

EXHIBIT NO. 107A

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XVITHE FINDINGS, CONCLUSIONS AND ACTION
BY THE SECRETARY OF THE NAVY(A) Findings, Conclusions and Order.

On 13 August 1945 Secretary of the Navy James Forrestal, in his fourth endorsement to the record of proceedings of the Pearl Harbor Court of Inquiry made the official findings and conclusions of the Navy Department, and his order as Secretary assessing responsibility for the Pearl Harbor disaster.

The endorsement of 13 August 1945 that was signed by Secretary Forrestal has had deleted from it certain "TOP-SECRET" matter since, pursuant to the direction of the President, the findings and conclusions were to be made public. The endorsement with deletions therefrom was made public by the President on 29 August 1945.

The complete endorsement of Secretary Forrestal containing the findings, conclusions and action of the Navy in respect to the Pearl Harbor disaster is as follows:

" 1. Pursuant to Executive Order dated 18 December 1941, a commission headed by Mr. Justice Owen J. Roberts conducted an investigation into the facts surrounding the Japanese attack on Pearl Harbor. The commission reported its findings on 23 January 1942. The commission concluded in part that:

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"17. In the light of the warnings and directions to take appropriate action, transmitted to both commanders between November 27 and December 7, and the obligation under the system of coordination then in effect for joint cooperative action on their part, it was a dereliction of duty on the part of each of them not to consult and confer with the other respecting the meaning and intent of the warnings, and the appropriate measures of defense required by the imminence of hostilities. The attitude of each, that he was not required to inform himself of and his lack of interest in, the measures undertaken by the other to carry out the responsibility assigned to such other under the provisions of the plans then in effect, demonstrated on the part of each a lack of appreciation of the responsibilities vested in them and inherent in their positions as commander in chief, Pacific Fleet, and commanding general, Hawaiian Department."

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2. Pursuant to precept of the Secretary of the Navy dated 12 February 1944, Admiral Thomas C. Hart, USN (Retired), conducted an examination of witnesses having knowledge of facts in connection with the Japanese attack. Admiral Hart completed his examination on 15 June 1944.

3. Public Law No. 339, 78th Congress, approved 13 June 1944, directed the Secretary of War and the Secretary of the Navy, severally, to proceed forthwith with an investigation into the facts surrounding the Pearl Harbor catastrophe, and to commence such proceedings against such persons as the facts might justify.

4. A Court of Inquiry, consisting of Admiral Orin G. Murfin, USN (Retired), Admiral Edward C. Kalbfus, USN (Retired), and Vice Admiral Adolphus Andrews, USN (Retired), with Commander Harold Biesecker, USN, as Judge Advocate, was appointed on 13 July 1944. The Court was directed to convene on 17 July 1944, or as soon thereafter as practicable, for the purpose of inquiring into all circumstances connected with the attack made by Japanese forces on Pearl Harbor, Territory of Hawaii, on 7 December 1941; to inquire thoroughly into the matter, and to include in its findings a full statement of the facts it might deem to be established. The Court was further directed to state its opinion as to whether any offenses were committed or serious blame incurred on the part of any person or persons in the Naval service, and, in case its opinion was that offenses had been committed or serious blame incurred, to recommend specifically what further proceedings should be had.

5. The Court of Inquiry commenced its proceedings on 31 July 1944, and submitted the record of its proceedings on 20 October 1944. Certain portions of the record of proceedings before the Court, including the findings and opinion of the Court, have been classified "TOP SECRET," and the balance "SECRET."

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6. The net result of the findings of fact and opinion of the Pearl Harbor Naval Court of Inquiry, as reviewed by Judge Advocate General of the Navy, and the Commander in Chief, U. S. Fleet and Chief of Naval Operations, and by me, was that the evidence secured by the Court did not warrant and would not support the trial by general court martial of any person or persons in the Naval Service.

7. In my Third Endorsement to the Record of Proceedings of the Pearl Harbor Court of Inquiry, dated 1 December 1944, I found that the evidence obtained indicated that there were errors of judgment on the part of Admiral Kimmel and Admiral Stark, but that the investigation had not gone to the point of exhaustion of all possible evidence. Accordingly, I directed that further investigation would be conducted by an investigation officer and that pending the completion of the necessary further investigation I would withhold decision as to the institution of any proceeding against any naval officer involved.

8. In order to insure that the further investigation would cover every material question, I directed that a thorough review be made of the prior investigations and that an appropriate summary of all information developed in the prior Naval investigations be prepared. Upon the completion of this review of prior investigations and after examination of the report of the Army Pearl Harbor Board, dated 3 December 1944, I appointed Admiral H. Hewitt, USN, as investigating officer, and John F. Sonnett as counsel to examine such witnesses and obtain such other evidence as might be necessary in order fully to develop the facts in connection with the Japanese attack on Pearl Harbor. The further investigation directed by my precept of 2 May 1945 was completed on 12 July 1945 and the report by Admiral Hewitt was forwarded to the Judge Advocate General and the Commander in Chief, United States Fleet and Chief of Naval Operations for recommendation and comment.

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9. In his Second Endorsement to Admiral Hewitt's Report of further investigation, dated 10 August 1945, the Judge Advocate General advised, among other things, that he did not believe that there was sufficient evidence to warrant conviction of any of the officers concerned of any offense known to Naval Law; that the evidence indicated that the officers in question lacked superior judgment rather than being guilty of culpable inefficiency; and that "lack of superior judgment" is not an offense triable by general court martial. The Judge Advocate General further advised in his Second Endorsement that: "I am of the opinion that any such court-martial proceedings prior to the end of hostilities with Japan is highly impractical and would be detrimental to the war effort, and further, that any such proceedings during the six months immediately following the end of hostilities would seriously impair the efficiency of the Naval service." Notwithstanding the difficulties pointed out by him, the Judge Advocate General was of the opinion, however, that the Navy Department is morally obligated to order Admiral Kimmel tried by general court martial should Admiral Kimmel so insist. The Judge Advocate General recommended that Admiral Hewitt's investigation be made available to Admiral Kimmel and his counsel; that Admiral Kimmel be informed that he is free to make public anything contained in this record and in prior records as soon as that may be done without prejudice to the public interests; and that if Admiral Kimmel insists, a general court martial should be convened to try him for any alleged offenses he may have committed on or before 7 December 1941.

10. In the Third Endorsement to Admiral Hewitt's report, dated 13 August 1945, the Commander in Chief, U. S. Fleet, concurred generally in the remarks and recommendations of the Judge Advocate General and expressed the opinion that the evidence was not sufficient to warrant trial by court martial

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of any person in the Naval service in that it would not sustain the charges required by the Articles for the Government of the Navy; that with regard to the sufficiency of the evidence to warrant other proceedings, the Commander in Chief, U. S. Fleet was still of the opinion that Admiral Stark and Admiral Kimmel, although not culpable to a degree warranting formal disciplinary action, nevertheless lacked the superior judgment necessary for exercising command commensurate with their duties, and that appropriate action, consisting of the relegation of these officers to positions in which lack of superior judgment might not result in future errors, had been taken as to Admiral Stark and Admiral Kimmel, and stated that no further action was recommended. The Commander in Chief, U. S. Fleet, also advised, in the Third Endorsement, that in any event he considered it impracticable to bring Admiral Stark or Admiral Kimmel to trial prior to the termination of hostilities with Japan because such proceedings would almost certainly involve disclosure of information which would be detrimental to current military operations and to national security measures. He concurred in the opinion of the Judge Advocate General that the Navy Department is morally obligated to order Admiral Kimmel to trial before a general court martial should Admiral Kimmel so insist, but stated that this action should not be taken until after the completion of hostilities with Japan. He concurred in the further suggestions of the Judge Advocate General that Admiral Hewitt's investigation be made available to Admiral Kimmel and his counsel and that Admiral Kimmel be informed that he is free to make public anything contained in this record and in prior records as soon as that may be done without prejudice to national security.

11. The comments of the Judge Advocate General and of the Commander-in-Chief, U. S. Fleet and Chief of Naval Operations, in their endorsements to the Pearl Harbor Court of Inquiry record, and in their endorsements to the

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report by Admiral Hewitt, are approved subject to the following remarks:

(a) Court of Inquiry Finding II (1156). This finding states, in substance, that the presence in Pearl Harbor on 7 December 1941 of Task Force One and the battleships of Task Force Two was necessary.

The essential point here rests in Admiral Kimmel's statement to the effect that he would not have had the Fleet in Pearl Harbor had he anticipated an air attack. The Second Endorsement indicates that the Commander in Chief, U. S. Fleet, does not entirely "go along" with the opinion of the Court that the information available to Admiral Kimmel did not require any departure from his operation and maintenance schedules. The Commander in Chief, U. S. Fleet, states further in this connection that Admiral Kimmel could have rotated the "in port" periods of his vessels in less routine manner, so as to have made it impossible for the Japanese to have predicted when there would be any vessels in port, and that this would have made the Japanese task less easy. I concur in the comments of the Commander in Chief, U. S. Fleet, as to this finding.

(b) Court of Inquiry Finding III (1156) This finding states that, "Constitutional requirements that war be declared by Congress . . ." make it difficult to prevent an attack and precluded offensive action as a means of defense, and that Admiral Kimmel had the responsibility of avoiding overt acts.

The Commander in Chief, U. S. Fleet, comments that this gives an unscrupulous enemy a great advantage, and that the Constitutional requirement preventing offensive action as a means of defense was a definite handicap. It does not appear that there was any proximate casual relationship between the Constitutional requirement and the instant disaster. The Constitutional inhibition

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and the injunction as to overt acts did not preclude either long distance reconnaissance or a sortie by the Fleet. Further, it appears that prior to 7 December 1941, Admiral Kimmel did not regard this Constitutional provision or his responsibility to avoid overt acts as sufficient to prevent the issuance of orders to bomb unidentified submarines found in operating areas.

(c) Court of Inquiry Finding IV (1159). This states That Admiral Bloch was subordinate to Admiral Kimmel, and was charged with the task of assisting the Army in the defense of Pearl Harbor and, consequently, Admiral Bloch had a responsibility for naval measures concerned with local defense.

It should be noted in this connection that Admiral Hewitt found:

"75. No patrol planes were under the command of Admiral Bloch. The only Navy planes suitable for long distance reconnaissance were the Pacific Fleet patrol planes.

"76. The Pacific Fleet patrol planes were under the control of Admiral Kimmel, and he had the responsibility for their utilization. They were operated after 22 November 1941, in accordance with schedules approved by him at that time, which were not revised prior to the attack. The schedules stressed training operations. They did not provide for distant reconnaissance from Oahu."

(d) Court of Inquiry Finding V (1160). The Court here finds that relations between Admiral Kimmel and General Short were friendly, cordial and cooperative; that they invariably conferred when important messages were received, and that each was sufficiently cognizant of the measures being taken by the other.

In this connection the following conclusions by Admiral Hewitt are approved:

"1. The basic war plans and the local defense plans were sound and were designed to meet, with the available means,

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various types of attack, including an attack such as the one which was delivered. The basic war plans and the local air defense plans were not operative in time to meet that attack. The Rainbow Five war plans presupposed the existence of a state of war. The local air defense plans presupposed agreement between the local commanders that an attack was imminent. Neither of these was the case prior to the attack.

"2. The system of command in effect in the Hawaiian area was that of mutual cooperation and not unity of command. Cooperation between the local Army and Navy commanders required agreement as to the imminence of attack, which presupposed the possession and exchange of information concerning Japanese intentions and movements of Japanese naval forces.

"3. A full exchange of information is necessary to the effective exercise of Joint Command. While there was considerable exchange of information between various Army and Navy intelligence agencies there was no organized system to ensure such exchange."

The evidence obtained by Admiral Hewitt indicates that there were informal arrangements for the exchange of intelligence by the Army and Navy at Hawaii, which included the transmission to the Army of some information concerning Japanese ship movements. The evidence obtained both by Admiral Hewitt and by the Naval Court of Inquiry indicates, however, that neither Admiral Kimmel nor General Short was sufficiently informed of the degree of readiness put into effect by the other. It appears that after receipt of the "war warning" and prior to 7 December 1941, Admiral Kimmel and General Short conferred on several occasions. They discussed the reenforcement of Midway and Wake. It does not appear that they discussed the conditions of readiness placed in effect or to be placed in effect, or the question or advisability of placing in effect air reconnaissance. General Short testified before the Naval Court that after a conference with Admiral Kimmel, he placed in effect Army Alert No. 1 (the anti-sabotage alert). Admiral Kimmel testified that he did not know what alert the Army had in effect, and that he made no specific inquiry of General Short in this connection.

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That there was not full mutual exchange of intelligence also appears from the evidence. Admiral Kimmel received dispatches after 27 November 1941 relating to Japanese destruction of codes and instructions to United States outlying islands to destroy classified material. He testified before the Naval Court that he did not direct that these be furnished to General Short, and that he did not know whether or not they were furnished to him. General Short testified that he had not seen these dispatches.

In view of these facts, I cannot agree with the above finding by the Naval Court of Inquiry. The system of mutual cooperation, of joint command, was not working effectively - it failed. In this connection the following conclusion of Admiral Hewitt is approved:

"War experience has shown that: The responsibility for final major decisions must devolve on one person; that is, there must be "unity of command."

However, in respect of the above conclusion of Admiral Hewitt, it is important to point out that the experience of this war has conclusively demonstrated that there is no inconsistency between the existence of two or more separate military or naval organizations as the functioning forces and an effective exercise of unity of command in a theater or in an operation. Practically all of the major operations of this war have been accomplished by two or more distinct military organizations, some even belonging to diverse nations, but all acting under a unified command. In such an operation, the commanders of the several forces and their staffs must function in close physical proximity, usually in the higher echelons sharing a common headquarters or command post.

I do not find, however, that Admiral Kimmel is open to criticism for having failed to advise the Army at Pearl Harbor that a submarine contact had been made on the morning of 7 December 1941, shortly

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prior to the air attack. The evidence obtained by Admiral Hewitt supports the following conclusions by him, which is approved:

"26. The attempt to obtain confirmation of the reported submarine attack off Pearl Harbor was proper, although it should have been effected in plain language. Adequate naval action was taken in sending out the ready destroyer. This information was of no immediate interest to the Army unless it in fact indicated imminency of an air attack, an assumption which was not necessarily logical. In any event, confirmation was not received until the air attack had commenced."

(e) Court of Inquiry Finding VI (1160). This states in substance that unavoidable deficiencies in personnel and material had a bearing on the effectiveness of the local defense of Pearl Harbor.

The Commander in Chief, U. S. Fleet, points out, however, that the pertinent question is whether Admiral Kimmel used the means available to the best advantage. I concur in this comment of the Commander in Chief U. S. Fleet.

(f) Court of Inquiry Finding VII (1165). The Court finds that Japan had an initial advantage because of the Japanese Fleet's numerical superiority, and the superiority of Japanese espionage.

The comment in the Second Endorsement on this point is confined to the general statement that factors such as those referred to by the Court will always place this nation at a disadvantage during a period of strained relations. This finding, of course, in general was correct. Nevertheless, as applied to the specific issues here presented, it overlooks the fact that:

(1) The numerical superiority of the Japanese Fleet was well known to Admiral Stark and to Admiral Kimmel, and this fact was taken into account in the war plans;

(2) Although unquestionably the United States was placed at a disadvantage in restraining Japanese espionage activities, the Navy and

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War Departments were nevertheless not without important Intelligence advantages of their own which were not availed of to the fullest extent.

(g) Court of Inquiry Finding VIII (1167). This states that it was the direct responsibility of the Army to defend Pearl Harbor Naval Base, and that the Navy was to assist only with the means provided the Naval District.

The Commander in Chief, U.S. Fleet, is in agreement with "the fundamental concept of naval warfare" discussed by the Court, but takes a more realistic view on this point. He points out that Admiral Kimmel was fully aware that in view of the weakness of local defense, the Fleet had to be employed to protect Pearl Harbor. With this I concur. It is to be noted, moreover, that under the defense plan the Navy was responsible for the maintenance of distant reconnaissance.

(h) Court of Inquiry Finding IX (1169). The Court finds that the air defense plans were defective because of the necessity for reliance upon Fleet aircraft which could not be made permanently available for local defense.

The Second Endorsement states that the Court has overstressed the fact that the only patrol planes in the area were Fleet planes; that it was sound policy to place all such aircraft at Admiral Kimmel's disposal; that it was his responsibility to allocate the planes as best he could; that the available aircraft had to be employed in the manner best suited to the danger that threatened; that it is doubtful whether with the available forces it would have been possible to destroy the carriers before they launched their planes, except by a lucky chance; that Admiral Kimmel was not sufficiently alive to the situation, not entirely due to his own fault; and that this had a bearing on the amount of damage resulting from the attack. I concur in the comments of the Commander in Chief, U. S. Fleet, with respect to this finding.

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(i) Court of Inquiry Findings IV (1159). VIII (1167),

IX (1169).

Based on these findings the conclusion of the Court is that Admiral Bloch satisfactorily performed his duties.

The Commander in Chief, U. S. Fleet, concurs. This conclusion is approved.

(j) Court of Inquiry Finding I (1171). This holds adequate and effective Admiral Kimmel's provisions for the security of the Fleet at sea.

The Commander in Chief, U. S. Fleet, concurs. This finding is approved.

(k) Court of Inquiry Finding XI (1173). The substance of this finding is that Admiral Kimmel was maintaining the highest condition of readiness called for by the information available to him, and that a higher condition of readiness would have added little to the defense.

In the Second Endorsement it is pointed out that in fact the condition of readiness being maintained at the time of the attack was only that condition which is normally maintained when in port. This is maintained on the assumption that the shore defenses are adequate to protect the Fleet. Such was not the case at Pearl Harbor, as Admiral Kimmel knew.

The Commander in Chief, U. S. Fleet, further states that he does not agree with the conclusion of the Court that a higher condition of readiness would have added little to the defense, and is of the view that the information available to Admiral Kimmel called for a tightening up of the defense precautions as 7 December approached. With the comments of the Commander in Chief, U. S. Fleet, I concur.

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(1) Court of Inquiry Finding XII (1176). The Court here finds that there was no information indicating that Japanese carriers were on their way to attack Pearl Harbor, and that it was not possible to prevent or to predict that attack.

The Second Endorsement to the Naval Court record states on this point: "There was information that might logically have been interpreted as indicating that an attack on Hawaii was not unlikely, and that the time could be predicted within fairly narrow limits."

It is to be noted that one of the principal matters covered in Admiral Hewitt's investigation was the information available to Admiral Kimmel, particularly during the critical period from 27 November to 7 December 1941, concerning the location and movements of Japanese naval forces. This information, which consisted principally of daily radio intelligence summaries setting forth the results of monitoring Japanese naval communications and estimates by the Fleet Intelligence Officer, is set forth in some detail at pages 112-114, inclusive, of Admiral Hewitt's report. It there appears that there was an unusual change in Japanese naval radio calls on 1 December 1941; that this was regarded as indicating an additional progressive step in preparing for active operations on a large scale; that on 2 December 1941 Admiral Kimmel conferred with his Fleet Intelligence Officer as to the whereabouts of Japanese fleet units, and that during that conference Admiral Kimmel noticed and commented on the absence of information in the Fleet Intelligence Officer's written estimate as to Japanese Carrier Divisions 1 and 2, which consisted of four carriers. (It has since been learned that these four carriers were among the six carriers which in fact were then on the high seas heading toward Pearl Harbor.) The other Japanese carriers were located by the Fleet Intelligence Officer in his written estimate, in Japanese home waters,

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with the exception of possibly one carrier in the Marshalls. In his testimony before Admiral Hewitt, the Fleet Intelligence Officer described his conversation with Admiral Kimmel on 2 December 1941 as follows:

"MR. SONNETT: Will you state the substance of what he said and what you said, as best you recall it?"

"CAPTAIN LAYTON: As best I recall it, Admiral Kimmel said, 'What! You don't know where Carrier Division 1 and Carrier Division 2 are?' and I replied, 'No, sir, I do not. I think they are in home waters, but I do not know where they are. The rest of these units, I feel pretty confident of their location.' Then Admiral Kimmel looked at me, as sometimes he would, with somewhat a stern countenance and yet partially with a twinkle in his eye and said, 'Do you mean to say that they could be rounding Diamond Head and you wouldn't know it?' or words to that effect. My reply was that, 'I hope they would be sighted before now', or words to that effect."

"MR. SONNETT: Your testimony, Captain, was not quite clear to me, arising out of your description of Admiral Kimmel's twinkle in his eye when he spoke. What I am trying to get at is this: Was the discussion about the absence of information concerning Cardivs 1 and 2 a serious or jocular one?"

"CAPTAIN LAYTON: His question was absolutely serious, but when he said, 'Where are Cardivs 1 and 2', and I said, 'I do not know precisely, but if I must estimate, I would say that they are probably in the Kure area since we haven't heard from them in a long time and they may be refitting as they finished operations only a month and a half ago,' and it was then when he with a twinkle in his eye, said, 'Do you mean to say they could be rounding Diamond Head?' or words to that effect. In other words, he was impressing me on my complete ignorance as to their exact location."

"MR. SONNETT: He was conscious, therefore, of your lack of information about these carriers?"

"CAPTAIN LAYTON: This incident has been impressed on my mind. I do not say that I quote him exactly, but I do know that he made such a statement to me in a way to point out to me that I should know where they are but hadn't so indicated their location."

It is to be noted further that, as set forth in Admiral Hewitt's report, the daily communication intelligence summaries received by Admiral Kimmel stated, on December 3rd, that: "Almost a complete blank of information on the carriers today. Lack of identifications has somewhat promoted this lack of information. However, since over 200 service

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calls have been partially identified since the change on the first of December and not one carrier call has been recovered, it is evident that carrier traffic is at a low ebb." and that the daily summaries delivered to Admiral Kimmel thereafter, and prior to the attack, indicated that there was no information as to Japanese carriers.

In view of the foregoing, I do not approve the above finding by the Naval Court of Inquiry. I concur entirely in the comment of the Commander in Chief, U. S. Fleet, concerning this finding. I am of the view that the information as to the location and movements of the Japanese naval forces which was received by Admiral Kimmel during the week preceding the attack, coupled with all the other information which he had received, including the "war warning" and other messages from the Chief of Naval Operations, should have been interpreted as indicating that an attack on Hawaii was not unlikely and that the time of such an attack could be predicted within fairly narrow limits.

(n) Sourt of Inquiry Finding XIII (1178). It is here stated that Admiral Kimmel's decision not to conduct daily long-range reconnaissance was sound; that there were insufficient planes for this purpose; and that such use of the available planes was not justified.

The Commander in Chief, U. S. Fleet, in his endorsement to the Naval Court record points out that Admiral Kimmel had a difficult decision to make in this matter of reconnaissance, and that there were many factors to be considered. He states further, however, that after considering all of the information that was at Admiral Kimmel's disposal, it appears that Admiral Kimmel was not on entirely sound ground in making no attempt at long-range reconnaissance, particularly as the situation became more and more tense in the few days immediately preceding the Japanese attacks. This comment adds that it is obvious that the means available did not

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permit an all-round daily reconnaissance to a distance necessary to detect the approach of carriers before planes could be launched, but that there were, however, certain sectors more dangerous than others which could have been covered to some extent, and that such particular cover would have been logical in the circumstances known to Admiral Kimmel in late November and early December. Attention is called to the fact that Admiral Richardson had maintained distant reconnaissance, using the few patrol planes at his disposal, to cover the most dangerous sectors in rotation, and that these patrols were discontinued when or shortly before Admiral Kimmel relieved Admiral Richardson.

In addition to these comments, with which I concur, it may be noted that Admiral Kimmel himself had maintained a partial long range patrol in the summer of 1941 on the basis of Intelligence received and reported by Admiral Bloch at that time.

The following findings by Admiral Hewitt in connection with the question of air reconnaissance are approved:

"77. Admiral Kimmel testified before the Naval Court of Inquiry that he decided on November 27th that there should be no distant reconnaissance."

"78. There is no evidence of any specific discussion between Admiral Kimmel and members of his staff on or after the receipt of the "war warning," as to the advisability or practicability of long range reconnaissance from Oahu. The War Plans Officer thought that the subject must have been discussed, but could recall no specific discussion. The Commander of the Fleet Patrol planes, who had not been informed of any of the significant warning messages, testified that Admiral Kimmel had no such discussion with him."

"87. The Fleet patrol planes available at Oahu in the week preceding the attack were not sufficient to have conducted 360 degree reconnaissance daily for more than a few days."

"89. There were sufficient Fleet patrol planes and crews in fact available at Oahu during the week preceding the attack to have flown, for at least several weeks, a daily reconnaissance covering 128 degrees to a distance of about 700 miles."

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"90. The sectors north of Oahu were generally recognized as being the most likely sectors from which a Japanese attack would come, if the Japanese were to attack Pearl Harbor."

"91. If a daily distant reconnaissance had been flown from Oahu after 27 November 1941, with the available patrol planes, the northern sectors probably would have been searched."

"101. The Japanese carriers launched their planes from a position 200 miles due north of Oahu."

(n) Court of Inquiry Finding XIV (1182). This states in substance that the Army radar detection system was ineffective.

The evidence supports the substance of the comment on this finding, which is made in the Second Endorsement; that is, that although the radar detection system in operation at Pearl Harbor was in an embryonic state, nevertheless, even in its then condition it could have and should have served to give at least an hour's warning of the attack. I concur in this comment and also approve the following conclusion by Admiral Hewitt:

"15. The aircraft warning system was being operated by the Army during certain periods of the day primarily for training purposes, and, although not fully developed, could have served to give some warning of the approach of Japanese aircraft."

(o) Court of Inquiry Findings IV (1186). This states that the best professional opinion in the United States and Great Britain, prior to 7 December 1941, was that an aircraft torpedo attack under conditions of shoal water and limited approach such as those which obtained at Pearl Harbor, was not practicable, and that the Japanese attack was successful principally because of the employment of a specially designed torpedo, which was a secret weapon.

The only comment in the Second Endorsement on this finding is that: "It is evident in retrospect that the capabilities of Japanese aircraft torpedoes were seriously underestimated." The principal point upon which the Court of Inquiry seems to rest its findings is the further finding that

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it was not believed by American and British naval authorities at that time that torpedoes could be successfully launched from aircraft in waters as shallow as those at Pearl Harbor. As a basis for this view the Court relies upon a letter by the Chief of Naval Operations early in 1941 in which he indicated that torpedoes could not be successfully launched from airplanes in water under a minimum depth of 75 feet (water at Pearl Harbor being approximately 45 feet). It is noted that the Court also refers to a subsequent letter put out for the Chief of Naval Operations in June 1941, by Admiral Ingersoll, which is in conflict with the Court's finding. This letter stated, among other things, that: "It cannot be assumed that any capital or other valuable vessel is safe when at anchor from this type of attack if surrounded by water at a sufficient distance to permit an attack to be developed and a sufficient run to arm the torpedo." This letter also advised that torpedoes launched by the British at Taranto were, in general, in 13-15 fathoms of water, although several may have been launched in 11-12.

The records of the Navy Department indicated that in April, 1941, there was circulated in the Department an Intelligence report which described the demonstration of an aerial torpedo in England. It appears from this report that the torpedo described was equipped with special wings, and that it required no greater depth of water for its successful launching than the depth at which it made its normal run.

It further appears from the records of the Navy Department that the British reported aircraft torpedo attacks during the year 1940 in which torpedoes were successfully launched in 42 feet of water.

Finally, there is evidence in the record to indicate that nearly a year prior to the actual attack, the feasibility and even the probability of an airplane torpedo attack upon Pearl Harbor was contemplated.

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Secretary Knox's letter of January, 1941, listed an air torpedo attack as second only to air bombing in order of probability in a list of the types of attack upon Pearl Harbor which he considered likely. His letter had been previously cleared with Admiral Stark, and was received in February by Admiral Kimmel.

In view of the foregoing, the finding of the Court of Inquiry is not approved.

(p) Court of Inquiry Finding XVI (1188). The Court here finds that Admiral Kimmel's decision to continue preparation of the Fleet for war, made after receiving the 24 November dispatch, was sound in light (a) of the approval of the steps which he had taken after the dispatch of 16 October which advised that hostilities were possible, and (b) the information then available to him including Admiral Stark's letter of 17 October 1941 and the dispatch of 24 November, 1941, which stated that a surprise aggressive movement in any direction, including attack on the Philippines or Guam, was a possibility.

The Second Endorsement summarizes the Court's finding and underscores that portion of the 24 November dispatch which indicated that: "A surprise aggressive movement in any direction, including attack on the Philippines or Guam is a possibility...."

It should be further noted that Admiral Kimmel testified that the words, "A surprise aggressive movement in any direction, including attack on the Philippines or Guam," meant to him that any attack other than on those two places would be on foreign territory, but that the words also included the possibility of a submarine attack on the Hawaiian Islands.

The Court refers in its finding to a part of a personal letter

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sent by Admiral Stark to Admiral Kimmel on 17 October, in which Admiral Stark stated: "Personally, I do not believe the Japs are going to sail into us and the message I sent you merely stated the possibility; in fact, I tempered the message handed me considerably." However, the letter also continued: "Perhaps I am wrong, but I hope not. In any case, after long pow-wows in the White House, it was felt that we should be on guard, at least until something indicates the trend." To the letter was annexed a postscript stating in part: "General Marshall just called up and was anxious that we made some sort of reconnaissance so that he could feel assured that on arrival at Wake, a Japanese raider attack may not be in order on his bombers. I told him that we could not assure against any such contingency, but that I felt it extremely improbable and that, while we keep track of Japanese ships so far as we can, a carefully planned raid on any of these island carriers in the Pacific might be difficult to detect. However, we are on guard to the best of our ability, and my advice to him was not to worry."

It is noted that the Court does not specifically deal with the question of the soundness of Admiral Kimmel's decision to continue preparation of the Fleet, in the light of the highly important information which he received from the Chief of Naval Operations and otherwise during the critical period after the "war warning" of November 27th.

(q) Court of Inquiry Finding XVII (1193). The Court here finds that there were good grounds for believing that the Japanese would attack in the Far East.

In respect of this finding, the Commander in Chief, U. S. Fleet, points out that the Far East was the most probable scene for the initiation of Japanese operations, and that they were in fact initiated there. He notes further that all concerned recognized the possibility that such a

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commencement of hostilities would be accompanied by an attack upon Pearl Harbor. He adds that this latter possibility was considerably strengthened by information available at Washington, all of which was not available to Admiral Kimmel.

It appears from the evidence obtained in Admiral Hewitt's investigation that the possibility that the commencement of hostilities by Japan would include an attack upon Pearl Harbor was also strengthened by information received by Admiral Kimmel on and after the war warning of November 27th. The estimates that had been made in the War Plans, which had been approved by Admiral Kimmel, of course contemplated that in the event of war with the Japanese a surprise attack on Pearl Harbor was distinctly possible. The information received by Admiral Kimmel as to the location and movement of Japanese naval forces was, at the least, consistent with these estimates. The following conclusion of Admiral Hewitt in this connection is approved:

"23. The information as to Japanese naval forces which was available to the Commander-in-Chief, Pacific Fleet, emphasizing the movement of forces to the southward, tended to concentrate his attention on the probability of Japanese attacks on the Philippines and Malaysia. The information which was received by Admiral Kimmel during the first week of December 1941 indicated, however, that on December 1st there was an unusual change in Japanese radio call signs; that, on the basis of all information up to December 2nd, no reliable estimate could be made of the whereabouts of four of Japan's ten carriers, and that there was no information as to any of the carriers thereafter. The absence of positive information as to the location of the Japanese carriers, a study of the movement which was possible to them, under radio silence, through the unguarded areas of the Pacific, and a due appreciation of the possible effects of an air attack should have induced Admiral Kimmel to take all practicable precautions to reduce the effectiveness of such an attack"

(r) Court of Inquiry Findings XVIII and XIX (1196).

These state in substance that Admiral Stark's failure from 26 November to 7 December 1941 to transmit to Admiral Kimmel important information in his possession, obtained from intercepted Japanese diplomatic messages,

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and summarized in the addendum to the Court's findings of facts, constitutes a military error.

The comment of the Commander in Chief, U. S. Fleet, as to this finding was to the effect that Admiral Stark was at fault in failing to give Admiral Kimmel an adequate summary of information available in Washington.

The endorsement of the Commander in Chief, U. S. Fleet, on the Naval Court of Inquiry Record, further pointed out that Rear Admiral Wilkinson, former Director of Naval Intelligence, was not available to the Court as a witness. It was noted that these findings, and the conclusions of the Court based thereon, were concerned principally with the handling of enemy information in the Navy Department, and that consequently, it would seem essential to a thorough exploration of the facts to have the testimony of the Director of Naval Intelligence, who was largely responsible for handling this information. It was concluded that the failure to obtain this testimony was unfortunate.

With this comment by the Commander in Chief, U. S. Fleet, I concurred. It further appeared to me that the testimony of Captain McCollum, who was assigned to the Office of Naval Intelligence, and who, according to other testimony in the record, had important duties in connection with the handling of such intercepted enemy information, would be most helpful. Captain McCollum was also unavailable as a witness to the Court. I ascertained that at the time both Rear Admiral Wilkinson and Captain McCollum were actively engaged in combat operations against the enemy, and would be so engaged until some date in the future. From the nature of the duties which these officers were performing in their assignments, I determined that in view of the paramount present needs of the war effort, their testimony in this matter could not then feasibly be obtained.

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During his later investigation, Admiral Hewitt was able to obtain the testimony of Admiral Wilkinson and of Captain McCollum, as well as other testimony bearing upon this finding of the Court of Inquiry. The following conclusions of Admiral Hewitt in this connection are approved:

"5. Information was promptly and efficiently obtained by the United States Navy and Army intelligence organizations in Washington, concerning the Japanese Government's actual views as to the diplomatic negotiations and its intention to wage war, by means of interception, decryption, and translation of Japanese diplomatic messages."

"6. The information which was obtained in Washington by the War and Navy Departments from Japanese diplomatic messages was fully exchanged. The information which was obtained by the Navy Department as to Japanese naval movements was available to the intelligence officers of the War Department in Washington. The War Department had information which led that Department to believe that Japanese naval forces were in the Marshalls in November, 1941. This appears from a War Department dispatch of 26 November 1941 to General Short, information to Admiral Kimmel, concerning a special photographic reconnaissance to be flown over Truk and Jaluit, in order to obtain information, among other things, as to the number and location of naval vessels. The reconnaissance was not flown because the special Army planes were not made ready." . . .

"8. The information obtained by the Navy Department from intercepted Japanese diplomatic messages was adequately disseminated within the Navy Department.

"9. Although Admiral Kimmel some months before had made requests that he be kept fully informed on subjects of interest to the Fleet and as to all important developments, the Chief of Naval Operations did not communicate to him important information which would have aided him materially in fully evaluating the seriousness of the situation. In particular, the failure to transmit the State Department message of November 26th and to send, by telephone or other expeditious means, information of the "1 p.m." message and its possible import, were unfortunate.

"10. Admiral Kimmel, nevertheless, did have sufficient information in his possession to indicate that the situation was unusually serious, and that important developments with respect to the outbreak of war were imminent. This included the "war warning" message and similar important messages which were sent by the Chief of Naval Operations.

"11. The available information in the possession of the Commander-in-Chief, Pacific Fleet, as to the existing situation, particularly the "war warning" message, was not disseminated

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to all of his important subordinate commanders whose cognizance thereof was desirable. Thus Admiral Bellinger, who commanded the patrol planes, and Admiral Newton, who was at sea with a carrier and other units, were not informed of this and other important messages."

12. The following conclusions by Admiral Hewitt concerning the intelligence secured by tapping the wires of the Japanese Consulate General at Hawaii and by intercepting cable messages of the Japanese Consulate General are approved.

Conclusion 12. "Despite the fact that prior to the attack the telephone lines of the Japanese Consul General at Honolulu were tapped and that various of his cable messages were secured at Honolulu, no information was obtained prior to December 7th which indicated the likelihood of a Japanese attack. The legal restrictions which denied access to such cable messages were a definite handicap to the intelligence agencies in the Hawaiian area."

Conclusion 13. "Although various messages of the Japanese Consul General at Honolulu, which indicated Japanese interest in specific locations of ships in Pearl Harbor, were intercepted by radio intercept stations of the Army and Navy and decrypted prior to the attack, this information was not transmitted by the Navy Department to Admiral Kimmel. Certain other messages which were intercepted by the Army prior to 7 December 1941, indicated the likelihood of attack on Pearl Harbor but were not decrypted or brought to the attention of the Navy prior to the attack, apparently because the Army did not have sufficient personnel for such work."

13. In its final opinion and recommendation, the Court of Inquiry finds that no offenses have been committed or serious blame incurred on the part of any person or persons in the Naval service, and recommends that no further proceedings be had in the matter.

With respect to this opinion and recommendation of the Court of Inquiry, I concur in the comment expressed in paragraph 5 of the Second Endorsement that the Navy cannot avoid a share of responsibility for the Pearl Harbor incident, and that disaster cannot be regarded as an "act of God" beyond human power to prevent or mitigate. Whether or not it is true, as stated in the Second Endorsement, that the Country,

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as a whole is basically responsible in that the people were unwilling to take adequate measures for defense until it was too late to repair the consequences of their failure so to do, it appears that the Navy as a whole, although its ranking officers were fully informed of the most recent developments in the science of warfare, failed to appreciate the true significance of those developments until their impact had been felt by a blow struck at a substantial portion of the Fleet. By the same token, although the imminence of hostile action by the Japanese was known, and the capabilities of the Japanese Fleet and Air Arm were recognized in war plans made to meet just such hostile action, these factors did not reach the stage of conviction in the minds of the responsible officers of the Navy to an extent sufficient to impel them to bring about that implementation of the plans that was necessary if the initial hostile attack was to be repelled or at least mitigated.

That this is so is manifested in the case of the instant disaster in several important respects.

(a) The destructive potentiality of air attack was not properly evaluated, although there was ample information available on this subject in the reports of action by and against the British. That this information was recognized is shown by the inclusion in war and defense plans of appropriate provisions for defense against this type of attack, but that it was not fully appreciated is shown by the fact that these selfsame provisions were not put into effect until the initial attack had been successful.

(b) In respect of unity of command, again all of the plans made adequate provision for joint action, mutual interchange of intelligence, and the fullest utilization of all of the available resources of

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both the Army and the Navy; in practice, none of these measures came into being to any appreciable extent prior to the attack.

(d) Within the Navy itself, the organization was such as to submerge the Chief of Naval Operations in a multiplicity of detail pertaining to the procurement and material programs incidental to the rapid expansion of the Navy. This precluded him from giving to war plans and operations the undivided and continuing attention which experience has shown they require, and tended to dull his perception of the critical significance of events.

In making these observations, I am not unmindful of the usual advantage of hindsight, nor do I overlook the fact that this war has proved that any carrier strike, when pressed home with resolution, is almost impossible to deflect. After giving due consideration, however, to all these factors, I am of the opinion that there were, nevertheless, areas in which sound military judgement dictated the taking of action which, though it might not have prevented or defeated the attack, would have tended materially to reduce the damage which the attack was able to inflict. Such action was not taken, and the responsibility must center upon the officers who had it in their power, each within his respective sphere, to take appropriate action.

14. I concur, therefore, with the opinion expressed in paragraph 5 of the Second Endorsement to the Court of Inquiry record that it is pertinent to examine the possible courses of action which Admiral Stark and Admiral Kimmel, as the responsible officers, might have taken to lessen the success of the initial Japanese blow.

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(a) In paragraph 5 of the Second Endorsement, it is pointed out that Admiral Stark failed to give Admiral Kimmel an adequate summary of information available in Washington, particularly in respect of:

- (1) The State Department reply of 26 November 1941 to the Japanese, which was regarded by the Japanese as an ultimatum;
- (2) The intercepted Japanese messages inquiring as to the disposition of ships within Pearl Harbor;
- (3) The implementation of the "winds" message;
- (4) In failing to appreciate the significance of the "one p.m. message" received on the morning of 7 December 1941, and in the failure to transmit it to Admiral Kimmel by the quickest means available.
- (5) Finally, it is pointed out in this section of the Second Endorsement that there is a certain sameness of tenor in the communications sent by Admiral Stark to Admiral Kimmel which failed to convey the sense of intensification of critical relations between Japan and the United States.

I concur generally with these comments except as to (3) and (5). In connection with the failure of Admiral Stark to advise Admiral Kimmel of the implementation of the "winds" message, the following conclusion by Admiral Hewitt is approved:

"7. Although the Japanese Government established in their diplomatic messages a code, known as the "winds" code, to be used in radio broadcasts in order to convey information to its representatives as to the status of relations between Japan and other countries, no message was intercepted prior to the attack which used the code words relating to the United States."

Although there may be some basis for the comment that prior to 27 November 1941 there was a certain sameness of tone in the communication sent by Admiral Stark to Admiral Kimmel, it should be noted that the message of November 27 was stronger than any message which Admiral Stark sent previously to Admiral Kimmel. That message read as follows:

"THIS DISPATCH IS TO BE CONSIDERED A WAR WARNING X NEGOTIATIONS WITH JAPAN LOOKING TOWARD STABILIZATION OF CONDITIONS IN THE PACIFIC HAVE CEASED AND AN AGGRESSIVE MOVE BY JAPAN IS EXPECTED WITHIN THE NEXT FEW DAYS X THE NUMBER AND EQUIPMENT OF JAPANESE TROOPS AND THE ORGANIZATION OF NAVAL TASK FORCES INDICATE AN AMPHIBIOUS EXPEDITION AGAINST EITHER THE PHILIPPINES (printed in ink, "thai") OR KRA PENINSULA OR POSSIBLY BORNEO X EXECUTE AN APPROPRIATE DEFENSIVE DEPLOYMENT PREPARATORY TO CARRYING OUT THE TASKS ASSIGNED IN WPL 46 X INFORM DISTRICT AND ARMY AUTHORITIES X

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A SIMILAR WARNING IS BEING SENT BY WAR DEPARTMENT X SPENAVO
INFORM BRITISH X CONTINENTAL DISTRICTS GUAM SAMOA DIRECTED
TAKE APPROPRIATE MEASURES AGAINST SABOTAGE"

Concerning the other comments by the Commander in Chief, U. S. Fleet, it might be added that Admiral Stark's omission consisted not only in the failure to transmit fully to Admiral Kimmel certain of the available information, but also in the failure properly and speedily to evaluate that information, particularly on 7 December 1941.

The evidence shows that the State Department reply to the Japanese of 26 November 1941 was in fact regarded by them as an ultimatum; that it was known in the Navy Department before 1 December 1941 that the Japanese regarded the reply as unacceptable; that it was known, as early as 1 December 1941, that the Japanese proposed to strike without warning. It was further known that subsequent to their receipt of the State Department's note the Japanese were directing their emissaries in the United States to do everything in their power to allay any suspicion of a hostile Japanese move. Against this background, there was received on 6 December 1941, in the Navy Department, an intercepted Japanese message to their emissaries here, which stated that a 14-part reply to the State Department's note of 26 November 1941 was being transmitted, and further that a specific time for delivery of this reply would be transmitted from Tokyo by a separate message. This message, together with the first thirteen parts of the Japanese reply were all available at the Navy Department by 2100 hours of 6 December 1941. The language of the thirteen parts of the Japanese reply then available indicated that the reply constituted a final breaking off of relations. All this pointed to the conclusion that a surprise attack was to be simultaneous with the delivery of the Japanese message. Thus, while it was not known on 6 December precisely when the attack was to be delivered, there was ample evidence to

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base the conclusion that a surprise move was due within narrow limits of time.

On the morning of December 7th, by 10:30, Admiral Stark had all fourteen parts of the Japanese reply, which in its entirety made explicit the breaking off of relations. He had as well the direction for the delivery of that reply at one p.m., Eastern Standard Time, and there was information available to him that this time corresponded to dawn at Oahu and the middle of the night in the Far East. Although, as found by Admiral Hewitt, no one stated that this indicated an air attack at Pearl Harbor, yet all of these factors pointed to the possibility of such an attack. An acute sensitivity to the tautness of the situation would have dictated at least a plain language telephone communication to Admiral Kimmel, which might have provided a warning sufficient to bring about some material reduction in damage inflicted by the Japanese attack.

(b) I concur with the comments set forth in paragraph 5(b) of the Second Endorsement to the Naval Court of Inquiry record. It is there stated that Admiral Kimmel, despite the failure of Admiral Stark to keep him fully informed, did have indications of the increasing tenseness of relations with Japan. In particular, it is pointed out that he had the "war warning" message on 27 November 1940, the "hostile action possible at any moment" message on 28 November, the 3 December message that the Japanese had ordered destruction of codes, and the messages of 4 and 6 December that the Japanese had ordered destruction of United States secret and confidential matter at outlying Pacific Islands.

In addition, it might be pointed out that Admiral Kimmel in his personal letters, which are a part of the record before the Court, and as well in the war plans approved by him, explicitly recognized the possibility of attack upon Pearl Harbor by air; and, that the information

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received by Admiral Kimmel concerning the location and movement of Japanese naval forces after 27 November 1941 should have been evaluated, as previously pointed out, as indicating the continued and increasing possibility of such an attack. It is to be especially noted that while Admiral Kimmel was directed in the war warning message of 27 November 1941, and again on 28 November when the Army message was relayed to him, to execute an appropriate defensive deployment preparatory to carrying out the tasks assigned in the Navy Basic War Plan, the chief action taken by him was carrying forward the arrangements for the reinforcing of and continuing the limited air patrols from the outlying islands, ordering on 28 November, the depth bombing of submarine contacts in the Oahu operating area, and engaging in unproductive conferences with General Short. He continued in effect the primary fleet activity of training and the lowest condition of readiness (Condition III) of the fleet in port. He neither ordered long-range air reconnaissance from Oahu to any extent nor advised his fleet air wing commander of the receipt of the war warning message. His failure to take other and more effective action is neither explainable nor excusable by an ambiguity in the meaning of or disagreement as to what would constitute an "appropriate defensive deployment." Admiral Kimmel could have referred to the initial tasks stated in the war plan of maintaining fleet security at bases and guarding against surprise attack by Japan, and if he did not know what was meant by the phrase "appropriate defensive deployment", he should have asked the Chief of Naval Operations for an explanation.

The Second Endorsement to the Naval Court record states that Admiral Kimmel could and should have judged more accurately the gravity of the danger to which the Hawaiian Islands were exposed, and that certain courses of action were open to him, viz:

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(1) He could have used the patrol aircraft available to him to conduct long-range reconnaissance in the more dangerous sectors, and thus made the Japanese task more difficult, whether or not this would have resulted in the detection of the approach of the Japanese carriers; (2) He could have rotated the "in port" periods of his vessels in a less routine manner, and thus made it more difficult for the Japanese to have predicted when there would be any vessels in port; (3) He could have maintained a higher condition of readiness under which Naval planes would have been in the air during the early morning period, ships' batteries would have been fully manned, and damage control organizations fully operational.

Admiral Hewitt's report concludes in part:

"The absence of positive information as to the location of Japanese carriers, a study of the movement which was possible to them, under radio silence, through the unguarded areas of the Pacific, and a due appreciation of the possible effects of an air attack should have induced Admiral Kimmel to take all practicable precautions to reduce the effectiveness of such an attack. The measures which reasonably were open to him were:

"(a) Establishment of long distance air reconnaissance, covering the most probable approach sectors to the extent possible, on a reasonably permanent basis, with available planes and crews.

"(b) Establishment of a higher condition of anti-aircraft readiness, at least during the dangerous dawn hours.

"(c) Establishment of a higher degree of damage control readiness by ships in port, particularly during the dangerous dawn hours.

"(d) Installation of anti-torpedo nets to protect the larger vessels in port.

"(e) Maintenance of a striking force at sea in readiness to intercept possible attack forces.

"(f) Maintenance of the maximum force of the Fleet at sea, with entry into port at irregular intervals.

"(g) Checking with Army as to readiness of anti-aircraft defense and aircraft warning installations."

I concur with these comments as to the various courses of action which Admiral Kimmel could have and should have taken. The evidence indicates clearly, however, that his most grievous failure was his failure to conduct long-range air reconnaissance in the more dangerous sectors from Oahu during the week preceding the attack. That this is so is

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manifest from the evidence obtained by Admiral Hewitt and from his following conclusion, which is hereby approved.

Conclusion 14. "The only practicable sources from which Admiral Kimmel could have secured information, after the receipt of the 'war warning,' as to the approach of the attacking force, were the aircraft warning service, traffic analyses of Japanese naval communications, and distant air reconnaissance from Oahu."

During the critical period after November 27 the limitations of the aircraft warning service and of radio intelligence were evident; the only remaining practicable source upon which Admiral Kimmel was entitled to rely for information as to the Japanese naval movements was distant air reconnaissance which, covering the most probable approach bearings, would as Admiral Hewitt concluded have had a reasonable chance of success. The failure to detect the approach of the Japanese task force contributed more to the success of the Japanese attack than did any other single factor.

In addition to the courses of action referred to by the Commander in Chief, U. S. Fleet and by Admiral Hewitt, it was, of course, always open to Admiral Kimmel also to take steps to increase cooperation between his organization and the Army command, and to attempt to achieve effective joint command. That conditions were ideal for his accomplishing such an objective is indicated by the evidence in the record and the finding of the Court that the social relationship between him and General Short was excellent. The need for Admiral Kimmel taking such measures existed from the time he took command of the Pacific Fleet. It increased in urgency as the 7th of December, 1941, approached.

15. The Second Endorsement of the Commander in Chief, U. S. Fleet, to the Naval Court record concludes that:

"6. The derelictions on the part of Admiral Stark and Admiral Kimmel were faults of omission rather than faults of commission. In the case in question, they indicate lack of the

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superior judgment necessary for exercising command commensurate with their rank and their assigned duties, rather than culpable inefficiency.

"7. Since trial by general court martial is not warranted by the evidence adduced, appropriate administrative action would appear to be the relegation of both of these officers to positions in which lack of superior judgment may not result in future errors."

16. In his endorsement to Admiral Hewitt's report the Commander-in-Chief, U. S. Fleet, states in part:

"I concur in general in the remarks and recommendations of the Judge Advocate General as expressed in the second endorsement. In answer to the specific questions asked in the first endorsement, the following opinions are submitted:

"(a) I am of the opinion that the evidence is not sufficient to warrant trial by court martial of any person in the Naval Service, in that the evidence will not sustain the charges required by the Articles for the Government of the Navy.

"(b) With regard to the sufficiency of the evidence to warrant other proceedings, I am still of the opinion, which I have previously expressed, that Admiral Stark and Admiral Kimmel, though not culpable to a degree warranting formal disciplinary action, were nevertheless inadequate in emergency, due to the lack of the superior judgment necessary for exercising command commensurate with their duties.

"(c) Appropriate action appears to me to be the relegation of both of these officers to positions in which lack of superior strategic judgment may not result in future errors. The action has been taken in the case of both Admiral Stark and Admiral Kimmel. No further action is recommended.

"(d) For the reasons stated by the Judge Advocate General, I consider it impracticable to bring Admiral Stark and Admiral Kimmel, or either one of them, to trial prior to the termination of hostilities with Japan, nor are court martial or other proceedings (prior to the termination of hostilities with Japan) advisable because such proceedings would almost certainly involve disclosure of information which would be detrimental to current military operations and to national security measures."

17. The Judge Advocate General in making his endorsement to Admiral Hewitt's report states in part:

1. "Subject report clarifies obscure points and supplies

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omissions in the earlier investigations. It is considered that this and former investigations, taken together, present as clear a picture of the pertinent facts as will ever be adduced. With this report, therefore, I believe the investigation of the Pearl Harbor attack should be considered completed.

2. "Admiral Hewitt's report brings out and confirms a distinction which impressed me at the time of studying the earlier investigations, a distinction which does much to clarify thinking on the question of placing responsibility for the Pearl Harbor disaster. It appears that there was no lack of appreciation on the part of any of the responsible officers that war was coming, and coming quickly, during the critical period immediately preceding 7 December 1941. The point on which those officers failed to exercise the discernment and judgment to be expected from officers occupying their positions, was their failure to appreciate, from the information available to them, that Pearl Harbor was a likely target for aerial attack and their failure to take the necessary steps to prevent or minimize such a surprise attack. Each of these officers, in estimating the critical situation, demonstrated a poor quality of strategical planning, in that he largely ruled out all possible courses of action by which the Japanese might begin the war except through an attack in the Western Pacific.

3. "I do not believe that the lack of more complete understanding and co-operation between Admiral Kimmel and Lieutenant General Short had any great effect on the ultimate result; for it is abundantly shown that they each entertained the same fallacious views, and closer understanding would most likely merely have strengthened those views. Likewise, I submit that the importance of information from Japanese sources has been overemphasized; for had more basically sound principles been observed, the Pearl Harbor disaster would not have occurred. The security of Pearl Harbor was the very core of our Pacific strategy, a fact which did not receive sufficient consideration in the strategic concept of responsible officers.

4. "In answer to the specific questions asked in the first endorsement, the following opinions are submitted:

(a) As is more fully developed in the answer to question (b), it is not believed that there is sufficient evidence to warrant conviction of any of the officers concerned of any offense known to naval law.

(b) Under the facts of this case, there are only two offenses which are worthy of consideration: (1) Neglect of Duty and (2) Culpable Inefficiency in the Performance of Duty. Under either charge it would be necessary to define the duty of the officer concerned, and to show that it was his duty to follow a course of action other than the one he did. In my opinion

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this would be impossible, as the acts of omission of these officers do not rise above the status of errors of judgment. No clearly defined duty can be established which was neglected or improperly performed. As stated by Fleet Admiral King, in his endorsement on the findings of the Court of Inquiry, the evidence in the case boils down to the fact that the acts of the officers in question "indicate lack of superior judgment necessary for exercising command commensurate with their rank and their assigned duties, rather than culpable inefficiency." "Lack of Superior Judgment" is not an offense triable by general court-martial.

* * *

(d) The requirements of 39th Article for the Government of the Navy and Section 346 of Naval Courts and Boards pertaining to the rank of members of a general court martial will make it most difficult to constitute a court for the trial of the officers here concerned during war time or during a period of six months after the cessation of hostilities. Many of the officers of appropriate rank, both on the active and the retired lists, would be disqualified because of interest in the subject matter, the probability of being called as a witness, or by virtue of having been connected with one of the investigations into the matter. If more than one of the officers in question are brought to trial, an entirely new court would be necessary in each case, as members who had tried a former case arising out of the Pearl Harbor attack would be subject to challenge. The Summoning of the necessary witnesses would result in temporarily removing from their duty stations many of the key officers in the naval organization. For the foregoing reasons, I am of the opinion that any such court martial proceedings prior to the end of hostilities with Japan is highly impractical and would be detrimental to the war effort, and further, that any such proceedings during the six months immediately following the end of hostilities would seriously impair the efficiency of the naval service."

* * *

18. On the basis of the record, findings, opinion, and recommendation of the Court of Inquiry, the First Endorsement of the Judge Advocate General thereto, and the Second Endorsement of the Commander-in-Chief, U. S. Fleet, thereto; the record findings and conclusions of Admiral Hewitt, and the Second and Third Endorsements thereto; and on the basis of the foregoing comments, I conclude that:

(a) Then Rear Admiral Claude C. Bloch discharged his duties adequately.

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(b) Then Admiral Husband E. Kimmel and Admiral Harold R. Stark, particularly during the period from 27 November to 7 December 1941, failed to demonstrate the superior judgment necessary for exercising command commensurate with their rank and their assigned duties.

(c) Both of these officers having been retired, appropriate action should be taken to insure that neither of them will be recalled to active duty in the future for any position in which the exercise of superior judgment may be necessary.

(d) The appropriate committees of Congress should be fully acquainted with the Navy's investigations into this matter, and public disclosure of the facts concerning the Japanese attack on Pearl Harbor, obtained in these investigations, should be made as soon as such action can be taken without injuring current military operations or the national security.

19. Accordingly, I direct:

(a) Rear Admiral Husband E. Kimmel, USN (Retired), shall not hold any position in the United States Navy which requires the exercise of superior judgment.

(b) Admiral Harold R. Stark, USN (Retired), shall not hold any position in the United States Navy which requires the exercise of superior judgment.

(c) The appropriate committees of Congress will be fully acquainted with the Navy's investigations into this matter, and public disclosure of the facts concerning the Japanese attack on Pearl Harbor, obtained in these investigations, will be made as soon as such action can be taken without injuring current military operations or the national security.

SECRETARY OF THE NAVY "

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(B) Navy's Offer to Rear Admiral Kimmel of Court Martial.

On 7 September 1943 Rear Admiral Kimmel wrote to the Secretary of the Navy stating that he desired "to be brought to trial by General Court Martial in open court at the earliest practicable date". On 28 August 1945 Secretary Forrestal offered a General Court Martial to Rear Admiral Kimmel if the same were still desired by the latter. The letter of Secretary Forrestal to Rear Admiral Kimmel read as follows:

"1. In your letter of September 7th, 1943, to the Secretary of the Navy, you stated 'It is my personal desire to be brought to trial by General Court Martial in open court at the earliest practicable date.'

"2. In his letter to you the Secretary of the Navy gave you his assurance that a trial before General Court Martial would be had at the earliest practicable date that the public interest and safety would permit. In view of the present state of the war and in view of this assurance of the Secretary of the Navy I am disposed to order your trial by General Court Martial in open court in the event that you still desire to be so tried.

"3. It is requested that you advise me promptly whether or not you desire to be tried by General Court Martial."

On 8 September 1945 Rear Admiral Kimmel replied in writing to the Secretary's letter of 28 August 1945, stating that he desired to defer replying to the Secretary's inquiry whether he (Kimmel) still desired a Court Martial until after the pending Joint Congressional Investigation of Pearl Harbor was completed. This letter read as follows:

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"280 Bronxville Road, Bronxville 8, N. Y., 8 September 1945. From: Rear Admiral H. E. Kimmel, U. S. Navy, (Retired). To: The Secretary of the Navy. Subject: General Court Martial in my case.

"1. In view of the agitation for a Congressional Investigation before Congress reconvened and the action of the Senate in ordering a Joint Congressional Investigation of Pearl Harbor, I wish to defer my reply to your letter of 28 August 1945 until that Investigation is completed."