The Saturday Evening
POST
FOUNDED IN 1728 BY
Benj. Franklin

In twenty-four frightful hours, 570 people were killed and 3000 injured as the series of violent explosions and fires demolished the Gulf Coast seaport.

Death on the Water Front

Here is the minute-by-minute account of the terrible blast that destroyed Texas City a decade ago. The holocaust was followed by a monumental legal battle that finally has ended, closing the books.

Rescuers worked on despite evacuation warnings. On that day America almost ran out of penicillin.

By Milton MacKaye

It was a clear, cool morning and a brisk offshore wind riffled the surface of Galveston Bay. From Texas City's landlocked harbor on the eastern shore, across water and low-lying islands, the downtown buildings of the city of Galveston, ten miles away, could be plainly seen. A bright sun gleamed on flat landscape and seascape. It was the morning of April 16, 1947, and in Texas City it seemed a good morning to be alive.

World War II had brought new industry, new life, new prosperity. Texas City grew from 5000 to a bustling 18,000, and hundreds of workers, unable to find living quarters, commuted by car from nearby towns. Here, to process the ores of Bolivia and the East Indies, the Government built the only commercial tin smelter in the Western Hemisphere. Here oil refineries raised towering catalytic cracking plants to produce high-octane gasoline for Allied planes. Here the Monsanto Chemical Company established a multimillion-dollar plant where styrene, a vital ingredient of synthetic rubber, was manufactured.

War and the memory of war receded, but prosperity did not. Returning servicemen found their places on Texas City's payrolls. Expanding Monsanto, Union Carbide, the oil refin-

eries, recruited young scientific talent from the nation's top universities and technical schools. It was a young men's town and the wives they brought with them were young too. The Texas City Terminal Railway Company, next door to Monsanto on the water front, owned wharves and warehouses and diesel switch engines and tracks. The Terminal facilities provided jobs for stevedores and for Negro and Mexican unskilled labor.

Many of the laborers and their families lived near the wharves and the Monsanto reservation in flimsy, crowded shacks. Texas City was ahead in many things, but way behind in housing.

Almost everyone who wanted to work was working on April sixteenth. The day shift went on duty at eight. Long before that, a procession of battered jalopies—new cars were hard to get in 1947—began to cross the long causeway which links island Galveston with the mainland. At the Bon Ton Café on Third Street, seventeen-year-old Alfred Gerson fed early Texas City breakfasters, while he awaited with impatience the appearance of his parents, the café's proprietors, from the frame apartment house across the street. The Gersons were Houston people who had been there for only a few months, but they were prospering and they liked Texas City.

Henry J. (Mike) Mikeska was president of the Texas City Terminal, and had contributed greatly to the building up of Texas City as a deep-water port. An engineer graduate of Texas A. & M., sixty-year-old Mikeska took part in almost every civic enterprise, had been president of the school board for sixteen years and was father-at-large for the town.

Mike and his wife, Martha Jane, had spent the weekend at his boyhood home in North Texas and had intended to stay longer. Minor litigation brought him back. Martha Jane usually drove Mike to the office. But that Wednesday morning she stayed at the house to transplant violets they had dug up at the old home place. Mike left at eight o'clock and there was trouble at the Terminal soon after he arrived. The Grandcamp, a Liberty ship flying the French flag, captained and crewed by Frenchmen, caught fire. It had been in Texas City for five days loading ammonium nitrate fertilizer for the fields of France.

Three vessels were at the pier that morning. The Seatrain dock with its high crane was empty. The S.S. Grandcamp lay in Pier O. The American vessels Wilson B. Keene and High Flyer were in the slip beyond. The Wilson B. Keene was waiting to load flour for France. The High Flyer had already packed away 900 tons of fertilizer and knocked-down

Last rites were administered at a temporary morgue set up near the explosion scene. The dead left behind 844 dependents—many homeless and utterly without resources.

boxcars for equipment-starved French railroads.

Henry J. Baumgartner was a big broad-shouldered man in his middle forties, father of four children and chief of the Volunteer Fire Department. He liked strenuous dancing and a strenuous domino game, and was the life of the party at the firemen's monthly get-togethers. Actually, Baumgartner was a purchasing agent for Texas Terminal, but was expected to leave his assignment whenever a fire occurred; it was part of his job. Towns which depend on chemical industries and oil refineries for a payroll have no illusions; there is always hazard. And Baumgartner and his colleagues were well-trained and experienced men. They knew how to fight ship fires, oil, benzol and propane fires. But there was no general current knowledge that ammonium nitrate would explode.

Even today, more than ten years later, there is no trustworthy report on how the Grandcamp fire began. At eight o'clock the whistles blew and the longshoremen and warehousemen went to work. At the Grandcamp it took about ten minutes to lift the covers from the No. 4 hatch. Some time after that, longshoremen noticed (Continued on Page 95)

Above: The SS Grandcamp burning. Her cargo—ammonium nitrate—was not yet known to be a violent explosive. Minutes after this picture was taken, the ship erupted.

W. H. Sandberg directed dockside operations after escaping death when the Grandcamp blew up.

Above: The wreck of the Wilson B. Keene, moored alongside the High Flyer, lies where she was cut in half by the second of the two major explosions on the water front.

For days after the blast, stricken survivors helped identify the dead. The picture below shows a young mother who had just found her husband's body.

After the Supreme Court ruled against aid to disaster victims, Representative Thompson introduced a bill to compensate survivors by a special act of Congress. It passed.

Death on the Water Front

(Continued from Page 21)

there was smoke in the hold. Crew members went below deck and searched for the source of the smoke and could not find it. The fire grew and air in the hold became acrid and stifling. Longshoremen left the job, but waited at the pier end to watch the fire fighting.

Water introduced into a burning ship puts out fires, but damages cargo. Few skippers who want to sail again endorse the damaging of cargo except in dire emergencies. Capt. Charles de Guillebon ordered the hatches closed, and then turned live steam into the hold. This, supplanting oxygen, was supposed to smother the fire. It didn't. The captain finally ordered the crew to abandon ship and at 8:33 the fire alarm was sounded. Mike Mikeska and W. H. (Swede) Sandberg, vice president of Terminal, hustled to the scene. So did Henry Baumgartner and his hastily assembled firemen. Dick Wilson, one of them, had worked the night shift at the docks and was just leaving the yard when the alarm sounded. He was duty-bound to stay. Chief Baumgartner peered at him and said, "Dick, you look tired. Go on home." Dick did, and that kindly order saved his life.

News of the fire had spread in Texas City before the alarm was sounded. Before Terminal officials could close their gates 200 or 300 people had gathered near the wharf area. The town's schools were overcrowded and the upper grades were being taught in double shifts; some of the sight-seers were youngsters free for the morning. Many who came as spectators made themselves useful uncoiling and stretching hose and helping the fire fighters. Texas City's brand-new $14,000 fire engine made its first run since being commissioned.

About 450 employees were on duty at Monsanto at eight A.M. In addition, there were 123 employees of outside contractors who were doing construction work at the plant. Between coffee in the commissary and the excitement of fire in the adjoining quay, a good many of them were slow in going to their offices and control posts, and even slower in settling down to the daily grind. Ralph A. Ford, carpenter foreman, finished his coffee and said, "Smoke's thinning. The fire's about out. Let's go to work." Back at his office he began making out time slips for the day. Joe Mitchell, Negro porter, started on his mail-distribution rounds, saw Dr. Charles Comstock striding toward the scene of the fire. Comstock, in his middle thirties, a Ph.D. from Yale, was technical director of the Texas division and one of Monsanto's most brilliant scientific minds.

Back at the Terminal, both Mikeska and Collis Suderman, representative of the stevedoring company which was loading the Grandcamp, had requested the dispatch of tugs from Galveston; if the fire got out of control, the Grandcamp could be towed away from the wharves to the open water. At 9:07, Swede Sandberg, concerned with the nonappearance of the tugs, was talking to Suderman some fifty to seventy-five feet astern of the Grandcamp.

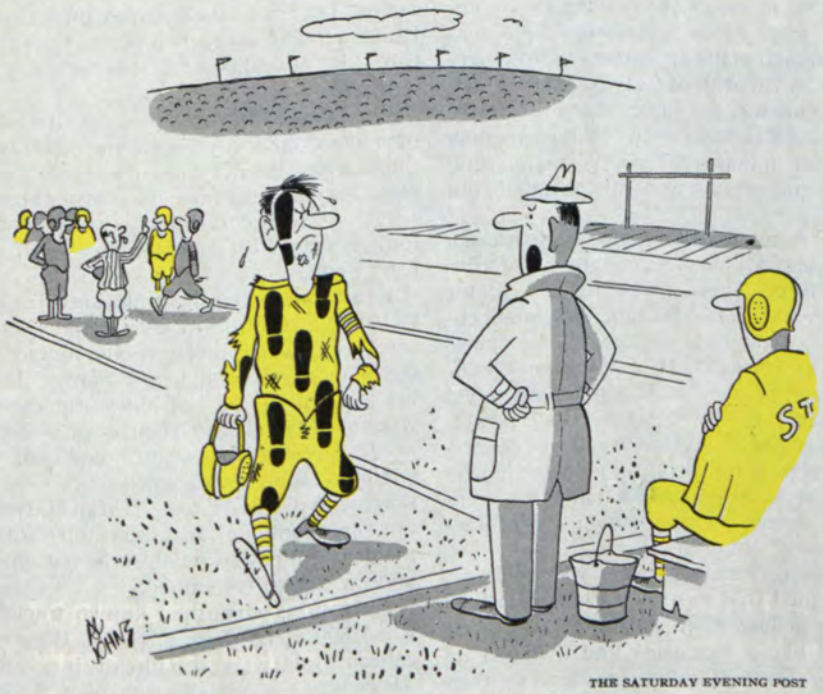
"Why don't you go out to the end of the T-head?" asked Suderman. "You'll probably see them coming."

"Gentlemen," said Sandberg in subsequent official testimony, "had I listened to him and gone out to the T-head, I wouldn't be here testifying this morning."

Instead, he left the dock and started toward his office to telephone Galveston. On the way he met Mikeska, who, after touring other docks, was on his way back to the burning ship. Mikeska gave some routine instructions, and a few minutes later Sandberg was back at his desk. He had just hung up the telephone when his roof fell in.

For Henry G. Dalehite and his wife, the morning of April sixteenth started too early. It was two A.M. when the alarm clock jangled insistently in their pleasant house on Causeway Road, Galveston. Elizabeth Dalehite automatically reached over and stilled the clamor. Twenty-five years married to a shipping man, she was a merry, plump woman accustomed to irregular schedules and the capricious demands of boats. Captain Dalehite was not only a pilot himself; he operated a service to incoming ships and had five other pilots in his employ.

From her honeymoon days, Mrs. Dalehite had functioned as her husband's chauffeur, secretary and ex-officio partner. It was Henry's job to send pilots promptly, on radio request, to all ports along the curving Gulf Coast. But for ten days a telephone strike had been in progress, and as a result he and his wife had traveled thousands of miles to keep in touch with his men. While Henry still



THE SATURDAY EVENING POST

"Where were you on that last play, Ferguson?"

slept, Elizabeth tried the telephone again. At Corpus Christi, 225 miles south, a ship waited for a pilot; at Baytown, 35 miles north, a pilot waited for an assignment. A sleepy stand-by operator said the Baytown call was "not essential."

The Dalehites left home at 2:15. At Baytown they picked up the pilot; he agreed to fly to Corpus Christi and they carried him to Houston airport. The pink of dawn now began to seep into the Texas sky, and Elizabeth's arms wearied at the wheel. There were fifty-odd miles still to go. The captain wanted to call at Texas City to find out when the next Seatrain was due to dock.

A few minutes after nine, Elizabeth parked in the shadow of the Terminal buildings. About a block away, she and her husband saw the Grandcamp burning. Neither spoke; a pier fire was no novelty to either. Captain Dalehite left the car, and about midway of the dock met his old friend, Suderman. Dalehite motioned to his wife to come and join them. She shook her head. She had picked up a small figure of the Virgin Mary which accompanied her on all her trips; she had already begun to say her morning prayers.

It was 9:12. Suddenly, spinning balls of fire shot skyward and the Grandcamp exploded. The result was one of the most fearful disasters in American history, greater in its loss of life than the celebrated San Francisco earthquake and fire. Some 570 people were killed and more than 3000 injured. Property damage has been estimated at more than $50,000,000.

Elizabeth Dalehite heard nothing. The doors of her car were jerked open by suction and she was flung across the road and into a deep ditch; a Mexican woman blown from a nearby shack fell atop her and grappled with her in panic. Mrs. Dalehite pulled herself free and was blown to the ground by a second explosion. Now she saw rolling clouds of smoke, great banks of fire which, she said later, looked like a "vision of hell." She rose again and, toward the harbor, the smoke momentarily parted. The dock where her husband had stood and beckoned to her had vanished.

Out of the Texas City disaster grew massive litigation of real historic interest. Mrs. Dalehite's claim for compensation for the death of her husband was chosen by a committee of lawyers to serve as a test case against the United States Government. It was before Federal tribunals for six years and finally went to the Supreme Court. But of that, more later.

It is impossible to estimate the force of the Grandcamp explosion, but it is difficult to exaggerate it. Terminal buildings ceased to exist. Monsanto's warehouse—a steel-and-brick structure—was flattened. The main power plant was similarly crushed, and, as the blast fanned out, walls of manufacturing buildings fell, partitions shredded, pipelines carrying flammable liquids were torn apart. Two sightseeing light planes, 1500 feet above the Grandcamp, were blown out of the air, with the loss of four lives. Windows in Galveston and Freeport were shattered; the explosion was felt in Palestine, Texas, 200 miles away.

Edgar M. Queeny, Monsanto's chairman of the board, flew to the scene of the disaster that same day. Queeny, in a moving and eloquent public letter, estimated that the impact was that of 250 five-ton blockbuster bombs exploding simultaneously. Because the atomic bombs at Hiroshima and Nagasaki were exploded high in the air, he thought it possible that sheer blast in those unhappy cities was less severe than that suffered in the immediate neighborhood of the Grandcamp.

On the Monsanto reservation 227 persons were killed. Employees of independent construction contractors were in the areas of greatest exposure; the ratio of death and severe injury was greater than Monsanto's own. Of 123 on the grounds, 82 died; 145 Monsanto employees were killed and more than 200 required hospitalization. Queeny's official report explained why:

"A huge wave, rushing in from the basin where the ship had rested, inundated the area, while the explosion's heat ignited the benzol, propane and ethyl benzene pouring out of the ruptured pipes and storage tanks. Savage and cruel fires, feeding on these flammable liquids, scalded those who had survived the blast and were fleeing to safety; they cremated those who had fallen, and melted and twisted steel supports and girders."

Many died quickly and mercifully. One of these was Lucille Ward, beautiful secretary of the plant manager, H. K. (Griz) Eckert. Eckert himself walked out of his office under his own steam, but ultimately ended up in a hospital, where, in a hazardous operation, fragments of glass were removed from his brain. Robert Morris, assistant manager, was riding in a company jeep which overturned. He was hurled high in the air and saved from fiery death by the wall of water which covered him. This was the same fifteen-foot wave which dealt cruelly with others, drowning stunned and injured people in pits and pools and serving as a carrier for oil and flames.

Death cut almost a clean sweep through the rest of Monsanto's executive and technical force. These men perished: Doctor Comstock; B. F. Merriam, chief plant engineer, a onetime college diving champion at Harvard; R. E. Boudinot, production manager; R. D. Sutherland, safety engineer; F. A. Ruecker, chief power-plant engineer; and twenty-two of twenty-four young and promising chemists who were supervising production in different departments. Most of them left widows and small children.

Indeed, hundreds were widowed and orphaned that morning. Eight men died when a flatcar on a railroad siding was lifted like a jackstraw and dropped on them. Four stalwart brothers in their early twenties—Arthur, Clarence, John and William Hattenbach—stevedores all, died together. Hollie O. Youngman and his wife were decapitated in their moving automobile when a 100-pound piece of metal hurtled through the windshield.

Bales of cotton and balls of sisal twine which had been aboard the Grandcamp burned in the salt meadows, and, in the semidarkness, staggering and crawling figures began to emerge from the holocaust. There were others, naked, shoeless, coal-black, who ran in circles and fell and rose to run again. A small boy walked carefully down Dock Street; there was a hole in his side, and, stooping, he held his vital organs captive with his hands. For a few stunned moments after the explosion it had seemed as though the world was asleep. Now the awakened wails of the injured and the lost, the rushing roar of gasoline and crude oil set ablaze, brought battered humanity back to its senses and Texas City to a knowledge of its own agony.

Twenty-seven members of the fire department, including Chief Baumgartner and Assistant Chief J. M. Braddy, died when the Grandcamp disintegrated. Only four bodies were identified. Thirty-three of the forty-two men and officers of the Grandcamp lost their lives; they had abandoned ship, but remained on the dock. Captain de Guillebon died at his post. So did Mike Mikeska. His wife, Martha Jane, never left her back yard that day; frightened, despairing wives came to her for comfort. She was sure there was none for her. "I knew," she said later, "that if there was trouble at the Terminal, Mike would be in the middle of it. Where else would anyone expect him to be?"

Almost every house within a mile of the explosion either collapsed or was so badly damaged as to be a total loss. In the Texas City schools, glass fragments showered children and teachers; concussion collapsed partitions and crumbled walls, but—almost miraculously—there were no fatalities. In the business district, flying missiles tore holes in buildings, roofs groaned and fell, plate-glass windows were pulverized.

At the Bon Ton Café, Al Gerson threw himself under a counter as the roof fell. When he struggled up through darkness and dust, he heard his mother crying for help outside the front door. She and his father had been buried by the collapse of the restaurant portico. His father was dead, but a few moments later Al discovered his mother when he saw an eloquent finger emerge from the debris. With the help of another man, he unearthed her, carried her on a plank to an ownerless laundry truck and rushed her to Galveston. She was hospitalized for many months.

For a time a kind of shell-shocked madness seized the town. Streaming down on the business district came the dazed and groaning wounded from the disaster area. From residential districts came parents looking for children and children looking for parents.

Immediately after the explosions, Texas City could do little to help itself. There was no city water, no electricity, no facilities with which to fight the flames. The first appeal to the outside world came when a light blinked at a Galveston switchboard. Over the Texas City circuit came a telephone supervisor's voice, "For God's sake, send the Red Cross." From Galveston, by telephone, telegraph and radio, the dreadful news spread to the nation—and the nation responded.

Galveston, which had known tragedy when 6000 died there in the 1900 hurricane and tidal wave, was already in action. There was a county disaster plan. From a high window (*Continued on Page 98*)

In October

By Louise McNeill

Crow call and leaf fall
And spider spin your yarn,
Wheat field turn and sumac burn
And sheep come home to barn.

Wild geese cry and winged seed fly
And frost fern mark the pane,
Pods turn brown and shatter down
And summer die again.

But love prevail, nor fade, nor fail,
Nor like the sun depart;
With us abide this autumn tide.
Like April in the heart.

(*Continued from Page 96*) overlooking the bay, a physician connected with the Red Cross saw the not-too-distant water front dissolve as though in a bizarre hallucination. He and his staff alerted all city doctors for emergency duty; then called John Sealy Hospital, St. Mary's Infirmary, Fort Crockett and the United States Marine Hospital to advise them to prepare for mass intake of casualties. Fifteen minutes after the explosion, a Galveston transit company had buses and cars at the hospitals to take doctors, nurses and medical supplies to the neighboring community. Another fifteen minutes and they were on their way.

Gradually at Texas City some order began to emerge from chaos. Escape was the first impulse of many families; as oil tanks and stills exploded and burned at refineries, women and men and children took to the roads and the fields, wandering in dull terror. Mayor J. C. Trahan and Police Chief W. L. Ladish co-ordinated the activities of the relief agencies which now began to pour in by plane and automobile from the outside world. Dr. Clarence F. Quinn, who had served under General Patton as a combat surgeon in World War II, was appointed medical director and drew on his battle experience to set up efficient first-aid stations.

By afternoon, Army, Navy, Air Force and Coast Guard teams were there to supplement the efforts of Texas City and Galveston volunteers. From St. Louis and Washington, D.C., came Red Cross professionals. From Houston, Dallas, Fort Worth, Beaumont, San Antonio, Port Arthur and other communities came police to augment a hard-pressed force. From all adjacent towns came doctors and nurses and stretcher bearers. The Army established field kitchens to feed the homeless and bewildered.

Just an hour and fifteen minutes after the Grandcamp exploded, the first mercy planes were circling Texas City's small airport. Military, airline, civil-air-patrol and private planes—literally hundreds of them—brought in personnel and supplies from as far away as California and Massachusetts. Cargo included blood plasma and embalming fluid, blankets, beds, gas masks, X-ray equipment, penicillin, food, foam fire extinguishers, asbestos flame-fighting suits.

The flames had not been slaked as evening of the first day approached. At six P.M. Coast Guardsmen reported that the High Flyer was on fire. The Grandcamp's explosion had torn the High Flyer and the Wilson B. Keene loose from their moorings; they were jammed together and could not be separated. Now the knocked-down boxcars in the High Flyer's hold were burning fiercely. Apprehensive about the ammonium nitrate in the cargo, city officials at 7:30 ordered the town evacuated. Once again there was mass exodus, but, heedless of warnings, the rescue squads in the dock area, the embalmers, the soldiers and police and firemen worked on. Two huge searchlights from Fort Crockett helped them.

The Lykes Brothers steamship firm, owner of both the High Flyer and Keene, had flown in two company executives from New Orleans, and efforts were made to save the imperiled ships by towing them to sea. At eleven P.M. four tugs arrived from Galveston. Lines were put aboard the locked vessels, but after two hours of pulling and hauling, they had not been disengaged.

Swede Sandberg, a bloody bandage around his head, was again in command at the docks. J. C. Smith, a sixty-seven-year-old Salvation Army sergeant, was there too. He had taken his mobile canteen to every major disaster along the gulf for five years, and he continued to serve doughnuts and coffee. A few minutes before one A.M. Sandberg saw "what appeared to be Roman candles" shooting skyward from the High Flyer; he had seen Roman candles like those just before the Grandcamp blew. Sandberg gave orders at once to sound the whistle and clear the area. The tugs cast off their lines and headed out into the harbor. Two or three hundred emergency workers beat hasty retreat. At 1:10 the High Flyer exploded. A fragment of the ship sliced through the mobile canteen and amputated Sergeant Smith's foot. Sandberg was the last man to leave the docks. Almost miraculously, he had again escaped serious injury.

The High Flyer vanished. Half of the Wilson B. Keene climbed up out of the slip, turned end over end, traveled over a demolished warehouse and came to rest 300 feet away. Incandescent missiles set afire four oil tanks at the Humble Pipe Line Company, two dockside tanks of Union Carbide, a Republic Oil Refining Company tank and two more tanks at the already heavily hit Stone Oil Company. An 8000-pound turbine traveled 4000 feet through the air and crashed into a pump-house roof at Republic. The High Flyer explosions—there were two—were almost as violent as those of the Grandcamp. Yet this time the casualty list was gratifyingly small. One man was killed and twenty-four injured.

Fires continued throughout the night—indeed the last of the fires did not burn out until Tuesday, April twenty-second, but by morning of the seventeenth the worst was over.

The concern of Texas City immediately after its catastrophe was not inquiry or investigation, but plain survival. Some 2500 people were homeless and jobless; many of them possessed only the clothes on their backs. All commerce and industry was at a standstill. The dead had left behind them a total of 844 dependents—widows, children, parents, some utterly without resources.

In this emergency the Red Cross and the whole nation came generously to the rescue. But local businessmen, staring somberly at the ruins, thought about the future. Was Texas City finished as a port and industrial center? It well might have been except for the decision of one man. While bulldozers cleared pathways through rubble, while fireboats still played harbor water on twisted steel, Edgar Queeny publicly announced that Monsanto would rebuild its Texas City branch.

The announcement and its timing were highly important to the town's economy and morale. It undoubtedly prevented a general exodus of skilled labor to other areas; it probably affected the decisions of other major companies on whether to go or stay. Monsanto also set an example by moving in at once to alleviate with cold cash the hardships of its own people. A special fund of $500,000 was made available to its personnel officers.

Most of the employees of the major plants and refineries were covered by group insurance, and adjusters began making payments forty-eight hours after the blast. Individual life insurance and liability policies, in the main, were paid with similar promptness and celerity. But there were many in the morgues and hospitals who had little insurance or no insurance at all. Some had been at the docks as sight-seers and had no claim on workmen's compensation. Others were children, housewives, residents of nearby houses and volunteer rescue workers.

Where did the responsibility for the slaughter of the innocents lie? The Texas bar believed the responsibility belonged to the United States Government, and more than 100 lawyers elected to represent Texas City clients in damage suits. Some 300 suits were filed by 8485 plaintiffs. Basically their case can be summed up as follows:

The tremendous power of the blasts came from the fertilizer-grade ammonium nitrate (FGAN) in the holds of the Grandcamp and High Flyer. The fertilizer, sometimes described as a distant cousin of dynamite, had been manufactured in three Army ordnance plants and shipped by rail to Texas in 100-pound laminated bags for reshipment to France.

The Government, then, was guilty of culpable negligence because, (1) FGAN was a fire hazard and dangerous explosive and caused the disaster; (2) the FGAN was manufactured and transported under Government auspices; (3) the Government, "well knowing the dangerous nature" of FGAN, had failed to notify public carriers and their employees, the steamships and the town of Texas City of its innate hazards and thus failed to protect the public.

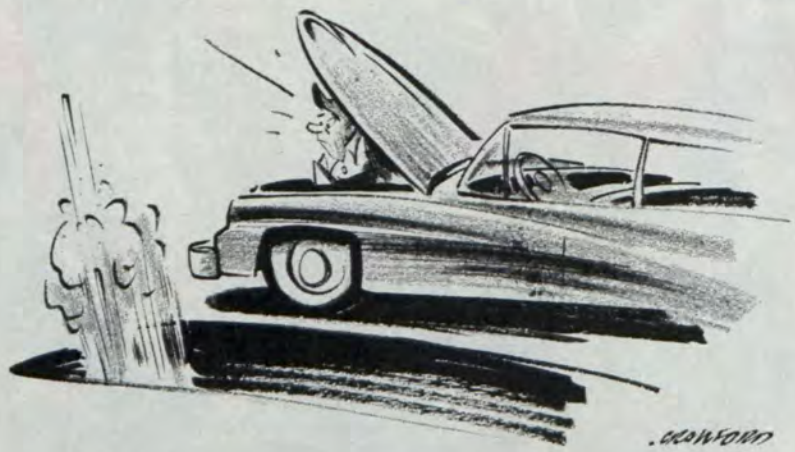
Obviously 100 lawyers and 300 lawsuits were too many lawyers and too many lawsuits. By agreement, and with court permission, it was decided to consolidate on one test case to determine the whole question of Government liability. Mrs. Dalehite's suit for compensation for the death of her husband became the test case.

When it comes to suing Uncle Sam, we Americans can never quite get the King of England out of our hair, for our rule that the Government—that is, "the sovereign"—cannot be sued without its own consent is a heritage from centuries-old British jurisprudence. However, a year before the disaster, Congress passed the Federal Torts Claims Act which permitted legal remedy for certain wrongs of Government officers and employees. It was under this provision that the test case was brought.

The Attorney General's office denied both the applicability of the provision and the charges of negligence. "Tests made over more than a quarter of a century," the court was told at one point, "have demonstrated that FGAN is not explosive in the ordinary course of handling, transportation and use." And, indeed, that had been the general belief before the Grandcamp blast.

Background facts about this particular cargo of FGAN reveal how even a small Texas town can be caught up in the rush of world events. In 1946 the occupied countries—Germany and Japan and Korea—faced famine. Commanders there said the choice was "additional food or additional troops to control the conquered people." Neither sufficient quantities of food nor ships to transport it were available. But the shipping of fertilizer to the occupied areas offered a solution; a ton of fertilizer, it is often said, will grow seven tons of food. However, there was a grave drawback. The entire production of commercial fertilizer in the United States was committed to an international body, the Combined Food Board, for domestic use and the use of our exhausted allies; none was available for the recent enemy.

In this crisis the War Department decided to reactivate fifteen surplus ordnance plants and manufacture its own fertilizer. This, as a matter of high policy, was approved by the Cabinet. But it soon became evident that the plants would not get into full production in time for the overseas planting seasons, so the War Department was permitted by the Combined Food (*Continued on Page 100*)



You be the Judge

By JOSÉ SCHORR

On a vacation tour, Tom filled his gas tank at a service station. He remained parked there while his wife bought souvenirs across the street. Walking through the station to the car, she fell into an unguarded grease pit. When the station refused to pay for her injuries, she sued.

"You owe it to your customers to protect them by doing business in a safe place," she contended. "Instead, that grease pit makes your station a trap."

"After your husband paid for the gas, you were no longer customers," the station's lawyer replied. "You were just using the station as a free parking lot, at your own risk."

If you were the judge, would you make the station pay?

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The station did not have to pay. The court said that the couple were not customers after buying the gas, and the station was therefore under no obligation to guard their safety.

Based upon a 1954 Vermont decision.

(*Continued from Page 98*) Board to "borrow" from commercial producers sufficient fertilizer to meet its early needs. This was purchased under a sell-back arrangement. The FGAN shipped to Texas City in 1947 was part of the Government's repayment to the Lion Oil Company, a commercial concern, which, in turn, transferred ownership to an agency of the republic of France.

Two years after the lawsuit's beginnings, it came to trial in Houston. The trial lasted ninety days—including time out for a hurricane—and the record ran to 20,000 pages. Many millions of dollars in damages were at stake, including the large claims of insurance companies. Federal Judge T. M. Kennerly considered the complex case for five months. In the end he found the Government liable, and entered judgment in favor of all petitioners. Eighty charges of negligence and liability were sustained. Mrs. Dalehite was awarded $60,000, and her son, Henry G. Dalehite, Jr., $15,000.

The Government immediately appealed. In June, 1952, the six judges of the Court of Appeals, Fifth Circuit, unanimously reversed the Kennerly judgment. Now the plaintiffs appealed. In June, 1953, the Supreme Court in a 4–3 decision ruled that the victims of the Texas City disaster could not collect compensation from the United States under presently existing laws. It was the ghost of the King of England again, as Mr. Justice Reed, who wrote the majority opinion, made evident. No finding of fact was made as to whether the Government had or had not been negligent in its handling of FGAN.

It may have been that when Congress passed the Torts Claims Act it had in mind compensation for such bush-league torts as accidents resulting from negligent operation of mail trucks or military vehicles. Certainly it attempted to protect the state specifically from liability for errors "in administration or in the exercise of discretionary function." Justice Reed and his confreres decided the Cabinet-level decision to institute the fertilizer program was a "discretionary act" and that, thus, the Government was immune to suit.

Mr. Justice Jackson, spokesman for the minority, disagreed in an indignant and caustic opinion. He had no doubt of the Government's negligence and said the court would certainly hold a private corporation liable in a similar situation. The "discretionary-act" thesis, he maintained, did not carry over to the Government's activities as a manufacturer and shipper. And if it were liable only for minor traffic accidents, he concluded, "the ancient and discredited doctrine that 'The king can do no wrong' has not been uprooted; it has merely been amended to read, 'The king can do only a little wrong.'"

Texas City victims applauded this eloquence, but their legal resources were exhausted. Clark W. Thompson, member of the House of Representatives from Galveston, a former marine colonel who himself had served as a volunteer worker during the disaster, immediately began a fight to compensate them by a special act of Congress. Hearings opened in November, 1953, and hopes brightened—only to give way to frustration and bitterness as the slow machinery on Capitol Hill ground its gears crankily and almost came to a halt.

But Congressman Thompson kept up the struggle, and eventually the bill was passed. President Eisenhower approved it on August 12, 1955. The Secretary of the Army was directed to investigate claims and to determine and fix the awards which should be made to disaster claimants.

The new law ruled out payments to underwriters and insurance companies, on the premise that they had taken a commercial risk. It put a top limit of $25,000 on death claims, personal-injury claims and property-damage claims. Attorneys' fees were to be paid out of the awards and limited to 10 per cent. Awards for compensation were to be determined by the practice and standards of the state of Texas.

After long years of waiting, the people of Texas City now got action. It was a challenging and unprecedented assignment for the office of the Judge Advocate General of the Army. Col. Alfred Bowman, chief of the claims division, organized, trained and dispatched a task force of thirty-eight officers to Texas City; the field commander was Lt. Col. Tom Marmon, a Lone Star Stater himself. Consultant was Maj. Gen. C.B. Mickelwait (Ret.), former assistant judge advocate general, who had followed the disaster litigation from the beginning.

Met at first by grim suspicion in a town disenchanted with Washington officialdom, the task force soon won praise for its fairness and sympathetic handling of claims. In a little more than a year 1755 cases were processed, 1394 awards were made, and Treasury checks totaling almost $17,000,000 were issued.

When the final case was processed in February of this year, Congressman Thompson paid a visit to the JAG center at Fort Holabird in Baltimore, Maryland. Speaking for his people, he congratulated the Army on its speed and efficiency, and described the whole operation as "a magnificent job in public relations."

Texas City today would seem strange to the Red Cross teams, the Eastern reporters and radio broadcasters who knew it only in its dire extremity. It has doubled in population and more than doubled in area; one way or another, it has assimilated into its corporate limits large clutches of once-open country which now boast housing developments. It has spent many millions on impressive schools and erected a handsome new city hall. The days of desperation seem long ago.

Shortly after the disaster, a dispossessed but doughty local merchant named Charles Lerman put up a frequently photographed sign beside his collapsed department store: WE'RE DOWN, BUT NOT OUT. Indeed, a month later and with a brand-new stock, Lerman was conducting his business from a Quonset hut. The sign was prophetic for Texas City. In ten years there has been a marked influx of new industry. At night glowing towers and flare stacks light the brackish meadows like a splendid Coney Island. The original Monsanto plant occupied thirty acres. Today's Monsanto's operating units and buildings cover 133 acres and the working force has tripled in size.

Not long ago I went to Texas City to talk to survivors and to get the firsthand information on which this article is based. For all its prosperity, the town still bears the stigmata of its agony and the scars of old wounds. In a back yard of First Street, deeply imbedded and bordered by shrubs, lies an immense section of the hull of the Grandcamp. The Texas City Terminal—where fifty employees were killed and 129 injured—weathered difficult financial years, but its prospects are bright again. New buildings have arisen, but the docks and warehouses which disappeared with the Grandcamp have not been replaced. A tall concrete grain elevator, pierced by a molten section of the High Flyer, still stands, but is not in use. The Terminal now concentrates on the shipment of oils and chemicals.

Reminiscence brought back to those interviewed the panic, uncertainty and heartbreak of a decade ago. It also brought back a justifiable feeling of civic pride,

for most of Texas City's residents acted with courage and generosity and self-reliance in the face of calamity. Local officials remained in complete control at all times; invocation of martial law was never even considered. Those who fought the fires, cared for the dead and sought to identify the unidentifiable literally had neither sleep nor change of clothing in many days. Their fealty to duty is not forgotten.

As a reporter, I was curious to discover how a community reacts when large amounts of Treasury money are suddenly siphoned into it, and I questioned three-score persons who received Government checks. Happily, I have no giddy extravaganzas to chronicle, none of the blunder and plunder and fool's-gold spending which makes the Irish Sweepstakes windfalls the tabloids' delight. Texas City again has reason for civic pride: the money has been handled sanely and soberly—as informed businessmen, bankers and lawyers all agree.

There are exceptional cases, of course, but not too many. I heard of one glowing pink automobile, but did not see it. I heard the phrase "living it up," but saw little evidence of carnival. Actually, the compensation voted by Congress—although the $17,000,000 total seems to bulk large—did not err on the side of liberality; a sign-off award of $25,000 for death or permanent injury is much less than usually arrived at in a jury trial. Top award on the Army records was $49,000. This represented compensation for the death of an earning husband and father, severe injury and prolonged hospitalization of his wife, and heavy property damage.

It seems that the next war is to be fought over disarmament.

JACK HERBERT

This part of the Texas City chronicle does not make high drama, but it makes heartening good sense. In the main, Government money has gone into the purchase of homes, savings accounts, investments looking toward college education for youngsters. Funds due orphaned children were put in escrow and can be disbursed only by permission of the courts, which have zealously and wisely safeguarded their interests.

Here are the stories of two of the many survivors I interviewed; their stewardship of compensation money is typical of the Texas City scene. Vern Linton, now fifty-one and night superintendent of the Monsanto plant, was on the top floor of a five-story building when the Grandcamp exploded. With crushed vertebrae, a badly torn arm and a useless leg that was later amputated, Linton escaped the approaching flames by sliding down the banister of a steel staircase to the fourth floor and then descending, hand over hand, by way of an outside water pipe. After that he crawled fourteen blocks to safety. Busted back, artificial leg and all, Vern Linton returned to work nine months later, and has missed only four working days in nine years. Vern's $25,000 Government check has gone into stocks and savings. Ultimately it will finance the medical education of his younger son. An older boy is already a mechanical engineer employed by an oil company.

Fred Grissom, a young engineer just graduated from the University of Texas, had risen from his drawing board and was standing by a window when the blast came. Glass blinded him, but somehow he reached street level. There he encountered a construction worker who could not walk. Their meeting is now a legend in Texas City. Fred Grissom furnished the legs and the lugging, and the construction worker furnished the eyesight. Both got to Galveston hospitals. Fred's right eye was removed, and later a cataract developed in his left eye. That required two operations, but with his one useful eye Fred has been continuously at work since May, 1950. He has acquired a pretty Louisiana wife, two promotions—he is now superintendent of utilities—and three engaging children. The $25,000 Treasury check has been used for a needed new car, stocks and bonds.

When I was in Texas City, doctors and civil-defense people were working on a plan for mass evacuation of the Houston-Galveston-Beaumont area in case of H-bomb attack, and lessons learned in the 1947 calamity were high on their slate. John Sealy in Galveston is the teaching hospital of the University of Texas Medical School and carried the heaviest part of the medical and surgical burden. The extraordinary efficiency of casualty care there is attributed by the hospital authorities to the fact that, in 1947, most of the medical faculty, the seventy-five residents and eighteen interns were former Army doctors who had served overseas.

Drs. Virginia Blocker and T. G. Blocker, of John Sealy, have made a survey of 3000 Texas City casualties who were in a 4000-foot radius of the explosion. More than one third of the patients had perforations of one or both eardrums. Only seven patients were treated for serious burns; burns occurred principally at the Monsanto plant, and were fatal burns. Fewer than fifty patients died in hospitals. There were seven instances of clinical gas gangrene but no deaths. Penicillin—then new to medicine—made the difference. The disaster almost exhausted the supply of the whole nation; two billion units of penicillin went there by air.

The passing of the years has in no wise watered down the gratitude the people of Texas City feel toward the Red Cross and the people of the nation who came to their aid in the time of trouble. Examined in retrospect, the performance of the Red Cross can be described as nothing less than superlative. Approximately 2000 families received financial assistance, and a few of them were a full or partial responsibility for several years. For a period of weeks 1400 homeless people were sheltered and fed at Camp Wallace, a wartime military establishment reopened for the emergency. In all, the national Red Cross spent $1,247,000.

The amount would have been much greater except for extensive benefits from other sources. Workmen's compensation helped many victims. All the larger industries in Texas City contributed liberally to relief. Then there were the heart-warming money gifts which, unsolicited, came in from the American people everywhere, reaching the amazing total of $1,068,000.

A local committee headed by Carl Nessler, businessman and onetime mayor, received and administered this Texas City Relief Fund. Unions, banking, business, industry and the clergy were represented on the committee. No money whatever was spent for overhead; even office space was donated. Every nickel went for good works. In examining the records, I discovered that the last check was issued on May 1, 1953. That closed the books.

There is a postscript to the story. Railroad cars carrying FGAN destined for Texas City were rerouted after the disaster. At Baltimore the FGAN was loaded on the SS Ocean Liberty. The vessel caught fire outside the harbor at Brest, France, on July 28, 1947. Twenty persons were killed and 500 injured. THE END