

**Vice-Chair**  
Voepel, Randy

# California State Assembly

## MILITARY AND VETERANS AFFAIRS



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**JAMES RAMOS**  
CHAIR

### AGENDA

Tuesday, June 14, 2022  
4 p.m. -- State Capitol, Room 126

### HEARD IN FILE ORDER

- |    |         |                               |   |
|----|---------|-------------------------------|---|
| 1. | SB 949  | Laird                         | Veterans: California Central Coast State Veterans Cemetery. |
| 2. | SB 1195 | Grove                         | Veterans homes.   |
| 3. | SB 1435 | Military and Veterans Affairs | Veteran home use: reporting.                                |
| 4. | SJR 15  | Glazer                        | Port Chicago 50.  |

### COVID FOOTER

SUBJECT:

We encourage the public to provide written testimony before the hearing by visiting the committee website at <https://amva.assembly.ca.gov/>. Please note that any written testimony submitted to the committee is considered public comment and may be read into the record or reprinted. All are encouraged to watch the hearing from its live stream on the Assembly's website at <https://www.assembly.ca.gov/todaysevents>.

The hearing room will be open for attendance of this hearing. Any member of the public attending a hearing is encouraged to wear a mask at all times while in the building. The public may also participate in this hearing by telephone. We encourage the public to monitor the committee's website for updates.

Date of Hearing: June 14, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

SB 949 (Laird) – As Introduced February 9, 2022

**SENATE VOTE:** 35-0

**SUBJECT:** Veterans: California Central Coast State Veterans Cemetery

**SUMMARY:** This bill would repeal the requirement that the Controller annually report on the status of the California Central Coast State Veterans Cemetery (CCCVC) at Fort Ord Endowment Fund. The bill would additionally remove obsolete provisions regarding the construction of the CCCVC at Fort Ord. Specifically, **this bill:**

- 1) Repeals the requirement that the Controller annually report on the status of the CCCVC at Fort Ord Endowment Fund.
- 2) Deletes a requirement that upon determination of the Controller, after consultation with the Secretary of Veterans Affairs, that the Endowment Fund has adequate funds, as specified, the department shall develop and submit a State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs for the establishment of a veterans' cemetery.
- 3) Deletes a prohibition against the department proceeding with advertisement for construction bids until the Endowment Fund has adequate amounts to cover annual operations and maintenance costs, as specified.
- 4) Deletes a requirement that the Secretary of Veterans Affairs submit the State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs within six months of the Controller's determination that there is adequate funding.
- 5) Deletes a requirement that if awarded, the moneys received from the State Veterans Cemetery Grant Program be used to reimburse the Endowment Fund for the allowable costs of developing, designing, building and equipping the cemetery, as specified.
- 6) Deletes a provision that any moneys received from the State Veterans Cemetery Grant Program that are transferred to the Endowment Fund for the reimbursement of costs, may be used by the department to reimburse any cash advances made to the Endowment Fund used for those costs to the extent allowed by grant requirements, under specified conditions.
- 7) Deletes a provision that if the grant application is not submitted, or if it is denied, or if grant funding is not received for any other reason, unused funds must be refunded by the Controller to specified entities.
- 8) Deletes a requirement that any amounts remaining in the Endowment Fund after making the refunds described above, if any, shall be transferred to the General Fund.
- 9) Deletes a requirement that the Controller make the refunds to the entities, including the Central Coast Veterans Cemetery Foundation, within six months from the date of the

announcement or receipt of the grant funding denial notification or any other equivalent notification that the project will be unable to secure the grant funds and proceed to construction.

**EXISTING LAW:**

- 1) Creates the California Central Coast State Veterans Cemetery at Fort Ord Endowment Fund.
- 2) Requires, on or before July 1, 2014, and annually thereafter, the Controller, after consultation with the department, shall report to the Assembly and Senate Committees on Veterans Affairs, Monterey County, the City of Seaside, and the Fort Ord Reuse Authority on the status of the Endowment Fund, the amount of any interest and investment earnings generated by the Endowment Fund, and the estimated amount needed that will sufficiently cover the estimated annual operations and maintenance cost.
- 3) States the estimated annual operations and maintenance costs shall be developed annually by the department and provided to the Controller for purposes of the report required by subdivision (a) by no later than June 15 of each year.
- 4) States upon the determination of the Controller, after consultation with the Secretary of Veterans Affairs, that the Endowment Fund has adequate amounts to fully fund the nonreimbursable costs of design and construction and the operations and maintenance costs for the next 10 years, and to fund the estimated costs of developing and submitting the State Veterans Cemetery Grant Program application, the department shall develop and submit a State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs for the establishment of a veterans cemetery. The department shall consider cashflow needs when providing estimates to the Controller in making this determination. The Controller shall consider the estimated revenues from the fees described in Section 1455 expected to be deposited into the Endowment Fund in making this determination.
- 5) The Controller, upon appropriation by the Legislature, shall transfer moneys from the Endowment Fund to the Operations Fund in an amount equal to the estimated costs of developing and submitting the a State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs.

**FISCAL EFFECT:** This bill has not been analyzed in a fiscal committee. Keyed fiscal, the bill was reported from the Senate Committee on Appropriations pursuant to Senate Rule 28.8.

**COMMENTS:** According to the author:

“Senate Bill 949 removes the requirement for an unnecessary and outdated report by CalVet concerning the California Central Coast State Veterans Cemetery (CCCVC). The bill will not reduce transparency about cemetery operations, as this reporting requirement for the State Controller’s Office only offers redundant information.

This report includes the estimated amount needed to sufficiently cover the costs of the operations and maintenance at the CCCVC for the next ten years, but the annual budget of this cemetery is already included in the annual budget act. Further, the budget of all of the veterans’ cemeteries is displayed in the Governor’s Budget, and the annual budget act

and is overseen by CalVet, Department of Finance, and Legislative Analyst's Office staff, among others.”

### **Background.**

Operated by the California Department of Veterans Affairs (CalVet) and opened in 2016, the CCCVC is part of the old Fort Ord Army post and is located on 79 acres, just three miles northeast of downtown Seaside. Since its opening, the CCCVC has provided interment of 1,500 cremains in its 5,000-niche columbarium. In March 2020, construction began on Phase II, which now includes 1,845 pre-placed crypts, 1,079 in-ground cremains gravesites, and 80 memorial wall plaques, along with roads, landscaping, and supporting infrastructure.

AB 3035 (Laird), Chapter 291, Statutes of 2006, created the CCCVC at Ford Ord Endowment Fund for the receipt of donations of personal property, including cash or other gifts, to be used for the maintenance of the veterans' cemetery. Moneys in the fund would first be invested with the goal of achieving ongoing earnings to cover the estimated annual oversight and maintenance costs. The bill required the Controller to report to the Legislature and the Fort Ord Reuse Authority by July 1, 2007 and annually thereafter on the status of the fund.

In 2013, SB 232 (Monning), Chapter 694, Statutes of 2013, required CalVet to develop and apply for a grant from the federal Veterans' Affairs (VA) Cemetery Grants Program. The VA Cemetery Grants Program provides grant funding for the construction costs of a cemetery, but does not pay for analyses, environmental mitigation, land purchases, and other costs that became the responsibility of the state. The “state's share” includes state government funds, local government contributions, and private donations. The result of the application was a grant award for the CCCVC which came into operation in October 2016. At the time of its opening, the CCCVC provided niche interments in columbaria for cremains. As of the beginning of 2020, following another grant award, the CCCVC expanded to also provide in-ground burials for caskets and cremains, as well as the niche interments in columbaria for cremains.

Over the past four years, the CCCVC 's operations and maintenance costs have averaged \$526,000 per year. Current burial revenue projections are just under 50% of the operations and maintenance costs. As a result of the burial revenue projections, it is not expected that donations and/or burial fees will ever be sufficient to cover operations and maintenance costs which was the original intent of the information for the report to the State Controller on an annual basis. According to the Author, the report has not provided practical budget or policy information.

Budget oversight of the State Veterans Cemeteries is conducted by the Department of Finance and the Legislature, among others. The Author notes that removing the reporting requirement to the State Controller's Office, Assembly and Senate Committees on Veterans Affairs, Monterey County, City of Seaside, and Fort Ord Reuse Authority on the status of the Endowment Fund would delete an unnecessary report.

Veterans Affairs State Cemetery Grants Program. There are nine national veteran cemeteries in California. Recognizing that the national cemetery system leaves certain areas underserved, the federal VA's Cemetery Grants Program was established in 1978 to help create state-owned and state-operated veterans cemeteries. The federal government will pay all construction costs to build the cemetery provided the state commits to paying all ongoing maintenance costs. This method was used successfully to construct the Northern California Veterans Cemetery near

Redding in November 2005 and the California Central Coast Veterans County near Monterey in 2016.

Under the Grants Program, the federal government will reimburse up to 100% of the cost of establishing, expanding or improving state veterans' cemeteries, including the acquisition of initial operating equipment. The VA will not pay any off-site costs, land purchases, demolition costs or state employee costs which the Department of General Services may charge. In addition, the VA will not transfer any federal grant money to the state without all of the funds for construction being secured and encumbered (in a state account). Funding can come from the state through appropriation, local government, private donors, or any combination of these sources. Without full funding, the project will not advance. Once full funding is secured, the state moves up on the VA's priority grant list and receives VA funding (up to \$10 million) by way of reimbursement and installments that are consistent with the progress of the project, if available.

### **Current legislation.**

AB 1595 (Quirk-Silva, 2022) would require CalVet to acquire, study, design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery in the County of Orange. Pending in the Senate Military & Veterans Affairs Committee.

SB 43 (Umberg, 2021) would require CalVet to acquire, study, design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery in the County of Orange. The bill would additionally create the Southern California Veterans Cemetery Study Donation Fund, and would authorize any local governmental entity or private organization in the County of Orange to donate to the fund. Pending in the Assembly Military & Veterans Affairs Committee.

AB 2963 (Assembly Committee on Military and Veterans Affairs, 2022), now pending in the Senate Military and Veterans Affairs Committee, would amend statute requiring representatives on the California Central Coast Veterans Cemetery Advisory Committee be appointed from the Fort Ord Reuse Authority and the Fort Ord Veterans Cemetery Citizens Advisory Committee, both of which have been dissolved.

### **Previous legislation.**

SB 232 (Monning), Chapter 694, Statutes of 2013, appropriated \$1 million to the Central Coast State Veterans Cemetery at Fort Ord Endowment Fund (Fund) for construction of the Cemetery. The bill also required that any money transferred as part of the budget action granting a loan to the Fund be returned to the General Fund.

AB 3035 (Laird), Chapter 291, Statutes of 2006, created the CCCVC at Fort Ord Endowment Fund for the receipt of donations of personal property, including cash or other gifts, to be used for the maintenance of the veterans' cemetery. Moneys in the fund would first be invested with the goal of achieving ongoing earnings to cover the estimated annual oversight and maintenance costs. The bill required the Controller to report to the Legislature and the Fort Ord Reuse Authority by July 1, 2007 and annually thereafter on the status of the fund.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

AMVETS, Department of California  
County of Monterey  
Vietnam Veterans of America, California State Council

**Opposition**

None on file.

**Analysis Prepared by:** Christian Burkin / M. & V.A. / (916) 319-3550

DRAFT

Date of Hearing: June 14, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

SB 1195 (Grove) – As Amended April 19, 2022

**SENATE VOTE:** 35-0

**SUBJECT:** Veterans homes

**SUMMARY:** This bill would require the California Department of Veterans Affairs (CalVet), when reviewing the best continued use of every home, to assess the need for veterans living at or near a Veterans Home to access care at a United States Department of Veterans Affairs (VA) medical facility, and the potential for the Veterans Health Administration (VHA) to place satellite medical clinics on state veteran home campuses and within a 30-minute drive of a state veteran home campus, to serve both residents of the veteran homes and nonresident veterans in the communities where state veteran homes are located. Specifically, **this bill:**

- 1) Requires, when the department updates the determination on the best continued use of the home every five years, to additionally assess all of the following:
  - a) The need by residents of state veteran homes in accessing care at a VHA medical center.
  - b) The need by nonresident veterans in the communities where state veteran homes are located in accessing care at a VHA medical center.
  - c) The potential for the VHA to place satellite medical clinics on the state veteran home campuses to serve both residents of the veteran homes and nonresident veterans in the communities where state veteran homes are located.
  - d) Meet and confer with officials of the VA on the possibility of locating satellite clinics on state veteran home campuses.
  - e) The potential for the VHA to place satellite medical clinics within a 30-minute drive of a state veteran home campus to serve both residents of the veteran homes and nonresident veterans in the communities where state veteran homes are located.
  - f) Meet and confer with officials of the VA on the possibility of locating satellite clinics within a 30-minute drive of a state veteran home campus.

**EXISTING LAW:**

- 1) Establishes the Veterans' Home of California system within the Department of Veterans Affairs and provides for the establishment and operation of veterans' homes at various sites. (MVC §1010)
- 2) Requires the master plan for the overall operation of the veterans' homes system be revised by the department every 5 years and include in their consideration, the location of future facilities at or within the vicinity of United States Department of Veterans Affairs facilities,

the closure of facilities, and the expansion of existing facilities or conversion of existing facilities to provide different levels of service. (MVC §1052 et seq.)

- 3) Requires on or before February 1, 2019, the department submit to the Legislature and post in a prominent location on its Internet Web site in an accessible and searchable format a specified financial report regarding each home. (MVC §1072)
- 4) Requires the department, review the use of a home no later than five years before the expiration of the use restriction imposed by federal law on the home (38 U.S.C. Sec. 8136, 38 C.F.R. 59.110, and any successor to those provisions) to determine the best continued, unrestricted use of the home. (MVC §1074)
- 5) Requires the department, five years after the date of the expiration of the use restriction imposed by federal law on a home (38 U.S.C. Sec. 8136, 38 C.F.R. 59.110, and any successor to those provisions), review the home to determine the best continued use of the home, and make updates every 5 years thereafter. (MVC §1076)

**FISCAL EFFECT:** This bill has not been analyzed in a fiscal committee. Keyed fiscal, this bill was reported from the Senate Committee on Appropriations pursuant to Senate Rule 28.8.

**COMMENTS:** According to the author:

“Current law requires the Department to review the use of each home every five years and include in that assessment the current needs of the regional veterans population. As the composition of the veterans population changes, so do the needs of our veterans, including expanded outpatient and mental health services. The addition of this requirement expands on the department’s ability to accurately assess the needs of our veterans and veterans home’s residents. There are no limits to the gratitude we share in thanking our service members for their commitment to our country in the armed forces. There also should be no limits to their access to critical health and mental health services.”

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

American Legion, Department of California  
AMVETS, Department of California  
Barstow Eagles 3637  
California Association of County Veterans Service Officers  
California State Commanders Veterans Council  
Military Officers Association of America, California Council of Chapters

**Opposition**

None on file.

**Analysis Prepared by:** Christian Burkin / M. & V.A. / (916) 319-3550



Date of Hearing: June 14, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

SB 1435 (Committee on Military and Veterans Affairs) – As Introduced February 18, 2022

**SENATE VOTE:** 35-0

**SUBJECT:** Veteran home use: reporting

**SUMMARY:** Requires the California Department of Veterans Affairs (CalVet) to review Veterans Homes on a specified schedule, update the report every 5 years, submit the reports to the Legislature, and post them on the department's internet website in an accessible and searchable format. Specifically, **this bill:**

- 1) Requires CalVet to review the Veterans Homes to determine the best continued, unrestricted use of the home.
- 2) Requires CalVet, in developing the report, to review all of the following:
  - a) Current needs of the regional veterans population.
  - b) Projections regarding the changing composition of the veterans population.
  - c) Assessment of resources available to serve the projected veterans population.
  - d) Input from veteran residents of the home, community members near the home, and other stakeholders.
  - e) Any other factors CalVet determines are necessary to review to make the determination.
- 3) Requires CalVet to submit the report to the Legislature, post the report on CalVet's internet website in an accessible and searchable format, and to update each report every five years.

**EXISTING LAW:**

State:

- 1) Establishes the Veterans' Home of California system within the Department of Veterans Affairs and provides for the establishment and operation of veterans' homes at various sites. (MVC §1010)
- 2) Requires the master plan for the overall operation of the veterans' homes system be revised by the department every 5 years. (MVC §1052(a))
- 3) Requires the master plan discuss, among other things, the location of future facilities at or within the vicinity of United States Department of Veterans Affairs facilities, the closure of facilities, and the expansion of existing facilities or conversion of existing facilities to provide different levels of service. (MVC §1052(b))
- 4) Requires the department, review the use of a home no later than five years before the expiration of the use restriction imposed by federal law on the home (38 U.S.C. Sec. 8136,

38 C.F.R. 59.110, and any successor to those provisions) to determine the best continued, unrestricted use of the home. (MVC §1074)

- 5) Requires the department, five years after the date of the expiration of the use restriction imposed by federal law on a home (38 U.S.C. Sec. 8136, 38 C.F.R. 59.110, and any successor to those provisions), review the home to determine the best continued use of the home. (MVC §1076)

**Federal:**

- 1) If, within the 20-year period beginning on the date of the approval by the Secretary of the final architectural and engineering inspection of any project with respect to which a grant has been, the facilities covered by the project cease to be operated by a State principally for furnishing domiciliary, nursing home, or hospital care to veterans, the United States shall be entitled to recover from the State which was the recipient of the grant under this subchapter, or from the then owner of such facilities, 65 percent of the then value of such project as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such facilities are situated. (38 U.S.C. § 8136(a))
- 2) If less than 20 years has lapsed since the grant was awarded, and VA provided 65 percent of the estimated cost to construct, acquire or renovate a State home facility principally for furnishing domiciliary care, nursing home care, adult day health care, hospital care, or non-institutional care to veterans, VA shall be entitled to recover 65 percent of the current value of such facility, as determined by agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated. (38 C.F.R. § 59.110(a))

**FISCAL EFFECT:** Passed out of Senate Appropriations Committee under Senate Rule 28.8.

**COMMENTS:**

State law requires CalVet to review the use of each Veterans Home to determine the best continued, unrestricted use of the Veterans Home at least five years before “the expiration of the use restrictions imposed by federal law on the home” and five years after the expiration of the above-mentioned use restrictions, and every five years thereafter.

Federal law and federal regulations require state veterans homes constructed with federal construction funds to operate at least 20 years as a state veterans home. If a state uses a state veterans home for another purpose within 20 years after the approval by the Secretary of the United States Department of Veterans Affairs (VA) of the final architectural and engineering inspection or within 20 years after a grant for construction was awarded, the VA may seek recovery of all, or a portion of, the original grant award.

Unfortunately, both federal law and federal regulations offer starkly different calculations to determine the start of the 20-year use restriction on federal grants tied to the construction of state veterans homes. Federal *law* states that the 20-year period begins “on the date of the approval by the Secretary of the final architectural and engineering inspection.” It is unclear what may qualify as the “final architectural and engineering inspection” date. Conversely, federal *regulations* calculate the start of the 20-year period as beginning when “the grant was awarded”. A construction grant may be awarded well before construction begins and multiple years prior to

the opening of the facility. This may not coincide with a “final architectural and engineering inspection.”

Because of these conflicting laws and interpretations, it is difficult to determine a specific calendar date for when a 20-year grant period begins, and accordingly, when it ends. In some cases, the grant award and the facility certification dates may be separated by five or more years. With no resolution on how the VA may interpret when use restrictions expire and the Yountville Veterans Home predating the use restrictions referenced in state law, legislative intent is critical.

SB 1435 specifies that the due date for each Veterans Home facility master plan is 15 years after admitting its first residents, and then an updated report every five (5) years thereafter, including 20 years after admitting its first residents. In addition, each master plan will be submitted to the Legislature and posted online in an accessible and searchable format.

According to the author: “Current state laws have created an unintended consequence where there is a ten-year gap between the first and second review of each Veterans Home. SB 1435 makes it clear that the scheduled timeline moving forward is for each Veterans Home to submit a facility master plan to the Legislature 15 years after admitting its first residents, and then submit an updated facility master plan every five years thereafter, including 20 years after admitting its first residents.”

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

American Legion, Department of California  
AMVETS, Department of California  
California State Commanders Veterans Council  
Military Officers Association of America, California Council of Chapters  
Vietnam Veterans of America, California State Council

##### **Opposition**

None on File.

**Analysis Prepared by:** Jenny Callison / M. & V.A. / (916) 319-3550

Date of Hearing: June 14, 2022

**ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS**

James Ramos, Chair

SJR 15 (Glazer) – As Amended June 8, 2022

**SENATE VOTE:** 33-0

**SUBJECT:** Port Chicago 50

**SUMMARY:** Respectfully urges the President of the United States and the Congress of the United States to take action to restore honor to the sailors unjustly blamed for, and the sailors convicted of mutiny following, the disaster at the Port Chicago Naval Magazine in Concord, California, during World War II, and to rectify any mistreatment by the military of those sailors, including the full exoneration of those who were convicted at court-martial. Specifically, this bill resolves by the Senate and the Assembly of the State of California, jointly:

- 1) That the Legislature of the State of California respectfully memorializes the President of the United States and the Congress of the United States to take action to restore honor to the sailors unjustly blamed for, and the sailors convicted of mutiny following, the Port Chicago disaster, and to rectify any mistreatment by the military of those sailors.
- 2) That the California Legislature respectfully memorializes the President of the United States and the Congress of the United States to take the necessary actions to ensure those sailors' treatment is rectified by the full exoneration of all who were court-martialed, whether alive or deceased, and having the military records of these men cleared of any court judgment or less-than-honorable discharge.
- 3) That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

**EXISTING LAW:** Provides that the President has the power to grant reprieves and pardons for offenses against the United States. (U.S. Const. Art. II, Sec. 2, Cl. 1.)

**FISCAL EFFECT:** This resolution is not keyed fiscal.

**COMMENTS:**

Background of the Port Chicago Disaster:

On the night of July 17, 1944, two transport vessels loading ammunition at the Port Chicago naval base on Suisun Bay, at the confluence of the Sacramento and San Joaquin Rivers in California, were suddenly engulfed in a gigantic explosion, which wrecked the naval base and heavily damaged the Town of Port Chicago, located 1.5 miles away. Everyone on the pier and aboard the two ships was killed instantly, some 320 American naval personnel, two-thirds of whom were African American enlisted men. Another 390 military and civilian personnel were injured, including 226 African American enlisted men. This single disaster accounted for nearly

15 percent of all African American naval casualties during the whole of World War II and was the worst homefront disaster of the war.

Survivors of the explosion were provided no psychiatric counseling or medical screening. After the disaster, White sailors were given 30 days' leave to visit their families, according to survivors. This was the standard for soldiers involved in a disaster, while only African American sailors were ordered back to work the next day to clean and remove human remains. The survivors and new personnel who later were ordered to return to loading ammunition expressed their opposition, citing the possibility of another explosion.

The first confrontation occurred on August 9, when 328 men from 3 divisions were ordered out to the loading pier. The great majority of the men balked, and eventually 258 were arrested and confined for 3 days on a large barge tethered to the pier. Fifty of these men were selected as the ringleaders and charged with mutiny, and on October 24, 1944, after only 80 minutes of deliberation by a military court, all 50 men were found guilty of mutiny. Ten men were sentenced to 15 years in prison, 24 were sentenced to 12 years, 11 were sentenced to 10 years, and 5 were sentenced to 8 years, and 11 were to be dishonorably discharged from the Navy.

After a massive outcry the next year, in January 1946, 47 of the Port Chicago men were released from prison and "exiled" for one year overseas before returning to their families. In a 1994 investigation, the United States Navy stated, "there is no doubt that racial prejudice was responsible for the posting of only African American enlisted personnel to loading divisions at Port Chicago," and admitted that the routine assignment of only African American enlisted personnel to manual labor was clearly motivated by race. Despite the gross injustice faced by these sailors, only one of the men charged with mutiny was given a pardon by President William J. Clinton in 1999.

According to the author:

"It is hard to believe that we have to make this plea after so many decades of delay and inaction. By exonerating these men, we can close an ugly chapter in California's history. These men and their families deserve to have their names cleared from this miscarriage of justice. They served their country faithfully and honorably. I understand that past presidents believe they do not have the authority to legally overturn the convictions. But, President Biden can clear their names with an executive order that proclaims that these men were unjustly convicted by a prosecution tainted by racism and an unfair justice system. Exoneration would honor their families and act as a healing moment in the face of the racism and discrimination we still continue to battle."

Previous Legislation:

SR 69 (Glazer, Enrolled 2016) urged the President and the Congress of the United States to exonerate, clear the records of, restore honor to, and rectify federal military mistreatment of, African-American sailors unjustly convicted of mutiny regarding the 1944 Port Chicago disaster.

AJR 33 (Bonilla & Thurmond, Chapter 93, Statutes of 2016) urges recognition that the trial and conviction of the 50 African American sailors of the United States Navy for

mutiny regarding the Port Chicago incident were wrongfully pursued because of racial prejudice, and urges the Congress of the United States to publicly exonerate those sailors in order to further aid in healing the racial divide that continues to exist in the United States.

SJR 21 (Wright, Res. Chapter 47, Statutes of 2010) Memorializes Congress and the President of the United States to act to vindicate the sailors unjustly blamed for, and the sailors convicted of mutiny following, the Port Chicago disaster, and to rectify any mistreatment by the military of those sailors.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

AMVETs, Department of California  
City of Concord

**Opposition**

None on File.

**Analysis Prepared by:** Jenny Callison / M. & V.A. / (916) 319-3550

DRAFT