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ADVANCEMENT OF COLORED PEOPLE**

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IMMEDIATE RELEASE

October 13, 1944

**RACE, NOT MUTINY IS ISSUE
IN TRIAL OF 50 NEGRO SEAMEN**

Yerba Buena Island, Calif.-- After listening to three days' testimony of the 50 Negro seaman charged with mutiny for refusal to load ammunition at the Mare Island depot, August 9, Special NAACP Counsel, Thurgood Marshall declared, "These men are being tried for mutiny solely because of their race or color."

Following an urgent telephone call from Joseph James, president of the local NAACP Branch, asking that National Office assistance be given the defendants immediately, Mr. Marshall flew to San Francisco, where he has been reviewing testimony and interviewing the men. In his report of proceedings thus far he charged:

"The last of the defendants was on the stand today and the defense might close its case to-morrow. The Port Chicago explosion was on July 17th and many of the accused were in Port Chicago at that time. Many of them were hurt. On August 9th they were transferred to another Island and told to fall in for work, meaning loading ammunition. They did not. Their officers including the Admiral talked to them. Then their officer asked them the following: 'All of you who are willing to obey all lawful orders stand fast. All who are not fall out and give your names to the officers'. Some stood fast and others fell out. Those who fell out were arrested. There were 257 altogether but it ends up that only 50 are charged with mutiny."

"The men take the position that the above statement by the officer was not considered by them to be an order and what they meant by their actions was that they did not want to load ammunition. They did not mean to disobey an order."

"A typical example of their testimony is that of Seamen Bordenave who is just seventeen. He had enlisted when he was 16; was released when they discovered his age and re-enlisted as soon as he was 17. He had only been handling ammunition a week and was a 'hatch tender' which meant that he was the one who directed the operator of the winch as to how to lower the ammunition into the hold. No wonder they were all afraid to load ammunition. Every man testified that since the Port Chicago affair they were 'afraid to load ammunition.' Three of the accused men handled winches, one had ten months experience, two had two months experience...all experience was with ammunition."

"Lieutenant James F. Coakley, former assistant prosecutor of Alameda County, California, under the present Governor Warren is the Judge Advocate. He asks each of the accused who is from above

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the Mason and Dixon line 'Where are you from?' He never asks any of the good southern boys the question. Today he asked one of the accused where he was from and the man said, 'Chicago'. He asked him where he took boot training, the boys replied, 'Great Lakes', whereupon Coakley said, 'Didn't they teach you to address officers as Sir? Why can't you say, Sir to me?'"

There is no sufficient evidence of mutiny or conspiracy.
There is no evidence of refusal to obey a direct order.
These men are being tried for mutiny solely because of their race or color.

The meaning of Mutiny, under which these men are being tried is - "collective insubordination with intent to disobey a lawful command. In order to find defendants guilty of mutiny it is necessary for prosecution to prove there was collective insubordination which consists of a persistent and concerted refusal or omission to obey orders, or to do duty. None of these men appears to have conspired collectively to disobey or perform duty with insubordinate intent.

LIFE MEMBERSHIP SPURS
CHICAGO NAACP CAMPAIGN

10/13/44

Chicago, Ill.--A recent contribution adding impetus to the Chicago campaign, being conducted by Field Secretary, Daisy E. Lampkin, was the receipt of a \$500 life membership from the Rev. Clarence H. Cobbs, pastor of First Church of Deliverance. Not satisfied with limiting his efforts to individual generosity, the prominent minister, turned in also 300 new NAACP memberships representing members of his church. The Chicago area, now in the third week of its drive, expects to reach the 12,000 mark by October 20th.