46 laws did not make conditions safer,¹⁰ and based on that opinion, the decision was made not to charge or punish PCN leadership for the illegal act of violating federal safety laws:

“...the few practices listed in the Finding of Facts which were contrary to the Coast Guard shiploading regulations were not dangerous and did not increase the hazards.”¹¹

- Navy Court of Inquiry, July 1944

The inclusion of this opinion, without evidence, is notable because it contradicts the fact that handling high explosives is considered “dangerous,” and unsafe handling of such explosives does “increase the hazards.” Nevertheless, the opinion acted to absolve the Navy of liability for the disaster, and as a result, PCN leadership was free to continue violating safety laws at the Naval Ammunition Depot at nearby Mare Island.

August 9, 1944

Surviving Sailors Ordered to Defy Title 46

Three weeks after the explosions, surviving sailors were now stationed at nearby Mare Island. Having seen their safety concerns confirmed through the deaths of their brothers-in-arms, the sailors anticipated upgrades to safety conditions, equipment, gear, and an adherence to U.S. safety code.

PCN leadership took an oath to “take all proper measures, under the law... to safeguard the morale [and] physical well-being” of those under their command.¹² Despite this oath, after being absolved by the Navy of accountability for the disaster, there would be no additional steps taken to safeguard the sailors. The usual loading practices – which were still criminalized actions according to Title 46 regulations – would be enforced.

On August 9, 1944, when ordered to violate Federal law by loading munitions in a way inconsistent with U.S. Code, 258 of the sailors refused. Fifty sailors – known as the Port Chicago 50 – were subsequently convicted of conspiracy to commit mutiny.

¹⁰ Port Chicago Naval Magazine Explosion on 17 July 1944: Court of Inquiry, Finding of Facts, Opinion and Recommendations: Opinion 27

¹¹ Port Chicago Naval Magazine Explosion on 17 July 1944: Court of Inquiry, Finding of Facts, Opinion and Recommendations: Opinion 61

<https://www.history.navy.mil/research/library/online-reading-room/title-list-alphabetically/p/port-chicago-ca-explosion/online-documents/court-of-inquiry/finding-of-facts-general-findings.html>

¹² United States Navy Regulations 0702A: Commanders' Duties of Example and Correction

Military Law Does Not Support Convictions

Despite the convictions, the Navy was unable to establish conspiracy or mutiny. The U.S. Military's *Manual for Courts-martial, United States*, Article 91 states that an enlisted person who "willfully disobeys [a] lawful order" is committing "insubordinate conduct."¹³ In Article 94, "mutiny" is defined as insubordinate conduct but with the "intent to usurp or override lawful military authority."¹⁴ We know the Port Chicago 50 did not commit mutiny because their refusal of orders was done peacefully and at no point did their actions indicate they were attempting or conspiring to usurp (take by force) authority.

As for whether they were guilty of the lesser charge of insubordinate conduct, we know in order for conduct to be considered insubordinate, refused orders must be lawfully given, as it is only an offense to disobey a "lawful order." The Navy determines the "lawfulness" of an order in Article 92 which states an "order or regulation is lawful unless it is contrary to... the laws of the United States."¹⁵

The Navy's own inquiry report confirms the orders of PCN leadership were contrary to U.S. law because they violated Title 46. By Navy rules and regulations, the Port Chicago 50 were not required to follow munitions-loading orders on August 9, 1944 because **orders that violate federal law are deemed unlawful** and are therefore invalid.

Sailors Responded Appropriately to Orders

The sailors took an oath to "comply with lawful orders."¹⁶ Likewise, PCN leadership took an oath that all orders shall be "administered in accordance with law [and] Navy Regulations."¹⁷

If the sailors had complied with unlawful orders on August 9, 1944, they would have been in violation of federal law and their sworn oath to comply only with lawful orders. PCN leadership, by handing down orders that were in discordance with U.S. law and Navy regulations, were in breach of their own sacred oath.

The sailors responded correctly by choosing to abide by Federal law and refuse an illegal request that endangered American lives and government property. By the Navy's own standards and rules of the day, **the Port Chicago 50 responded appropriately and lawfully**, and were therefore wrongfully charged and wrongfully convicted.

¹³ *Manual for Courts-martial, United States, Article 91* ¹⁴ *Manual for Courts-martial, United States, Article 94*

¹⁵ *Manual for Courts-martial, United States, Article 92* ¹⁶ *United States Navy Regulations 1211: Compliance with Lawful Orders*

¹⁷ *United States Navy Regulations 0702: Organization of Commands*

Seeking **Justice** for the Port Chicago 50

It's been nearly 78 years since Marshall advocated for the Port Chicago 50 by declaring, "Justice can only be done in this case by a complete reversal of the findings." **Today, that fight for justice continues.**

For many years, U.S. Representative Mark DeSaulnier and U.S. Representative Barbara Lee have worked to pass legislation that directs the Secretary of the Navy to exonerate the Port Chicago 50. In 2021, California Senator Steve Glazer sponsored a measure to urge the President of the United States and Congress to take action to fully exonerate the sailors.

On June 1, 2021, in an act of reverence for this nationally-significant history, East Bay Regional Park District (EBRPD) dedicated a regional park to Thurgood Marshall and the Port Chicago 50. Near the site of the former Port Chicago Naval Magazine now resides the 2500-acre **Thurgood Marshall Regional Park – Home of the Port Chicago 50** in Concord, CA. In partnership with National Park Service (NPS), the park will include public education on this civil rights history at the forthcoming visitor center which is now seeking funding.

By naming a park after the unexonerated sailors, EBRPD – the largest park district in the United States – has taken meaningful steps to proactively proclaim the innocence of the Port Chicago 50. Publicly recognizing the sailors as heroes for bravely risking their lives to protest an unjust system has brought renewed attention and positive momentum to the ongoing work to achieve justice for the sailors.



The legacies of the Port Chicago 50 are beginning to see justice through the park naming, public education programs from NPS and EBRPD, as well as advocacy from U.S. Representative Mark DeSaulnier, U.S. Representative Barbara Lee, California Senator Steve Glazer, California Assemblymember Tim Grayson, Friends of Port Chicago National Memorial, and NAACP, among others. Through this collective work, the history of the Port Chicago 50 and the brave fallen sailors of Port Chicago Naval Magazine lives on – and the fight for justice continues ●