

THE WHITE HOUSE

WASHINGTON

Dear Alcee:

Thank you for your letter regarding the "Port Chicago" incident in the summer of 1944. I understand Secretary Perry recently informed you that he had determined after extensive review and careful consideration that the circumstances of the sailors' cases do not provide a basis for expunging their convictions. A similar decision was reached by Secretary of the Navy Dalton last January. I support Secretary Perry and Secretary Dalton's determinations.

As Secretary Perry notes in his letter, all of the sailors involved in this incident were subsequently given the opportunity to complete their military service, and none was separated under less than honorable conditions as a result of his actions or conduct during the incident. As was true of so many thousands of their brothers-in-arms, this record is a testament to the enormous contribution African Americans made to America's victory in World War II -- an achievement I will be proud to join in celebrating during special World War II commemoration activities next month honoring the African American role in winning the war.

I appreciate your taking the time to let me know of your views on this issue.

Sincerely,

The Honorable Alcee L. Hastings
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Ed:

Thank you for your letter regarding the "Port Chicago" incident in the summer of 1944. I understand Secretary Perry recently informed you that he had determined after extensive review and careful consideration that the circumstances of the sailors' cases do not provide a basis for expunging their convictions. A similar decision was reached by Secretary of the Navy Dalton last January. I support Secretary Perry and Secretary Dalton's determinations.

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I appreciate your taking the time to let me know of your views on this issue.

Sincerely,

The Honorable Edolphus Towns
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Barbara-Rose:

Thank you for your letter regarding the "Port Chicago" incident in the summer of 1944. I understand Secretary Perry recently informed you that he had determined after extensive review and careful consideration that the circumstances of the sailors' cases do not provide a basis for expunging their convictions. A similar decision was reached by Secretary of the Navy Dalton last January. I support Secretary Perry and Secretary Dalton's determinations.

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I appreciate your taking the time to let me know of your views on this issue.

Sincerely,

The Honorable Barbara-Rose Collins
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Bill:

Thank you for your letter regarding the "Port Chicago" incident in the summer of 1944. I understand Secretary Perry recently informed you that he had determined after extensive review and careful consideration that the circumstances of the sailors' cases do not provide a basis for expunging their convictions. A similar decision was reached by Secretary of the Navy Dalton last January. I support Secretary Perry and Secretary Dalton's determinations.

As Secretary Perry notes in his letter, all of the sailors involved in this incident were subsequently given the opportunity to complete their military service, and none was separated under less than honorable conditions as a result of his actions or conduct during the incident. As was true of so many thousands of their brothers-in-arms, this record is a testament to the enormous contribution African Americans made to America's victory in World War II -- an achievement I will be proud to join in celebrating during special World War II commemoration activities next month honoring the African American role in winning the war.

I appreciate your taking the time to let me know of your views on this issue.

Sincerely,

The Honorable William J. Jefferson
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Walter:

Thank you for your letter regarding the "Port Chicago" incident in the summer of 1944. I understand Secretary Perry recently informed you that he had determined after extensive review and careful consideration that the circumstances of the sailors' cases do not provide a basis for expunging their convictions. A similar decision was reached by Secretary of the Navy Dalton last January. I support Secretary Perry and Secretary Dalton's determinations.

As Secretary Perry notes in his letter, all of the sailors involved in this incident were subsequently given the opportunity to complete their military service, and none was separated under less than honorable conditions as a result of his actions or conduct during the incident. As was true of so many thousands of their brothers-in-arms, this record is a testament to the enormous contribution African Americans made to America's victory in World War II -- an achievement I will be proud to join in celebrating during special World War II commemoration activities next month honoring the African American role in winning the war.

I appreciate your taking the time to let me know of your views on this issue.

Sincerely,

The Honorable Walter R. Tucker
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Eleanor:

Thank you for your letter regarding the "Port Chicago" incident in the summer of 1944. I understand Secretary Perry recently informed you that he had determined after extensive review and careful consideration that the circumstances of the sailors' cases do not provide a basis for expunging their convictions. A similar decision was reached by Secretary of the Navy Dalton last January. I support Secretary Perry and Secretary Dalton's determinations.

As Secretary Perry notes in his letter, all of the sailors involved in this incident were subsequently given the opportunity to complete their military service, and none was separated under less than honorable conditions as a result of his actions or conduct during the incident. As was true of so many thousands of their brothers-in-arms, this record is a testament to the enormous contribution African Americans made to America's victory in World War II -- an achievement I will be proud to join in celebrating during special World War II commemoration activities next month honoring the African American role in winning the war.

I appreciate your taking the time to let me know of your views on this issue.

Sincerely,

The Honorable Eleanor Holmes Norton
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Louis:

Thank you for your letter regarding the "Port Chicago" incident in the summer of 1944. I understand Secretary Perry recently informed you that he had determined after extensive review and careful consideration that the circumstances of the sailors' cases do not provide a basis for expunging their convictions. A similar decision was reached by Secretary of the Navy Dalton last January. I support Secretary Perry and Secretary Dalton's determinations.

As Secretary Perry notes in his letter, all of the sailors involved in this incident were subsequently given the opportunity to complete their military service, and none was separated under less than honorable conditions as a result of his actions or conduct during the incident. As was true of so many thousands of their brothers-in-arms, this record is a testament to the enormous contribution African Americans made to America's victory in World War II -- an achievement I will be proud to join in celebrating during special World War II commemoration activities next month honoring the African American role in winning the war.

I appreciate your taking the time to let me know of your views on this issue.

Sincerely,

The Honorable Louis Stokes
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

July 15, 1994

Dear Barbara:

Thank you for writing about the Port Chicago National Memorial.

I regret that I will be unable to attend the dedication ceremony on the 50th anniversary of this terrible tragedy. I join you in saluting these brave men and in acknowledging the tremendous sacrifice of African-American veterans in World War II and, indeed, in every war.

You also raised the issue of the Secretary of the Navy's January 6, 1994, report on the Port Chicago case. The Secretary of Defense is currently reviewing Secretary Dalton's report.

Sincerely,

Bill Clinton

The Honorable Barbara Boxer
United States Senate
Washington, D.C. 20510

Congress of the United States

House of Representatives

Washington, DC 20515

June 13, 1994

Dellums

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

On July 17, 1994, the National Park Service will dedicate the Port Chicago National Memorial in Concord, California. The Memorial will be dedicated on the 50th anniversary of the cataclysmic explosion at the Port Chicago Naval Magazine that resulted in the deaths of over 300 sailors and officers, mostly African-Americans. The Port Chicago disaster was the deadliest single war-related disaster in the continental United States during World War II. This single event accounted for 15 percent of the total of black naval casualties during World War II.

In 1992, Congress approved legislation creating this National Memorial. Unlike the D-Day commemoration, the history of the Port Chicago explosion is little remembered by Americans outside California. Yet to many veterans, and particularly to members of minority organizations, the event was of tragic proportions, and the marking of its 50th anniversary, together with the dedication of the Memorial itself, will be an historic and solemn occasion.

We would hope that you would strongly consider participating in the dedication of this National Memorial to the victims of the Port Chicago disaster. Your participation would bring a long-deferred recognition of national tribute to these hundreds of men whose sacrifice was less recognized, but just as heroic, as those more celebrated Americans who participated in D-Day. We have similarly sought the participation of Secretary Bruce Babbitt and Secretary Jesse Brown in the dedication ceremony.

At the same time, you could help close the books on a related aspect of the Port Chicago disaster that has remained unresolved over the past half century. Only black sailors were used to load the ammunition aboard ships at Port Chicago, under the supervision of white officers. When ammunition loading resumed two weeks after the explosion, 258 black

The Honorable William J. Clinton
June 13, 1994
Page Two

seamen refused to return to work, citing what they said were unsafe working conditions and inadequate training. Later, under orders, 208 who had received summary courts martial did return, but 50 others still refused and were charged with mutiny and convicted despite the involvement of major figures like Thurgood Marshall and Eleanor Roosevelt.

We have initiated efforts to secure a review of these convictions based on new evidence that demonstrated significant racial prejudice in the trial proceedings. On January 7, 1994, the Navy refused to overturn the convictions following a review mandated by legislation approved by Congress. Although the Navy found that racial discrimination had existed, it decided there was no basis for overturning the convictions.

As evidence of prejudice before and during the trial of the alleged mutineers has accumulated, the poisoned atmosphere that led to their convictions has been generally accepted and renounced. Indeed, even at the time, the blatant racism inherent in the case was recognized, which helped speed the desegregation of the military by President Truman several years later.

The men who were tried and convicted are now old men. Several testified before Congress at the time the Memorial was being debated. Many went on to additional military service during the War. Few have spoken openly about the humiliation of the court martial that was so infected with racial prejudice, as was the nature of their jobs in the military itself during World War II.

Now, on the 50th anniversary, would be an appropriate time both to dedicate the Memorial, and to purge the records of those who were convicted of mutiny following the disaster. We should put this sorry chapter in racial relations behind us, and allow these remaining men to complete their lives knowing that they have the esteem and regard of their countrymen for their service during World War II.

We therefore request that you immediately review the record assembled by the Secretary of the Navy John Dalton during his recent review of the Fort Chicago case, and mark the 50th anniversary of the explosion by issuing a Presidential Order expunging the convictions from the records of the 258 men (208 who were court martialled, and 50 who were convicted of mutiny) whether living or dead. While a presidential pardon is also a possibility, we note that many of the men have indicated a disinclination to accept a pardon for a "crime" they do not believe they committed.

The Honorable William J. Clinton
June 13, 1994
Page Three

While the time is short, we believe your staff has sufficient opportunity to review this case and hopefully recommend the action we have endorsed. Your affirmative decision will truly allow this 50th anniversary of the explosion to serve both as the beginning of our commemoration of the heroes of Port Chicago—those who gave their lives in the explosion—and also will permit us to close the books honorably on one of the regrettable and embarrassing episodes of our nation's racial history.

Lastly, we renew our invitation to you and other representatives of the Administration to participate in the dedication of the Port Chicago National Memorial on July 17.

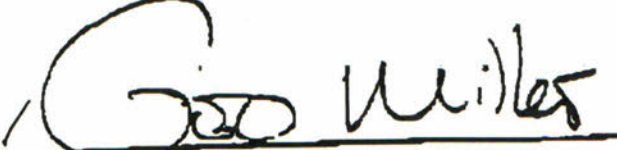
Please have your staff contact John Lawrence, staff director of the Committee on Natural Resources (225-2761) for additional information.

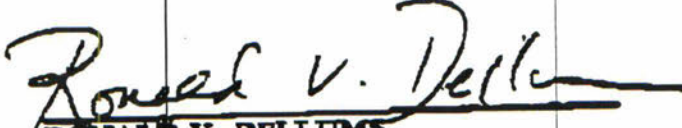
Thank you for your kind attention to our request.

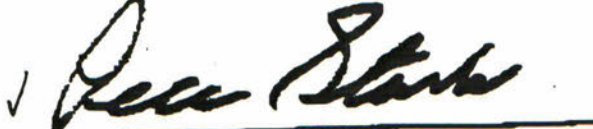
Sincerely,


BARBARA BOXER
United States Senator


DIANNE FEINSTEIN
United States Senator


GEORGE MILLER
Member of Congress


RONALD V. DELLUMS
Member of Congress


FORTNEY PETE STARK
Member of Congress


NANCY PELOSI
Member of Congress

THE WHITE HOUSE
WASHINGTON

January 13, 1995

95 JAN 13 P2:02

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE *AL*
PATRICK GRIFFIN *PG*
ALEXIS HERMAN *AH*
ABNER MIKVA *AM*

SUBJECT: Letters from Representatives regarding "Port
Chicago" Incident

Purpose

To respond to two letters from Representatives requesting that you overrule Secretary Dalton's January 1994 decision not to set aside the convictions of 258 African American sailors for mutiny and disobedience in the "Port Chicago" incident during World War II (Tab B).

Background

Last July, you sent an interim reply to a similar letter from Representative Dellums, noting that Secretary Perry was considering this matter. At Tab C is a letter from Secretary Perry to Congressmen Dellums and other members of the Congressional Black Caucus informing them of his decision to endorse Secretary Dalton's finding in this matter. Secretary Dalton's decision was based on two independent reviews, first by the Judge Advocate General of the Navy and later by the Board for Correction of Naval Records, a board composed entirely of civilians. Secretary Perry's letter was coordinated with, and cleared by, Joel Klein and Alexis Herman.

The facts of the case are as follows: In July 1944, a vessel taking on ammunition at Port Chicago exploded, killing 320 persons. The next month, 258 sailors refused an order to return to work loading ammunition. They were convicted either for disobedience or mutiny and recommended for discharge from the Service; however, their discharges were later revoked after a review by the Secretary of the Navy at the time.

cc: Vice President
Chief of Staff

Recent reviews of the incident concluded that while racial discrimination did play a part in the assignment policies for African Americans in World War II, the convictions themselves were not tainted by prejudice. The panels found that while there was a reasonable basis for fear after the explosion, the danger to the sailors was no greater than that faced by those in combat. The panels also noted that as part of the post-trial review the Secretary of the Navy gave the sailors a chance to complete their service honorably, which was not typical for such cases. With the exception of five sailors, all those convicted in the "Port Chicago" incident did complete their enlistments and earned either honorable discharges or general discharges under honorable conditions. The other five were separated early and/or received dishonorable discharges for subsequent misconduct not related to the incident.

RECOMMENDATION

That you sign the letters at Tab A.

Attachments

Tab A Letters to Representatives
Tab B Incoming correspondence
Tab C Secretary Perry's letter

Clinton Presidential Records Digital Records Marker

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Divider Title: **TAB B**

Congress of the United States
House of Representatives
Washington, DC 20515

04 OCT 12 P2:12

September 23, 1994

Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

July 17, 1994, marked the 50th anniversary of the Port Chicago Naval Base disaster and for many African Americans, recalled a tragic chapter in race relations in this country. We write to you today to respectfully urge your review of the Port Chicago travesty. We trust you will concur that it is time to clear the records of those sailors who were charged with mutiny and court martialed following the Port Chicago tragedy.

During the segregated Navy of the 1940s, only African American sailors were assigned the dangerous task of loading potentially hazardous munitions aboard ships. They did so under the supervision of white officers. They had little or no training in the handling of such dangerous weaponry. On January 17, 1944, a cataclysmic explosion occurred at Port Chicago Naval Base that resulted in the deaths of over 300 sailors and officers, most of them African American. Over 390 military personnel sustained injury. The Port Chicago disaster was the deadliest single war-related disaster in the continental United States during World War II, and accounted for 15 percent of the total of African American naval casualties during that war.

The loss of life and serious physical injury that occurred following the Port Chicago explosion was compounded by the largest mutiny conviction in naval history. 258 sailors refused to return to work, citing the unsafe working conditions and inadequate training in loading dangerous munitions. 208 of those African American sailors eventually returned to work; the 50 who remained were charged and convicted of mutiny. Some of the men received sentences ranging from eight to 15 years; other sailors were stripped of their rank and demoted.

FORTNEY PETE STARK
THIRTEENTH DISTRICT, CALIFORNIA

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

8006
COMMITTEE:
WAYS AND MEANS
DISTRICT OF COLUMBIA

September 20, 1994

Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

I understand that on Friday, September 16, you had an opportunity to meet Dr. Robert Allen, author of The Port Chicago Mutiny. The occasion of the meeting was the African American Veterans Awards Ceremony sponsored by the Congressional Black Caucus. At that time Dr. Allen presented you with a copy of his book.

As you may recall, on June 13, Representatives George Miller, Ronald Dellums and myself wrote you concerning the Port Chicago court martial proceedings of 1944. We expressed the hope that you would see fit to issue a Presidential Order expunging the convictions from the records of a group of 258 African-American sailors who were unjustly court martialed (50 of them were convicted of mutiny). Research by Dr. Allen and others has shown that the trial took place in a racially poisoned atmosphere which affected the outcome. The surviving sailors are now old men, and they and their families have borne the stigma of mutiny for 50 years.

It is our hope that on October 24, the 50th anniversary of the conclusion of the mutiny trials, it could be announced that you have made a decision to set aside the convictions of all 258 sailors. This would go far toward healing a still festering wound from World War II.

If you have an opportunity to read Dr. Allen's book, you will better understand our strong support for this request.

Sincerely,



Pete Stark
Member of Congress

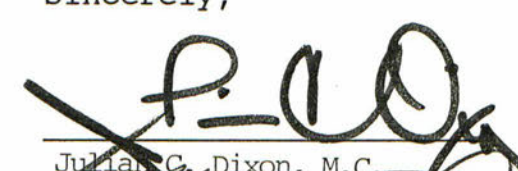
Honorable William J. Clinton
September 23, 1994
Page 2

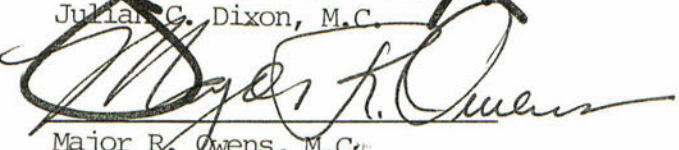
As you know Mr. President, two years ago Congress requested that the Navy review the Port Chicago case. Notwithstanding the submission of new evidence which we believe clearly demonstrated the existence of substantial and significant racial prejudice and racial discrimination in the trial proceedings, Secretary of the Navy John Dalton upheld the convictions.

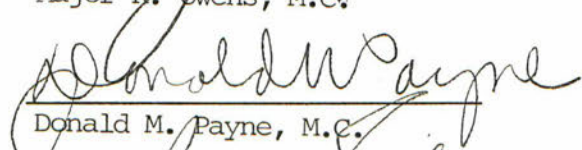
We believe it is time to correct the unjust convictions of the Port Chicago sailors. Though little can be done to remove the stigma suffered by the surviving victims of this tragedy, we can and we should allow them the dignity of righting an injustice that has been allowed to stand for far too long. We would sincerely appreciate your personal review of this case. We hope that your review will lead to a Presidential Order expunging the convictions of the men who were court martialed following the tragic explosion at Port Chicago, and in putting to rest a tragic period in America's history.

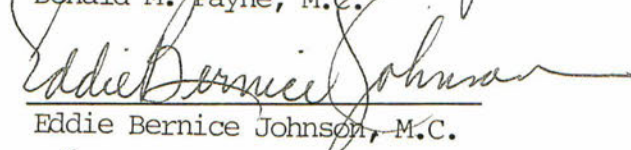
Thank you for your consideration of this request. We look forward to hearing from you in the near future.

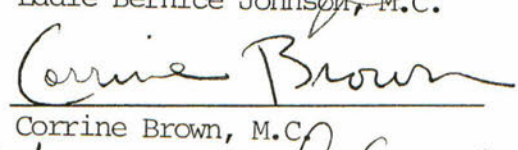
Sincerely,

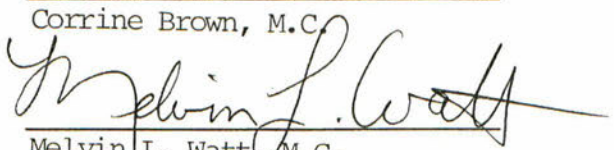

Julian C. Dixon, M.C.


Major R. Owens, M.C.

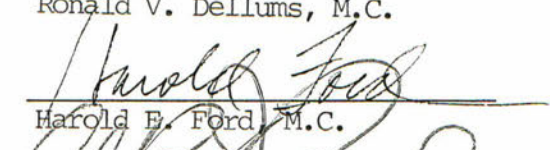

Donald M. Payne, M.C.

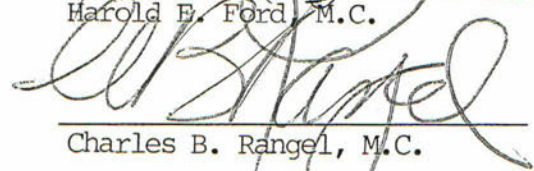

Eddie Bernice Johnson, M.C.

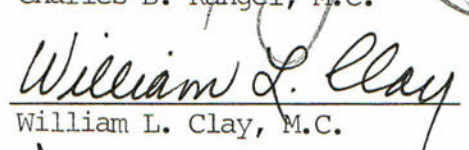

Corrine Brown, M.C.

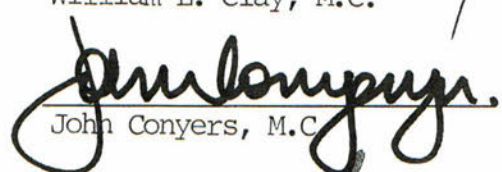

Melvin L. Watt, M.C.

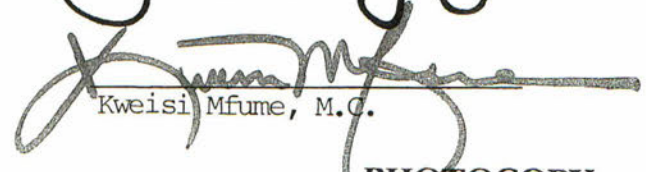

Ronald V. Dellums, M.C.


Harold E. Ford, M.C.


Charles B. Rangel, M.C.


William L. Clay, M.C.


John Conyers, M.C.


Kweisi Mfume, M.C.

PHOTOCOPY
MISC. HANDWRITING

Alcee L. Hastings

Alcee L. Hastings, M.C.

Barbara Rose Collins

Barbara Rose Collins, M.C.

Walter Tucker

Walter Tucker, M.C.

Louis Stokes

Louis Stokes, M.C.

Edolphus Towns

Edolphus Towns, M.C.

William J. Jefferson

William J. Jefferson, M.C.

Eleanor Holmes Norton

Eleanor Holmes Norton, M.C.

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Divider Title: **TAB C**



THE SECRETARY OF DEFENSE
WASHINGTON, THE DISTRICT OF COLUMBIA

22 DEC 1994

The Honorable Ronald V. Dellums
Chairman, Committee on Armed Services
House of Representatives
Washington, DC 20510-0509

Dear Mr. Chairman:

This is in response to your letter of June 8, 1994, asking that the convictions of 258 sailors for disobedience and mutiny following the July 17, 1944, explosion at the Port Chicago Naval Magazine be expunged. As your letter pointed out, this matter was reviewed by the Secretary of the Navy pursuant to Section 552 of the Department of Defense Authorization Act for Fiscal Years 1992 and 1993, P.L. 102-190 (1991). On January 6, 1994, the Secretary upheld the convictions on the basis of two independent reviews, first by the Judge Advocate General of the Navy (JAG) and later by the Board for Correction of Naval Records (BCNR), a board composed entirely of civilians.

In reviewing the Secretary's decision, a matter of particular concern to me was how the racial prejudice that afflicted national policy at the time played into official actions after the Port Chicago tragedy. That prejudice in the first instance resulted in the assignment of African-American sailors to hard, dangerous work, but segregated them and denied them the dignity accorded to others in uniform. I wanted to know if that prejudice also afflicted the military justice and administrative procedures that followed the explosion. I now believe this element of the tragedy has been thoroughly examined.

After careful consideration, I have decided that the Secretary's decision is the correct one. Significantly, all of the sailors convicted at Port Chicago, unlike many other sailors convicted by courts martial in World War II, were given a chance to complete their service honorably. With the exception of the five sailors who received dishonorable or bad conduct discharges as the result of subsequent misconduct, all of those convicted in the Port Chicago incident did complete their enlistments and earned either honorable discharges or general discharges under honorable conditions.

I regret that the circumstances of these cases do not provide a basis for expunging the Port Chicago court martial convictions as you requested. However, their discharges are compelling official testimony that they served their country with honor during the Second World War.

The basis for my conclusion is as follows:

Background:

- The DOD Authorization Act for FY 92 & 93 required SECNAV to review the 258 convictions of African-American sailors who were court-martialed following the explosion at the U.S. Naval Magazine at Port Chicago, California, to determine whether the convictions were tainted by racial prejudice.

- SECNAV referred the matter to the Judge Advocate General (JAG) who concluded that 256 of the 258 were legally sufficient and supported by evidence. One conviction was found to be defective because of insufficient evidence, and was set aside by Secretary O'Keefe on 14 January 1993. The other conviction had been set aside in 1946, because the accused was not mentally competent at the time of the offense.

- SECNAV then referred the cases to the Board for Correction of Naval Records (BCNR) with direction to review all aspects of the allegations of racial prejudice and discrimination. A special three member panel of the BCNR, consisting of Mr. Kreitzer (a career member of the SES from the office of the ASN(RDA)), Mr. Saul (a career member of the SES from OGC), and Mr. Mathews (the GM-14 Deputy for EEO, HQ USMC), was convened to consider all aspects of the Port Chicago convictions and discharges.

The Port Chicago Explosion:

- During World War II, the Navy followed an established policy of racial segregation. Pursuant to these policies, African-American sailors were not assigned to combat duties. Instead, they were assigned to menial duties including loading ammunition at naval depots and magazines under the supervision of white officers.

- On July 17, 1944, a vessel taking on ammunition at the Port Chicago Naval Magazine exploded, killing 320 and wounding another 400. Of the 320 killed, 202 were African-Americans.

The Court Martial Proceedings:

- On 9 August 1944, approximately three weeks after the Port Chicago explosion, 328 sailors were ordered to return to work loading ammunition. 70 sailors from this group and an undetermined number of African-Americans from other units obeyed orders and returned to work.

- 206 men initially refused the order. They returned to work the next day after being warned that their refusal was mutiny and given an opportunity to return. Of these 206 men, 205 were later convicted by summary courts-martial of disobedience and one was convicted of conduct prejudicial to good order and discipline. All 206 were awarded bad conduct discharges. The bad conduct discharges were later suspended by Secretary Forrestal upon post-trial review. The 206 were then given the opportunity to complete their enlistments and all but three did so and received either honorable discharges (188 men) or general discharges under honorable conditions (15 men), based on the average marks in conduct and proficiency during their entire enlistments. This was the same procedure used for all sailors regardless of race. One of the convictions was set aside by SECNAV in 1993 for insufficient evidence. The remaining three sailors received bad conduct discharges, but only because of misconduct after the Port Chicago incident.

- Two other sailors were convicted by summary courts-martial of unauthorized absence and breaking arrest and sentenced to 30 days confinement on bread and water. One sailor earned an honorable discharge after returning to duty; the other received a bad conduct discharge for subsequent misconduct.

- The fifty remaining Port Chicago sailors refused to load ammunition following the explosion and, as a group, continued to refuse after being warned that their actions were mutiny and given an opportunity to return to work. All 50 were tried by general court-martial for mutiny. All were found guilty, sentenced to various periods of confinement, and given dishonorable discharges. On post trial review, these discharges were suspended by Secretary Forrestal and all were returned to duty. Of this group, 45 completed their enlistments and received general discharges under honorable conditions (regulations then in effect prohibited issuing honorable discharges to persons convicted by general courts-martial). Three others were issued honorable discharges, apparently through administrative error. One received a dishonorable discharge for subsequent misconduct. One conviction was set aside in 1946 because the accused was not mentally competent, and he received a discharge under honorable conditions.

BCNR Findings and Recommendations:

- After review by the JAG, the Secretary directed the Board for Correction of Naval Records (BCNR), a panel composed of three civilian members, to conduct an independent review. A special panel of the BCNR was convened. The BCNR panel was specifically tasked by the Secretary to review all aspects of the allegations of racial prejudice and discrimination.

- The BCNR panel concluded that racial discrimination did play a part in the assignment policies that resulted in African-American sailors being assigned to menial, unskilled work, such as loading ammunition. The BCNR further found that racial prejudice and discrimination played no part in the court-martial convictions or sentences.

- In reaching the conclusion that the convictions were not tainted by prejudice, the BCNR panel acknowledged that the sailors who refused to load ammunition after the explosion had a reasonable basis for fear. The panel noted, however, that the danger to them was no greater than that faced by sailors in combat and that 70 other sailors assigned to their divisions followed orders to load ammunition after the explosion.

- The incident also has to be placed in the perspective of contemporaneous events in the War. For example, the D-Day invasion had just taken place. Moreover, the BCNR panel observed that some of the hardest and bloodiest fighting of the War was yet to come. In the spring of 1945, 23,000 Americans lost their lives in the battle for Okinawa. This followed by just three months the savage battle for the island of Iwo Jima. The BCNR stated that, at the time of the Port Chicago courts martial, naval authorities would have taken stern disciplinary action against anyone, regardless of race, whose actions threatened to disrupt the smooth flow of ammunition to combat units.

- The BCNR panel noted that racial prejudice in assignments and living conditions which existed at the time could provide a basis for leniency. They recognized, however, that in this case leniency had already been granted as part of the post-trial review. The initial Port Chicago discharges were all suspended and those convicted were given an opportunity to complete their enlistments and receive honorable discharges or general discharges under honorable conditions. As a result, no sailor received a discharge under other than honorable conditions solely as a result of the Port Chicago court-martial convictions.

Senior Level Review:

- The reports and recommendations of the JAG and the BCNR were personally reviewed by the current General Counsel of the Navy and the Assistant Secretary of the Navy (Manpower and Reserve Affairs) prior to action by the Secretary of the Navy. The Secretary of the Navy also personally reviewed the reports and recommendations and approved them on 6 January 1994.

Considerations:

- Sailors are required to obey the orders of their superiors even if those orders subject them to life-threatening danger. Under military law, an intentional overt act in opposition, resistance, or defiance of superior military authority (as in the case of the 50 sailors who acted in concert to refuse orders) is mutiny.

- All members of the military are accountable for failure to obey orders. The convictions for disobedience and mutiny reflect that accountability here. There is no question that the conduct which was the basis of the convictions actually took place as charged. Thus, the

legal conclusion that disobedience or mutiny occurred cannot be challenged as the result of racial prejudice during the court martial proceedings.

- Every one of the sailors convicted at Port Chicago was given a second chance. All but 5 subsequently earned honorable discharges (or general discharges under honorable conditions) by serving honorably for the balance of their enlistments. The nature of their discharge characterizes the quality of their service and expresses the nation's gratitude for their contributions to the victory in WW II. The 5 who were not discharged under honorable conditions committed other misconduct unrelated to Port Chicago.

- Except for the 5 who engaged in subsequent misconduct, all of the Port Chicago sailors received the same veterans benefits as every other service member who served honorably in WW II. The sole difference between a veteran with an honorable discharge and a veteran with a general discharge under honorable conditions is that only the former can wear the Honorable Discharge lapel pin.

- The discriminatory assignment policies were reflective of the attitudes and prejudices of American society at the time, and were not unique to the Navy or the other services. Such policies, which assigned African-Americans to demeaning work and did not recognize their capacity to successfully participate in combat, would not be tolerated today.

In these cases, as with convictions generally, society has an important interest in finality. Thousands of sailors were court martialed during WW II under rules which do not reflect today's standards. Concerns about the fairness of military justice in WW II led to the enactment of the first Uniform Code of Military Justice (UCMJ) in 1951. In the absence of evidence of racial prejudice in the court martial proceedings themselves, singling out these individuals by expunging their convictions would be unfair to the thousands of others whose convictions are not reviewed or expunged.

Sincerely,

A handwritten signature in cursive script, reading "William J. Perry". The signature is written in dark ink and is positioned below the word "Sincerely,".

THE WHITE HOUSE
WASHINGTON

January 13, 1995

95 JAN 13 P2:02

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

ANTHONY LAKE *AL*
PATRICK GRIFFIN *PG*
ALEXIS HERMAN *AH*
ABNER MIKVA *AM*

SUBJECT:

Letters from Representatives regarding "Port
Chicago" Incident

Purpose

To respond to two letters from Representatives requesting that you overrule Secretary Dalton's January 1994 decision not to set aside the convictions of 258 African American sailors for mutiny and disobedience in the "Port Chicago" incident during World War II (Tab B).

Background

Last July, you sent an interim reply to a similar letter from Representative Dellums, noting that Secretary Perry was considering this matter. At Tab C is a letter from Secretary Perry to Congressmen Dellums and other members of the Congressional Black Caucus informing them of his decision to endorse Secretary Dalton's finding in this matter. Secretary Dalton's decision was based on two independent reviews, first by the Judge Advocate General of the Navy and later by the Board for Correction of Naval Records, a board composed entirely of civilians. Secretary Perry's letter was coordinated with, and cleared by, Joel Klein and Alexis Herman.

The facts of the case are as follows: In July 1944, a vessel taking on ammunition at Port Chicago exploded, killing 320 persons. The next month, 258 sailors refused an order to return to work loading ammunition. They were convicted either for disobedience or mutiny and recommended for discharge from the Service; however, their discharges were later revoked after a review by the Secretary of the Navy at the time.

cc: Vice President
Chief of Staff

Recent reviews of the incident concluded that while racial discrimination did play a part in the assignment policies for African Americans in World War II, the convictions themselves were not tainted by prejudice. The panels found that while there was a reasonable basis for fear after the explosion, the danger to the sailors was no greater than that faced by those in combat. The panels also noted that as part of the post-trial review the Secretary of the Navy gave the sailors a chance to complete their service honorably, which was not typical for such cases. With the exception of five sailors, all those convicted in the "Port Chicago" incident did complete their enlistments and earned either honorable discharges or general discharges under honorable conditions. The other five were separated early and/or received dishonorable discharges for subsequent misconduct not related to the incident.

RECOMMENDATION

That you sign the letters at Tab A.

Attachments

Tab A Letters to Representatives
Tab B Incoming correspondence
Tab C Secretary Perry's letter

THE WHITE HOUSE

WASHINGTON

Dear Julian:

Thank you for your letter regarding the "Port Chicago" incident in the summer of 1944. I understand Secretary Perry recently informed you that he had determined after extensive review and careful consideration that the circumstances of the sailors' cases do not provide a basis for expunging their convictions. A similar decision was reached by Secretary of the Navy Dalton last January. I support Secretary Perry and Secretary Dalton's determinations.

As Secretary Perry notes in his letter, all of the sailors involved in this incident were subsequently given the opportunity to complete their military service, and none was separated under less than honorable conditions as a result of his actions or conduct during the incident. As was true of so many thousands of their brothers-in-arms, this record is a testament to the enormous contribution African Americans made to America's victory in World War II -- an achievement I will be proud to join in celebrating during special World War II commemoration activities next month honoring the African American role in winning the war.

I appreciate your taking the time to let me know of your views on this issue.

Sincerely,

The Honorable Julian C. Dixon
House of Representatives
Washington, D.C. 20515

Tab B

Congress of the United States
House of Representatives
Washington, DC 20515

94 OCT 12 P2:12

September 23, 1994

Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

July 17, 1994, marked the 50th anniversary of the Port Chicago Naval Base disaster and for many African Americans, recalled a tragic chapter in race relations in this country. We write to you today to respectfully urge your review of the Port Chicago travesty. We trust you will concur that it is time to clear the records of those sailors who were charged with mutiny and court martialed following the Port Chicago tragedy.

During the segregated Navy of the 1940s, only African American sailors were assigned the dangerous task of loading potentially hazardous munitions aboard ships. They did so under the supervision of white officers. They had little or no training in the handling of such dangerous weaponry. On January 17, 1944, a cataclysmic explosion occurred at Port Chicago Naval Base that resulted in the deaths of over 300 sailors and officers, most of them African American. Over 390 military personnel sustained injury. The Port Chicago disaster was the deadliest single war-related disaster in the continental United States during World War II, and accounted for 15 percent of the total of African American naval casualties during that war.

The loss of life and serious physical injury that occurred following the Port Chicago explosion was compounded by the largest mutiny conviction in naval history. 258 sailors refused to return to work, citing the unsafe working conditions and inadequate training in loading dangerous munitions. 208 of those African American sailors eventually returned to work; the 50 who remained were charged and convicted of mutiny. Some of the men received sentences ranging from eight to 15 years; other sailors were stripped of their rank and demoted.

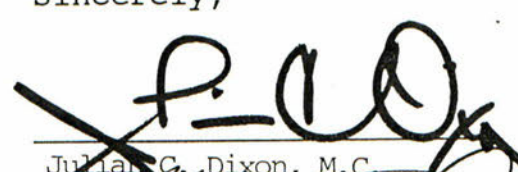
Honorable William J. Clinton
September 23, 1994
Page 2

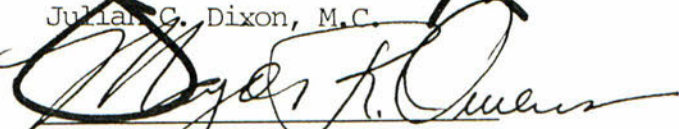
As you know Mr. President, two years ago Congress requested that the Navy review the Port Chicago case. Notwithstanding the submission of new evidence which we believe clearly demonstrated the existence of substantial and significant racial prejudice and racial discrimination in the trial proceedings, Secretary of the Navy John Dalton upheld the convictions.

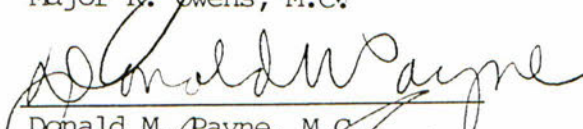
We believe it is time to correct the unjust convictions of the Port Chicago sailors. Though little can be done to remove the stigma suffered by the surviving victims of this tragedy, we can and we should allow them the dignity of righting an injustice that has been allowed to stand for far too long. We would sincerely appreciate your personal review of this case. We hope that your review will lead to a Presidential Order expunging the convictions of the men who were court martialed following the tragic explosion at Port Chicago, and in putting to rest a tragic period in America's history.

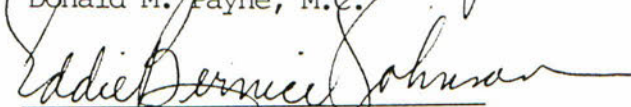
Thank you for your consideration of this request. We look forward to hearing from you in the near future.

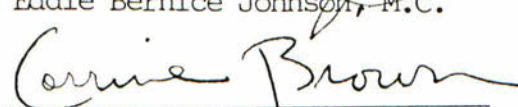
Sincerely,

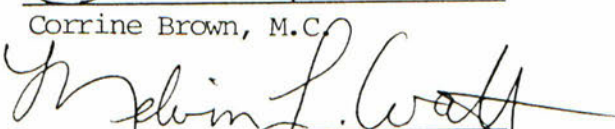

Julian G. Dixon, M.C.


Major R. Owens, M.C.

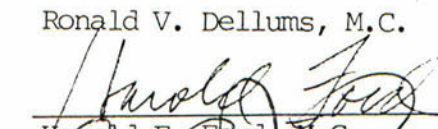

Donald M. Payne, M.C.

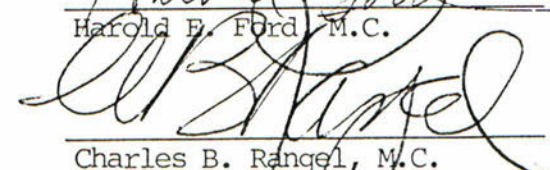

Eddie Bernice Johnson, M.C.

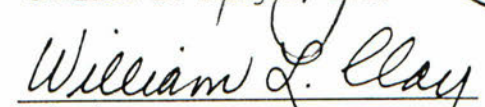

Corrine Brown, M.C.

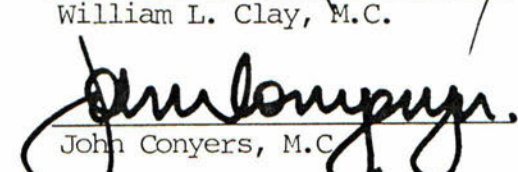

Melvin L. Watt, M.C.

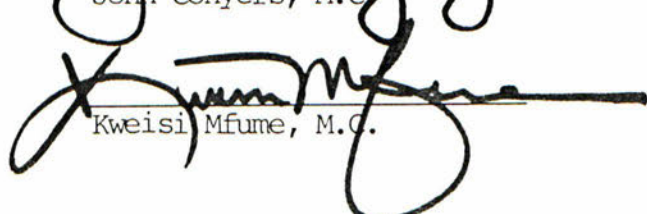

Ronald V. Dellums, M.C.


Harold E. Ford, M.C.


Charles B. Rangel, M.C.


William L. Clay, M.C.


John Conyers, M.C.


Kweisi Mfume, M.C.

Alcee L. Hastings

Alcee L. Hastings, M.C.

Barbara Rose Collins

Barbara Rose Collins, M.C.

Walter Tucker

Walter Tucker, M.C.

Louis Stokes

Louis Stokes, M.C.

Edolphus Towns

Edolphus Towns, M.C.

William J. Jefferson

William J. Jefferson, M.C.

Eleanor Holmes Norton

Eleanor Holmes Norton, M.C.

FORTNEY PETE STARK
THIRTEENTH DISTRICT, CALIFORNIA

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

8006
COMMITTEES:
WAYS AND MEANS
DISTRICT OF COLUMBIA

94 SEP 26
ALL : 15

September 20, 1994

Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

I understand that on Friday, September 16, you had an opportunity to meet Dr. Robert Allen, author of The Port Chicago Mutiny. The occasion of the meeting was the African American Veterans Awards Ceremony sponsored by the Congressional Black Caucus. At that time Dr. Allen presented you with a copy of his book.

As you may recall, on June 13, Representatives George Miller, Ronald Dellums and myself wrote you concerning the Port Chicago court martial proceedings of 1944. We expressed the hope that you would see fit to issue a Presidential Order expunging the convictions from the records of a group of 258 African-American sailors who were unjustly court martialed (50 of them were convicted of mutiny). Research by Dr. Allen and others has shown that the trial took place in a racially poisoned atmosphere which affected the outcome. The surviving sailors are now old men, and they and their families have borne the stigma of mutiny for 50 years.

It is our hope that on October 24, the 50th anniversary of the conclusion of the mutiny trials, it could be announced that you have made a decision to set aside the convictions of all 258 sailors. This would go far toward healing a still festering wound from World War II.

If you have an opportunity to read Dr. Allen's book, you will better understand our strong support for this request.

Sincerely,



Pete Stark
Member of Congress



THE SECRETARY OF DEFENSE
WASHINGTON, THE DISTRICT OF COLUMBIA

22 DEC 1994

The Honorable Ronald V. Dellums
Chairman, Committee on Armed Services
House of Representatives
Washington, DC 20510-0509

Dear Mr. Chairman:

This is in response to your letter of June 8, 1994, asking that the convictions of 258 sailors for disobedience and mutiny following the July 17, 1944, explosion at the Port Chicago Naval Magazine be expunged. As your letter pointed out, this matter was reviewed by the Secretary of the Navy pursuant to Section 552 of the Department of Defense Authorization Act for Fiscal Years 1992 and 1993, P.L. 102-190 (1991). On January 6, 1994, the Secretary upheld the convictions on the basis of two independent reviews, first by the Judge Advocate General of the Navy (JAG) and later by the Board for Correction of Naval Records (BCNR), a board composed entirely of civilians.

In reviewing the Secretary's decision, a matter of particular concern to me was how the racial prejudice that afflicted national policy at the time played into official actions after the Port Chicago tragedy. That prejudice in the first instance resulted in the assignment of African-American sailors to hard, dangerous work, but segregated them and denied them the dignity accorded to others in uniform. I wanted to know if that prejudice also afflicted the military justice and administrative procedures that followed the explosion. I now believe this element of the tragedy has been thoroughly examined.

After careful consideration, I have decided that the Secretary's decision is the correct one. Significantly, all of the sailors convicted at Port Chicago, unlike many other sailors convicted by courts martial in World War II, were given a chance to complete their service honorably. With the exception of the five sailors who received dishonorable or bad conduct discharges as the result of subsequent misconduct, all of those convicted in the Port Chicago incident did complete their enlistments and earned either honorable discharges or general discharges under honorable conditions.

I regret that the circumstances of these cases do not provide a basis for expunging the Port Chicago court martial convictions as you requested. However, their discharges are compelling official testimony that they served their country with honor during the Second World War.

The basis for my conclusion is as follows:

Background:

- The DOD Authorization Act for FY 92 & 93 required SECNAV to review the 258 convictions of African-American sailors who were court-martialed following the explosion at the U.S. Naval Magazine at Port Chicago, California, to determine whether the convictions were tainted by racial prejudice.

- SECNAV referred the matter to the Judge Advocate General (JAG) who concluded that 256 of the 258 were legally sufficient and supported by evidence. One conviction was found to be defective because of insufficient evidence, and was set aside by Secretary O'Keefe on 14 January 1993. The other conviction had been set aside in 1946, because the accused was not mentally competent at the time of the offense.

- SECNAV then referred the cases to the Board for Correction of Naval Records (BCNR) with direction to review all aspects of the allegations of racial prejudice and discrimination. A special three member panel of the BCNR, consisting of Mr. Kreitzer (a career member of the SES from the office of the ASN(RDA)), Mr. Saul (a career member of the SES from OGC), and Mr. Mathews (the GM-14 Deputy for EEO, HQ USMC), was convened to consider all aspects of the Port Chicago convictions and discharges.

The Port Chicago Explosion:

- During World War II, the Navy followed an established policy of racial segregation. Pursuant to these policies, African-American sailors were not assigned to combat duties. Instead, they were assigned to menial duties including loading ammunition at naval depots and magazines under the supervision of white officers.

- On July 17, 1944, a vessel taking on ammunition at the Port Chicago Naval Magazine exploded, killing 320 and wounding another 400. Of the 320 killed, 202 were African-Americans.

The Court Martial Proceedings:

- On 9 August 1944, approximately three weeks after the Port Chicago explosion, 328 sailors were ordered to return to work loading ammunition. 70 sailors from this group and an undetermined number of African-Americans from other units obeyed orders and returned to work.

DEPSECDEF

- 206 men initially refused the order. They returned to work the next day after being warned that their refusal was mutiny and given an opportunity to return. Of these 206 men, 205 were later convicted by summary courts-martial of disobedience and one was convicted of conduct prejudicial to good order and discipline. All 206 were awarded bad conduct discharges. The bad conduct discharges were later suspended by Secretary Forrestal upon post-trial review. The 206 were then given the opportunity to complete their enlistments and all but three did so and received either honorable discharges (188 men) or general discharges under honorable conditions (15 men), based on the average marks in conduct and proficiency during their entire enlistments. This was the same procedure used for all sailors regardless of race. One of the convictions was set aside by SECNAV in 1993 for insufficient evidence. The remaining three sailors received bad conduct discharges, but only because of misconduct after the Port Chicago incident.

- Two other sailors were convicted by summary courts-martial of unauthorized absence and breaking arrest and sentenced to 30 days confinement on bread and water. One sailor earned an honorable discharge after returning to duty; the other received a bad conduct discharge for subsequent misconduct.

- The fifty remaining Port Chicago sailors refused to load ammunition following the explosion and, as a group, continued to refuse after being warned that their actions were mutiny and given an opportunity to return to work. All 50 were tried by general court-martial for mutiny. All were found guilty, sentenced to various periods of confinement, and given dishonorable discharges. On post trial review, these discharges were suspended by Secretary Forrestal and all were returned to duty. Of this group, 45 completed their enlistments and received general discharges under honorable conditions (regulations then in effect prohibited issuing honorable discharges to persons convicted by general courts-martial). Three others were issued honorable discharges, apparently through administrative error. One received a dishonorable discharge for subsequent misconduct. One conviction was set aside in 1946 because the accused was not mentally competent, and he received a discharge under honorable conditions.

BCNR Findings and Recommendations:

- After review by the JAG, the Secretary directed the Board for Correction of Naval Records (BCNR), a panel composed of three civilian members, to conduct an independent review. A special panel of the BCNR was convened. The BCNR panel was specifically tasked by the Secretary to review all aspects of the allegations of racial prejudice and discrimination.

- The BCNR panel concluded that racial discrimination did play a part in the assignment policies that resulted in African-American sailors being assigned to menial, unskilled work, such as loading ammunition. The BCNR further found that racial prejudice and discrimination played no part in the court-martial convictions or sentences.

DEPSECDEF
In reaching the conclusion that the convictions were not tainted by prejudice, the BCNR panel acknowledged that the sailors who refused to load ammunition after the explosion had a reasonable basis for fear. The panel noted, however, that the danger to them was no greater than that faced by sailors in combat and that 70 other sailors assigned to their divisions followed orders to load ammunition after the explosion.

The incident also has to be placed in the perspective of contemporaneous events in the War. For example, the D-Day invasion had just taken place. Moreover, the BCNR panel observed that some of the hardest and bloodiest fighting of the War was yet to come. In the spring of 1945, 23,000 Americans lost their lives in the battle for Okinawa. This followed by just three months the savage battle for the island of Iwo Jima. The BCNR stated that, at the time of the Port Chicago courts martial, naval authorities would have taken stern disciplinary action against anyone, regardless of race, whose actions threatened to disrupt the smooth flow of ammunition to combat units.

The BCNR panel noted that racial prejudice in assignments and living conditions which existed at the time could provide a basis for leniency. They recognized, however, that in this case leniency had already been granted as part of the post-trial review. The initial Port Chicago discharges were all suspended and those convicted were given an opportunity to complete their enlistments and receive honorable discharges or general discharges under honorable conditions. As a result, no sailor received a discharge under other than honorable conditions solely as a result of the Port Chicago court-martial convictions.

Senior Level Review:

The reports and recommendations of the JAG and the BCNR were personally reviewed by the current General Counsel of the Navy and the Assistant Secretary of the Navy (Manpower and Reserve Affairs) prior to action by the Secretary of the Navy. The Secretary of the Navy also personally reviewed the reports and recommendations and approved them on 6 January 1994.

Considerations:

Sailors are required to obey the orders of their superiors even if those orders subject them to life-threatening danger. Under military law, an intentional overt act in opposition, resistance, or defiance of superior military authority (as in the case of the 50 sailors who acted in concert to refuse orders) is mutiny.

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DEP SECDEF
legal conclusion that disobedience or mutiny occurred cannot be challenged as the result of racial prejudice during the court martial proceedings.

- Every one of the sailors convicted at Port Chicago was given a second chance. All but 5 subsequently earned honorable discharges (or general discharges under honorable conditions) by serving honorably for the balance of their enlistments. The nature of their discharge characterizes the quality of their service and expresses the nation's gratitude for their contributions to the victory in WW II. The 5 who were not discharged under honorable conditions committed other misconduct unrelated to Port Chicago.

- Except for the 5 who engaged in subsequent misconduct, all of the Port Chicago sailors received the same veterans benefits as every other service member who served honorably in WW II. The sole difference between a veteran with an honorable discharge and a veteran with a general discharge under honorable conditions is that only the former can wear the Honorable Discharge lapel pin.

- The discriminatory assignment policies were reflective of the attitudes and prejudices of American society at the time, and were not unique to the Navy or the other services. Such policies, which assigned African-Americans to demeaning work and did not recognize their capacity to successfully participate in combat, would not be tolerated today.

In these cases, as with convictions generally, society has an important interest in finality. Thousands of sailors were court martialed during WW II under rules which do not reflect today's standards. Concerns about the fairness of military justice in WW II led to the enactment of the first Uniform Code of Military Justice (UCMJ) in 1951. In the absence of evidence of racial prejudice in the court martial proceedings themselves, singling out these individuals by expunging their convictions would be unfair to the thousands of others whose convictions are not reviewed or expunged.

Sincerely,

William J. Perry