

## CULPABLE INEFFICIENCY IN THE PERFORMANCE OF DUTY

The 1934 Collision between the Battleship USS *Arizona* and the Dockton Purse Seiner *Umatilla*

By Richard Hall

COLUMBIA The Magazine of Northwest History, Summer 2004: Vol. 18, No. 2

---

During the moonlit early morning hours of July 26, 1934, in calm waters off Cape Flattery, the battleship USS *Arizona* sliced through the purse seiner *Umatilla*. Two lives were lost in the collision, causing both mourning and accusations from the ethnically mixed community of Dockton on Vashon-Maury Island. The details of the incident and subsequent naval court of inquiry were major news events in western Washington.

Among the nine fishermen aboard the ill-fated *Umatilla* were Arnold and Lauritz Halsan, the sons of Norwegian immigrant parents. Their father, Adolf Halsan, had departed from Trondheim in 1892 bound for the Columbia River fishing village of Astoria, Oregon. In Astoria, as he had done in Norway, Adolf continued to seek his livelihood from the sea.

In 1908 Adolf moved his young family north to Puget Sound where they settled in the Norwegian and Croatian fishing community of Dockton, on Vashon-Maury Island. Both Arnold and Lauritz were born in Dockton and inherited their father's attachment to the sea.

In May 1934 the Halsan brothers signed on as crew members aboard the Dockton-based *Umatilla*, a 58-foot purse seiner owned by Peter Petrich and piloted by Lucas Plancich. The Norwegian and Croatian names of Halsan, Ongstad, Landers, Plancich, Beretich, Usorac, Franicevich, and Kranjcevich attest to the ethnic mix of the *Umatilla*'s crew and the Dockton community.

The *Umatilla* was to spend the summer engaged in fishing in the ocean waters of the *Swiftsure* fishing banks north and west of Cape Flattery near the entrance to the Strait of Juan de Fuca. The procedure for fishing these waters required a predawn departure from Neah Bay. In the darkness of the early morning hours navigational bearings for the fishing banks were provided by the Tatoosh Lighthouse and *Swiftsure* Lightship. To obtain an accurate bearing of these two lights it was necessary to cross the "steamer lane." This could be a dangerous maneuver as the "steamer lane" was the route taken by freighters, military vessels, and other large ships to either enter or exit the Strait of Juan de Fuca. In the often foggy predawn darkness this crossing, done without radar in the 1930s, involved considerable risk.

At about 1:30 in the morning, in the darkness of Thursday, July 26, the *Umatilla* left Neah Bay. Half an hour later the *Emblem*, a purse seiner that often fished with the *Umatilla*, left its Neah Bay moorage. The *Emblem*, a relatively fast seiner, soon caught up with the slower *Umatilla* and then followed the *Umatilla* in a parallel tandem alignment as the two boats set a west-by-northwest course to the *Swiftsure* Lightship. Lauritz Halsan was among the seven crew members sleeping in their bunks below deck while the boat's captain, Lucas Plancich, piloted the *Umatilla*

toward the fishing banks. Dragutin Beretich was stationed on the bow deck, serving as a lookout while the *Umatilla* crossed the shipping lanes.

With the engine running smoothly and propelling the *Umatilla* to near its top speed of six knots, Arnold Halsan went to Lauritz's bunk to wake him for the lunar eclipse that would take place shortly. Arnold shook his sleeping brother, but Lauritz only stirred briefly, muttered a few choice obscenities in Norwegian and remained in his bunk. Arnold then went above deck and viewed a clear sky with a full moon positioned low on the horizon. It was too early for the partial lunar eclipse scheduled for 3:54, so Arnold retired to the boat's head (bathroom). He was in the head at 2:20, at which time the *Umatilla* and *Emblem* were approximately four miles from Neah Bay at a position three miles east of the Tatoosh Lighthouse and two miles off the Cape Flattery coast. The sea was calm with patches of fog -moving in from the Pacific. It was a clear, moonlit night with the lights from the Tatoosh Lighthouse clearly visible. Suddenly, the USS *Arizona* emerged without any auditory or visual signals. Lucas Plancich had no warning of the ship's approach—his rude introduction was the sound of wood splintering and the shock of a collision that threw him from the wheel onto the pilot house floor. The *Umatilla* had been hit on the starboard side near the stern. The *Arizona* had sliced completely through the purse seiner, shearing off 15 feet of its stern.

The *Arizona* had left the Bremerton naval shipyard a few hours earlier. She headed westward through the Strait of Juan de Fuca at 14 knots and approached the shipping lanes near Cape Flattery. Near the Tatoosh Lighthouse fishing boat lights were sighted from the *Arizona*'s bridge. Captain Macgillivray Milne, who had been resting, now took the helm. A group of approximately 30 boats to the port, or shore side, of the *Arizona* were headed east, away from the battleship, but two lights separated from the group. The two distinct boat lights remained in sight forward of the battleship's bow and slightly to the port. Despite two seiners in close proximity to the battleship, Captain Milne did not sound the ship's horn, slow its speed, or change course. The *Arizona*, closing rapidly, approached the *Emblem* and *Umatilla* from their sterns. The *Emblem*, approximately 400 yards to the stern of the *Umatilla*, was closest to the *Arizona*. The *Arizona* was sailing at a course destined to collide with both purse seiners. Just as the *Arizona* was about to collide with the *Emblem*, warning whistles were sounded. Finally sighting the battleship, the *Emblem* turned sharply to port and the *Arizona* passed within 50 feet. A collision had been narrowly averted, but the *Umatilla* was not as fortunate.

Lucas Plancich smashed the pilot house window to escape and saw his crew struggling through a broken skylight to free themselves from the doomed boat. One of the survivors, John Kranjceovich, gave this account:

*We were all trapped below. The first thing we knew was an awful crash and the Umatilla rolled away over on her side. We all picked ourselves up and started for the engine room companionway—to be met and hurled from our feet by a solid wall of sea water which came roaring down upon us. Someone smashed the skylight. We began crawling out on deck.... I guess the two men who didn't get out were trapped and hurt in the awful dark confusion of struggling bodies and floating wreckage and bedding on the forecastle floor.*

Lauritz Halsan and John Usorac were unable to escape.

In the boat's head, Arnold Halsan felt the boat shudder and shake. Almost instantaneous with the sudden movement came the sound of the cracking and crunching of wood followed by the swooshing sound of water. The *Umatilla* tilted sharply to port and water began to rush through the door into the head. The water immediately engulfed Arnold, and as he was swept out of the

head he saw a huge gray shape directly above him. In the water, it appeared to Arnold that the great gray hulk was going over him. The water rushing over the deck, the crunch of wood, and the huge gray hull were the last things Arnold recalled clearly until seeing flares in the waters lit by searchlights from a great gray ship.

Arnold clambered through water and debris to the starboard railing. The forward two-thirds, or bow portion, of the *Umatilla* was listing to port. The starboard railing was tilted high above the water, and there Arnold was joined by Dragutin Beretich and four crew members who had escaped from below deck through the broken skylight. When it became obvious that John Usorac and Lauritz Halsan were trapped below deck, Arnold became hysterical and dove into the water in a desperate attempt to free them. He was unsuccessful.

The *Arizona* reacted immediately to the collision by reversing its engines and lowering two lifeboats, but it was the *Emblem* that picked up the survivors. Captain Milne ordered a brief coded message radioed to the Thirteenth Naval District Headquarters in Seattle, informing his superiors of the incident. After watching the *Emblem* retrieve the survivors and begin to tow the damaged boat toward Neah Bay, the *Arizona* continued on its voyage to San Pedro in Los Angeles as though nothing had occurred.

Although two men had drowned and a boat had been sliced in two by the battleship, the engineer's logbook for the *Arizona* made only one enigmatic statement, "At 02:21 stopped and back full to pick up a man overboard." The battleship had left the scene of the collision and was heading around Cape Flattery toward open waters. By one o'clock in the afternoon of July 26, the *Arizona* was sailing in a southerly direction in the Pacific waters off the Washington coast. Captain Milne was determined to leave Cape Flattery and the collision far behind.

The *Arizona* steamed away, even as the *Emblem* began the difficult task of towing the partly submerged segments of the *Umatilla* back to Neah Bay. In the hold of the bow portion of the *Umatilla* were the trapped bodies of Lauritz Halsan and John Usorac. The *Emblem* made little headway towing the *Umatilla*, so a cannery tender, *Buddy*, was sent out from Neah Bay to relieve the *Emblem* of towing duties. The *Buddy* was able to tow the *Umatilla* to Neah Bay where it was beached. The grim task of searching the *Umatilla*'s hold could now begin.

The bodies were discovered in the sleeping quarters below deck near the engine room. In Lauritz's pocket was a return ferry ticket to Vashon Island.

The survivors of the *Umatilla* were cold and shivering when brought aboard the *Emblem*. They were immediately wrapped in blankets and given coffee. All had suffered bruises and abrasions, but two of the *Umatilla* survivors had suffered serious injuries. It was necessary to transport Frank Franicevich and Ivan Kranjcevich to a marine hospital in Anacortes.

While the crews of the *Emblem* and *Umatilla* struggled with the aftermath of the collision, Captain Milne, aboard the *Arizona*, exchanged messages with the district headquarters in Seattle. Upon receiving the brief initial message radioed by the *Arizona*, the district command responded immediately, demanding a more detailed report from Captain Milne. Was the *Umatilla* still afloat? Had bodies been recovered? Had an investigation of the incident been conducted and, if so, what were the conclusions? Captain Milne replied with a coded radio message summarizing his interpretation of the event. This message would outline the legal basis for a defense of Milne's decisions:

*[The] fishing vessel, Umatilla, two points on port bow drawing aft and apparently well clear suddenly altered course to starboard within 1,000 yards of Arizona. Sounded warning whistle and attempted to turn Arizona starboard but too late to avoid collision at 02:20.*

The message continued, stating that lifeboats had been lowered and the *Arizona* had remained at the accident until the *Umatilla* was observed being towed toward shore. The *Arizona* had failed to conduct an investigation "because available witnesses spoke only broken English."

The district command was not satisfied with Captain Milne's response and radioed back a coded message. Was a board of investigation being convened, as required by navy protocol, to investigate the collision? From the *Arizona*, now sailing at full speed down the Pacific Coast, Captain Milne radioed back, "On account of great delay involved in securing testimony of non-English-speaking witnesses and the importance of carrying out present schedule, Board of Investigation was not convened on board *Arizona*." Captain Milne was determined to get the *Arizona* on the high seas headed south to San Pedro. His priorities apparently did not include dealing with immigrant fishermen.

The district command thought differently. Their next message ordered the *Arizona* to proceed to Seattle where a court of inquiry would investigate the collision. The navy expected a short inquiry that would allow the *Arizona* to "rejoin the fleet as soon as possible."

The *Arizona* accepted the orders and informed Seattle the battleship would arrive back in Neah Bay at two in the afternoon (14:00) on July 28 "and try to obtain witnesses...but believe witnesses are in Seattle." The *Arizona* still resisted a return to Seattle and recommended the court of inquiry "proceed first to Neah Bay for inspection [of] *Umatilla*, [take] testimony [from] all witnesses available, and then proceed [to] Seattle if necessary in [the] *Arizona*." The Thirteenth Naval District did not concur, and the *Arizona* reluctantly sailed to Seattle.

The collision had resulted in two confirmed civilian deaths. The deaths alone were sufficient cause for the navy command to call into session the infrequently used court of inquiry, but public opinion was an additional factor supporting this decision. Upon learning of the collision, the *Seattle Post-Intelligencer* had immediately sent a photographer and reporter by plane to Neah Bay.

The front page newspaper article under the byline of Marvin Badcom was critical of the *Arizona*, stating, "the huge battleship, charging through calm waters on her way out of the straits sheared off the stern of the fishing boat. Two men were trapped and drowned in the hold of the Seattle purse seiner *Umatilla*, rammed by the USS *Arizona* at sea off Cape Flattery." The inside pages of the *P-I* contained photos of Halsan, Usorac, and the severed remains of the *Umatilla*, a telephone interview with Lucas Plancich, and an article describing the impact of the incident on the families of Usorac and Halsan and Vashon's fishing community. Lucas Plancich, in a telephone interview from Neah Bay, spoke of a clear, calm, moonlit night when disaster struck. He stated, "Two of my men lie dead in the hold of the *Umatilla* where they were trapped like rats in one of the most astounding accidents of the sea I ever heard of." The article on the Dockton fishing community described the pregnant widow of John Usorac as being poverty stricken, with her shoeless children dressed in rags. The women comforting Mrs. Usorac were presented as "shod in tennis shoes, broken out at the toes." The *P-I* articles were a clear sign that the navy faced a Seattle press that was very critical of the *Arizona*'s actions. The navy would have to respond with a credible investigation that assigned responsibility for the tragedy. Both the navy and the public wanted answers.

The circumstances and facts of the incident pointed to major errors committed by Captain Milne. Weather was not a factor since the sea was calm and visibility good. In an area frequented by fishing boats, it would have been prudent for the battleship to sound its horn frequently, but the *Arizona* failed to give either an auditory or visual warning signal as it approached the *Emblem* and *Umatilla*. The only warning whistles issued by the *Arizona* were sounded just prior to the near miss with the *Emblem* and the subsequent collision with the *Umatilla*—too late to avoid a disaster. The course navigated under Captain Milne's orders was dangerously close to fishing boats, and despite open sea to starboard, away from the Cape Flattery shoreline, Milne refused to change course. The *Arizona*'s navigators apparently believed the running lights of the *Emblem* and *Umatilla*, which were traveling nearly single file, to be the lights of a single ship. However, this rationale failed to explain why the *Umatilla* was rammed in its stern.

The Halsan brothers' father, Adolf Halsan, in an interview with a *P-I* reporter, succinctly summed up criticisms of the *Arizona*'s actions.

*It's those damn battleships, they run them full speed without any respect for the little fellow. If you try to turn out of their way, they'll charge that you changed your course and made the collision inevitable. I know. I've had experience with them. They don't have sailors aboard those ships.*

The collision resulted in the establishment of a court of inquiry as well as the immediate filing of civil actions. On July 27 a lawsuit was filed on behalf of Peter Petrich, the *Umatilla*'s owner, against the United States government for admiralty damages. On July 30 claims for damages resulting from the wrongful deaths of Halsan and Usorac were filed in Federal District Court in the Western District of Washington. The civil lawsuits were filed quickly, before the *Arizona* could put into a port outside Washington State's jurisdiction.

While civil actions were being filed, an official United States Navy Court of Inquiry was being summoned. The telegraphed dispatch of July 28, from Vice Admiral T. T. Craven, commander of Battleships, Battle Force of the United States Fleet, to F. H. Saddler, commanding officer of the USS *Pennsylvania*, clarified the navy's decision in the *Umatilla* incident.

*Priority 0027 Court of Inquiry consisting of Captain F. H. Saddler, President, and Commanders W. K. Kilpatrick (USS Pennsylvania) and J. S. Lowell (USS Nevada) as additional members and of Commander R. A. Lavender (USS Nevada) as Judge Advocate, is hereby ordered to convene as soon as practicable for the purpose of inquiring into circumstances attending the collision between Arizona and fishing vessel Umatilla that occurred at about 0200 on 26 July near Cape Flattery, Washington.*

*The Court will thoroughly inquire into the matter hereby submitted to it and will include in its finding a full statement of the facts it may deem to be established and will give its opinion and recommend further proceedings provided in section 10:44 Naval Courts and Boards.*

This message provided the legal precept for a naval court of inquiry to investigate and assign responsibility for the collision between the *Umatilla* and *Arizona*. The court of inquiry investigating the *Arizona-Umatilla* collision consisted of three navy officers—Captain Saddler, Commander Kilpatrick, and Commander Lowell. The court's assigned legal counsel, Judge Advocate Commander R. A. Lavender, under the supervision of Captain Saddler, was responsible for presenting evidence and questioning witnesses in a manner that followed proper legal procedures. Following the presentation of all the evidence and testimony, the court of inquiry, after deliberation, would issue findings of fact, opinion, and recommendations. The court of

inquiry's convening officer, Vice Admiral T. T. Craven, could then either follow or disregard the court's recommendations.

The naval court of inquiry has no counterpart in the federal or state court systems. It is a hybrid of the grand jury and civil trial procedures. Each member of the court of inquiry can directly question the witnesses, and the court members collectively render a final judgment. The court of inquiry can, like a grand jury, indict or recommend a court-martial. However, unlike a grand jury, persons designated by the court as defendants or interested parties are allowed representation by counsel. The attorneys representing the defendants and interested parties are allowed to cross-examine witnesses and give a final statement to the court. In federal or state grand jury proceedings, lawyers are not allowed such direct involvement nor are defendant-plaintiff designations made.

There was a sense of urgency and necessity to quickly settle the matter of the *Arizona* and *Umatilla*. Vice Admiral Craven called for a naval court of inquiry as soon as practical. Following the Sunday burials of Lauritz Halsan and John Usorac, the proceedings convened on Monday morning, July 30, aboard the USS *Arizona*.

After the precepts were read, court members sworn in, and other procedural matters attended to, the first witness, *Umatilla* owner Peter Petrich, was called to testify. Petrich's testimony provided the legal basis for the court to identify Captain Macgillivray Milne as the defendant and Peter Petrich as the interested party, or plaintiff.

On July 31, the second day of the court of inquiry, Arnold Halsan was called to testify. The navy lawyers representing Captain Milne questioned Arnold extensively about the *Umatilla*'s running lights. One of Arnold's responsibilities as first engineer was to assure that the running lights were operating properly. The defense lawyers in their cross-examination of Arnold attempted, without success, to prove that not all of the lights were operating properly. The defense also attempted to place Arnold on the *Umatilla*'s deck prior to the collision. If Arnold was on the deck at that time he would have seen the *Arizona*. Arnold maintained under critical questioning that he was in the fishing boat's head prior to and at the time of the collision and that his first sighting of the *Arizona* was when he was swept out of the head and onto the deck by rushing waters caused by the collision. When a defense lawyer pointed out that by Arnold's testimony his visit to the head lasted at least 20 minutes, Arnold responded, "I didn't think I was in there that long." This exchange provided some levity during an otherwise serious court of inquiry.

Arnold Halsan, Lucas Plancich, and Dragutin Beretich were the only *Umatilla* crew members called to testify. Each of three men testified on two different days or sessions. Of the trio, Arnold Halsan and Lucas Plancich were grilled the most extensively by defense lawyers.

The primary allegation or premise of defense was that the *Umatilla* had, immediately prior to the collision, made a radical change of course, cutting in front of the *Arizona* and thus causing the collision. The defense also attempted to prove that the *Umatilla* crew had seen the *Arizona* prior to the collision, had an inadequate lookout system and had improper running lights. The testimony of Plancich and Halsan was crucial to each of these premises.

The court of inquiry continued for seven straight days. Except for the third and seventh sessions, all were held aboard the *Arizona* in its Elliott Bay anchorage. The third session, on August 1, was held at Neah Bay where the court inspected the remains of the *Umatilla*. The seventh and last session was held on August 8 aboard the USS *Pennsylvania* at its Bremerton anchorage. The testimony given that day was for the purpose of determining the value of the *Umatilla* and the

dollar amount of damages suffered. This session was anticlimactic as the final arguments had already been given during the two previous sessions.

Following court protocol, the defense was given the opportunity to make the first closing argument. The key assertion made by the defense was that the *Umatilla* had caused the accident by suddenly turning to the starboard, or right, and crossing in front of the *Arizona*'s bow. According to the defense, the *Umatilla*'s incompetent lookout system resulted in the fishing boat's failure to see the *Arizona*, which led to the sudden ill-fated turn to starboard. Support for the defense allegations was provided by the testimony of navy officers who observed the collision from the *Arizona*'s bridge. The defense concluded that the *Umatilla* should be judged responsible for the collision. This was the argument Adolf Halsan had predicted the navy would make: "If you try to turn out of their way, they'll charge that you changed your course and made the collision inevitable."

A secondary argument put forth by the defense lawyers in an attempt to remove the *Arizona*'s command from responsibility for the collision was the alleged nonconformity of the *Umatilla*'s running lights. The defense argued that improper running lights had denied Captain Milne the assistance required by law to avoid a collision; therefore, Captain Milne should be absolved of responsibility because of the *Umatilla*'s "neglect and failure" to comply with Article 10 of the applicable navigation rules.

Following the defense presentation, Sam Wright, the counsel for Peter Petrich and the *Umatilla*'s crew, stood and approached the court of inquiry officers. Wright argued, using complex data that included the respective sailing speeds of the *Arizona* and *Umatilla* and their course settings, that the *Arizona* as the overtaking vessel was on a collision course unless it changed direction to the starboard toward open seas. Wright further alleged that Captain Milne had acted irresponsibly by not ordering the *Arizona*'s horn to be sounded intermittently, sailing speed reduced, or course altered while in the presence of many small fishing vessels. Wright also emphasized that the testimony of the *Emblem*'s crew members noted no change in the *Umatilla*'s course immediately prior to the collision. Their testimony refuted the claims of *Arizona* witnesses. Wright ended his closing statement declaring that the *Arizona*'s failure to take the proper precautions could only have one result: "...that this vessel, traveling at great speed, got up too close for proper maneuvering and hit the vessel ahead."

After considerable deliberation the three-officer court of inquiry reconvened aboard the USS *Pennsylvania*. With all parties in attendance, the naval court of inquiry charged with inquiring "into the circumstances surrounding the collision between the USS *Arizona* and the purse seiner *Umatilla*," read its findings of fact.

Many of the items in the court's findings created serious problems for Captain Milne's defense. The court of inquiry found as fact that the *Arizona* did not slow her speed as she approached the *Emblem* and *Umatilla*. The *Arizona* also failed to "sound the whistle signals prescribed for a passing steamer when approaching the *Umatilla*." Instead, the battleship had only sounded warning whistles immediately prior to the collision. Finally, the *Arizona* was found to be "with respect to the *Umatilla*, an overtaking vessel." This last finding placed certain responsibilities on the *Arizona*. Unless the *Umatilla* had suddenly changed course and crossed in front of the battleship, the *Arizona* as the overtaking vessel would bear at least partial responsibility for the collision. Notable for its absence from the list of 35 findings was a statement declaring the *Umatilla* to have suddenly changed course sharply to the starboard (north), causing it to cross the bow of the *Arizona*.

Based on its findings of fact, the court of inquiry developed an opinion with 20 elements. The opinion was now read to those assembled. The elements led to the conclusion that the *Umatilla* had remained on a constant course from its first sighting by the *Arizona* until the collision. The testimony from *Arizona* crewmen claiming to have observed a change in the *Umatilla's* course was discounted as "rough estimates and of doubtful accuracy."

Without support for the claim of a last-minute change of direction by the fishing boat, the hopes of Captain Milne's defense rested on whether the *Umatilla's* navigation lights had operated correctly in the early morning hours of July 26. Those hopes were dimmed when the court held that all of the *Umatilla's* navigation lights had been operating. As to the purse seiner's lack of compliance with Article 10 of the navigational rules, the court discounted its significance. The *Umatilla* had failed to meet Article 10 criteria on at least two items. First, the stern light was not screened so as to focus light on an arc of 12 compass points visible for a distance of one mile and, second, it was not placed on a level with the running lights. Even so, the court of inquiry ruled, "If the white light had been screened it would have afforded no additional information to the *Arizona* until the collision (at the speed the *Arizona* was traveling) was unavoidable."

The court of inquiry also found the actions taken by Captain Milne to have been insufficient to avoid a collision. The hard right rudder command was given too late. The warning whistles were also ineffective as wind conditions caused them to be inaudible aboard both the *Umatilla* and *Emblem*.

These opinions led to the inescapable conclusion "that Captain Macgillivray Milne, U.S. Navy, was at partial fault for the collision between the *Arizona* and the *Umatilla*" and had "erred in not taking seasonable action." The court of inquiry in item 19 was even more specific as to Captain Milne's culpability.

*That Captain Macgillivray Milne, now a captain, U.S. Navy, was inefficient in the performance of his duty while so serving aboard the USS Arizona...in that he did then and there fail to issue and see effected such timely orders as were necessary to cause the said ship Arizona to keep out of the way of said fishing vessel, which was the overtaken vessel, as it was his duty to do.*

This opinion was damning to Captain Milne. A court-martial was now a very real possibility. His defense lawyers had tried but failed, contrary to Adolf Halsan's prediction, to convince the court that blame for the collision rested with a fishing vessel manned by the sons of immigrants.

The *Umatilla* was not held blameless. In the court's opinion, Lucas Plancich had "erred in not requiring a good lookout to be kept, as was done on the *Emblem*," and was, therefore, partially responsible for the collision. This opinion was significant in regard to any future damage awards. If partial blame was affixed to the *Umatilla* it would become more difficult to win a reasonable damage award for the boat owner, but it might not significantly impact personal damage awards for surviving crew members or the Halsan and Usorac estates.

However, the court of inquiry's opinion, holding the *Umatilla* partially responsible for the collision, did not release Captain Milne of culpability. The court of inquiry's findings of fact and opinion had placed Captain Milne's naval career in jeopardy. The court's recommendations gave credence to that assumption: "that the commanding officer of the *Arizona*, Captain Macgillivray Milne, United States Navy, be brought to trial by general court-martial on the charge of I Culpable Inefficiency in the Performance of Duty."



Although not unexpected, this was still a stunning recommendation. The navy had finally taken seriously the arrogance shown by navy commanders in the area off Cape Flattery. Navy ships could no longer disregard small fishing vessels and, when a collision occurred, expect to hold the fishing boat responsible. It had cost two lives, but the navy would now operate more carefully in this waterway congested with fishing boats.

The court of inquiry's findings of fact, opinion, and recommendation were then sent to Vice Admiral Craven. Upon receiving these rulings the vice admiral had a duty to act on the recommendations—either to order the court-martial as recommended, impose an alternative disciplinary action upon Captain Milne, or completely set aside the findings and recommendations. On September 5, 1934, Craven issued his decision in a dispatch sent to the judge advocate general of the Department of the Navy, directing that "Captain Macgillivray Milne, U.S. Navy, will be brought to trial by general court-martial on the charge recommended by the court."

Milne's court-martial was held aboard the *Arizona*. On October 29, 1934, a dispatch was sent from Washington by Admiral C. C. Bloch, the navy's judge advocate general, to Captain Milne, finalizing the decision made in his court-martial:

"The general court-martial before which you were tried on board the USS *Arizona*, found you guilty of 'Culpable Inefficiency in the Performance of Duty' (as commanding officer failing to issue necessary orders to prevent collision), and adjudged the following sentence: "The court, therefore, sentences him, Macgillivray Milne, captain U.S. Navy, to lose three (3) numbers in his grade."

Milne received the dispatch in his quarters where he was held under arrest awaiting his sentencing. Under the sentence imposed, he would retain his captain's rank, but being reduced three numbers meant that three officers below him would be promoted before he could be considered for a promotion. Under these restrictions, Captain Macgillivray Milne was directed to be released from custody and restored to active duty.

In his early 50s, Milne had been poised to either advance to rear admiral or finish his career in a distinguished fashion as a battleship commander. That was not to be. Milne's lapse in judgment during the predawn hours of July 26, 1934, marred what had been a successful 35-year navy career. In 1936 Milne was appointed naval governor of American Samoa. From 1936 to 1938 he administered what was essentially a coaling station in the South Pacific, but never again would Macgillivray Milne captain a ship of the United States Navy.

---

*Arnelle Halsan Hall is the daughter of Arnold Halsan and Lauritz Halsan's niece. Her husband Richard Hall is a vocational specialist whose interest in family history led him to research and write about the Umatilla-Arizona incident. The Halls live near Coupeville on Whidbey Island.*