

## EXHIBIT NO. 140

WAR DEPARTMENT JT  
OFFICE OF THE SECRETARY  
MEMORANDUM

To the J.A.G.

Will you kindly give me your opinion on a further question - in addition to those embodied in this opinion - viz

If Genl. Short's proposed application for voluntary retirement were accepted, with the announced understanding that such action would not preclude a future Court martial for the alleged offenses in the Pearl Harbor, would that be valid - could a subsequent Court martial be validly brought, should it be found advisable?

HVS

WAR DEPART. ENT  
OFFICE CHIEF OF STAFF  
WASHINGTON

To Secretary of War.

Judge-advocate General's  
recommendations reference  
Major General Walter C. Short.

G.P.M.)

---

## CONFIDENTIAL

WAR DEPARTMENT  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
WASHINGTON

January 27, 1942.

MEMORANDUM for the Chief of Staff.

Subject: Course of action with respect to General Walter Campbell Short.

1. Pursuant to your instructions I submit the following comments with respect to possible courses of action against the above-named officer on account of the derelictions disclosed in the report of the President's Commission to investigate the Japanese attack on Hawaii on December 7, 1941. These comments are based solely upon the text of the report of the Commission. I have not seen or examined the 1887 typewritten pages of testimony taken by the Commission nor the 3000 printed pages of records and documents examined by it.
2. General Short may be tried by a general court-martial or he may be summarily discharged from the Army by the President pursuant to the provisions of Article of War 118.
3. With reference to trial by general court-martial, it is assumed that the evidence taken by the Commission sustains its findings of fact and conclusions and would warrant such procedure should it be deemed advisable. However, it is impossible to predict with certainty the result of any trial or the sentence which the court might impose. In this case should a court acquit or impose a sentence less than dismissal I can see no advantage resulting from such a trial. It will be noted that the offenses charged against General Short are offenses of omission or nonfeasance which require a much stronger showing to justify a trial than those involving misfeasance or malfeasance. General Short's nonfeasance or omissions were based on an estimate of the situation which, although proved faulty by subsequent events, was, in so far as I am able to ascertain from the report of the Commission, made or concurred in by all those officers in Hawaii best qualified to form a sound military opinion. That estimate was that an attack by air was in the highest degree improbable.
4. There are, in my opinion, serious questions of policy which should be considered in connection with a possible trial of this officer by general court-martial.

CONFIDENTIAL

3

## CONFIDENTIAL

a. If a court should find him guilty and sentence him to anything less than dismissal, the Army would be accused of whitewashing General Short. This accusation would be much more strongly made should the trial result in his acquittal.

b. Such trial would have to be in open court, otherwise the War Department would be subject to criticism of whitewashing General Short if acquitted, or of persecuting him if convicted.

c. The ramifications of this case are such that in a trial by court-martial it would be necessary to introduce in evidence numerous secret plans, orders and other papers which do not appear in the Commission's report. Both the prosecution and the defense would need these documents in order properly to present their cases. It certainly would be against the public interest to disclose some, at least, of these various war plans and documents. Such being the case, it would be impossible to prevent the publication of these plans and documents except by closing the court during those sessions in which these secret papers were read and discussed. The result of a trial by a court partly in open session and partly in secret session might be that the War Department would be subject to the same charges of whitewashing or persecution as referred to in subparagraph b above.

d. A general court-martial would require the time and energy for a considerable period of a large number of generals and other officers of high rank as members of the court-martial, and for personnel of the prosecution and defense. It would consume much time and effort of the numerous officers of the Army and Navy whose services would be required in order properly to present the case for trial, or whose attendance would be required as witnesses. The ramifications of such a trial would be so great and it would require the time of so many officers from the lowest to the highest rank that it would interfere seriously in the main job now before the War Department, namely the prosecution of the war.

e. The career of General Short as an active Army officer is finished and closed. Because of the lack of confidence which the public now has in him, which lack of confidence would no doubt be shared by his future subordinates, it is unthinkable that any command should again be entrusted to him. General Short knows this. That in itself is a very severe punishment. Furthermore, General Short has been relieved of his command which reduces him from a lieutenant general to a major general. The addition to that punishment of any punishment other than dismissal, such as a reprimand, loss of files, forfeiture of pay or suspension from

CONFIDENTIAL



## CONFIDENTIAL

a command, would be inappropriate.

5. For the President to discharge General Short summarily under the provisions of Article of War 118 would tend even more strongly than a dismissal by a sentence of a general court-martial to enable him afterward to claim persecution. Revised Statutes, section 1244, provides that when an officer is 62 years old he may be retired from active service at the discretion of the President. General Short will be 62 years old on March 30, 1942. However, it is unnecessary to discuss this course of action for the reason that you have informed me that General Short has offered to apply for retirement at any time you may desire to accept it. He may lawfully be retired upon such application.

6. General Short entered the Army as a second lieutenant of Infantry on February 2, 1901, and had, up to December 7, 1941, nearly 41 years of honorable and most creditable service. He reached the next to the highest rank that an Army officer can reach, namely that of a lieutenant general.

7. I realize that the question of what ought to be done in this matter has been the subject of heated discussion in the press and elsewhere and whatever may be done will probably subject the War Department to criticism. However, in view of all the considerations hereinabove discussed, I respectfully suggest the advisability and the desirability of accepting the application of General Short for retirement. However, in this connection I would further suggest that it would be both politic and just to coordinate the action taken by the War Department with that taken by the Navy Department in the case of Admiral Kimmel.

*Myron C. Cramer*

Myron C. Cramer,  
Major General,  
The Judge Advocate General.

CONFIDENTIAL

CONFIDENTIAL

WAR DEPARTMENT

OFFICE OF THE JUDGE ADVOCATE GENERAL

WASHINGTON

Notes H-2  
31 Jan 1942

MEMORANDUM for the Secretary of War.

Subject: Course of action with respect to Major General Walter Campbell Short.

1. After considering my memorandum for the Chief of Staff of January 27, 1942, on the above subject, you have asked me a further question, as follows:

"If General Short's proposed application for voluntary retirement were accepted, with the announced understanding that such action would not preclude a future court martial for the alleged offenses in re Pearl Harbor, would that be valid - Could a subsequent court martial be validly brought, should it be found advisable?"

2. A retired officer is as a matter of law still an officer of the Army and still subject to court-martial as much as though he were still on the active list (A.W. 2a; Nat'l Defense Act, sec. 2; 10 U.S.C. 4). Neither does his retirement amount to a break in the continuity of his service which would prevent his trial after retirement for an offense committed before retirement (Dig. Op. JAG 1912, p. 992, par I G 2b). The real question involved is whether the retirement of an officer on his own application constitutes a condonation of his offense, barring trial for it.

3. There are opinions of this office to the effect that under certain circumstances release from arrest or confinement or promotion may constitute such a condonation. I find no precedent holding either way with respect to retirement. Retirement after thirty years' service upon the officer's own application under section 1243, Revised Statutes (10 U.S.C. 943; Mil. Laws, sec. 326), is "in the discretion of the President". The foregoing is one of the two statutes under which General Short may be retired at once on his own application. If he be retired under that statute, there may be some plausibility in a contention that the President's exercise of discretion in terminating the officer's active service on his own application constitutes a bargain between him and the officer to the effect that he will not further be prosecuted for known offenses occurring prior to retirement. There is no statutory or judicial authority for such a view, and I regard it as unsound as a strict matter of law. Therefore I

APR 8 1942

REC'D  
F. S. SEC. G.  
A. C.

CONFIDENTIAL

## CONFIDENTIAL

answer your inquiry by saying that as a matter of law the retirement of General Short under the above statute upon his own application in the discretion of the President does not involve the passing of judgment by the President upon the officer's past services or a condonation by him of prior offenses which would prevent subsequent trial by court-martial.

4. Nevertheless, as a matter of fairness rather than law, there is force in the supposed contention above stated. General Short has volunteered to submit an application for retirement. He may reasonably suppose that a request to him from an official source, in answer to his voluntary suggestion, to submit his application for retirement, involves a tacit agreement that the issue of his official conduct of the defense of Hawaii prior to and on December 7 will be closed by his retirement, and that no charges will be preferred against him growing out of such conduct.

5. Another statute under which General Short might be retired immediately upon his own application, is the second proviso of section 3 of the act of June 13, 1940 (54 Stat. 380), reading:

"Provided further, That any officer on the active list of the Regular Army or Philippine Scouts who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, shall upon his own application be retired with annual pay equal to 75 per centum of his active-duty annual pay at the time of his retirement unless entitled to retired pay of a higher grade as hereinafter provided, except that officers with less than twenty years' service and officers who are under investigation or who are awaiting trial by courts martial or the result of such trial, or whose cases are pending before courts of inquiry shall be retired only when the application for retirement in each case has been approved by the Secretary of War: \* \* \*

It is manifest that War Department approval of an application of General Short for retirement under the above statute, would amount in effect to a finding that he is not under investigation or awaiting trial by court-martial, and would thus tend even more strongly to support a contention that any offenses chargeable against him were condoned by the action.

6. If General Short should be retired on his own application under the above circumstances and if afterward he should be brought

CONFIDENTIAL

## CONFIDENTIAL

to trial for his conduct of the defense of Hawaii, it may be anticipated that charges of bad faith would be made against the War Department by him or by others in his behalf. I think it most desirable that no opportunity be afforded for such accusations. I assume that General Short's offer of retirement as made was not subject to any conditions. Therefore, I suggest that before his offer be accepted he be given to understand, preferably in writing for the purpose of the record, that such retirement will not constitute a condonation of his offenses, if any, on the part of the War Department, or be considered a bar to any future trial by general court-martial in case such trial should be deemed advisable.

7. Should General Short refuse to submit his application for voluntary retirement with such a condition attached, the President may, without any application by General Short, retire him upon his reaching the age of 62 years on March 30, 1942, pursuant to the provisions of Revised Statutes, section 1244 (10 U.S.C. 944; Mil. Laws, sec. 323), and may make announcement to that effect at the present time.

*Myron C. Cramer,*

Myron C. Cramer,  
Major General,  
The Judge Advocate General.

1 Incl.

Let. to C. of S.  
1/27/42.



## CHARGE—VIOLATION OF 96TH ARTICLE OF WAR

- Specification 1: Failure to provide an adequate inshore aerial patrol.  
 Specification 2: Failure to provide adequate anti-aircraft defenses.  
 Specification 3: Failure to set up an Interceptor Command.  
 Specification 4: Failure to provide a proper aircraft warning service.  
 Specification 5: Failure to provide for the transmission of appropriate warnings to interested agencies.  
 Specification 6: Failure to establish a proper system of defense by cooperation and coordination with the Navy.  
 Specification 7: Failure to issue adequate orders to his subordinates as to their duties in case of sudden attack.  
 Specification 8: Failure to take adequate measures to protect the Fleet and Naval Base at Pearl Harbor.  
 Specification 9: Failure to have his airplanes dispersed in anticipation of a hostile attack, after having been warned of the danger thereof.  
 Specification 10: Failure to have his airplanes in a state of readiness for an attack.  
 Specification 11: Failure to provide for the protection of military personnel, their families, etc., and of civilian employees on various reservations.

[1]

WAR DEPARTMENT,  
 SERVICES OF SUPPLY,  
 OFFICE OF THE JUDGE ADVOCATE GENERAL,  
 Washington, April 20, 1942.

Memorandum for The Judge Advocate General.

Subject: Preparation of charges against Major General Walter C. Short, United States Army, Retired.

1. Pursuant to the oral direction of The Adjutant General to report to you for duty in connection with the preparation of charges against the above-named officer, in addition to my regular duties in his office, and having so reported and been directed to prepare tentative charges as aforesaid, the following comments are submitted with the tentative charges prepared.

2. *Possible Lines of Procedure.* An examination of the record of the board which investigated the attack by the Japanese on the Island of Oahu, on December 7, 1941, (hereinafter referred to as the Roberts Board), led to the conclusion that, at the present time, there were only three courses open:

(a) To prepare charges and specifications against General Short, not based entirely on the evidence adduced before the Roberts Board, but on that evidence and on evidence which it was believed may be further adduced, either (1) by recalling witnesses already examined for further questioning, or (2) by calling new witnesses from whom pertinent testimony may be expected.

(b) To prepare charges and specifications at this present time but based only on such evidence as was adduced before the Roberts Board which appears legally sufficient to support such charges and specifications.

(c) To refrain from drawing charges and specifications at this time, and to await a period when additional evidence may be adduced before a second board, and then to draw such charges and specifications as the accumulated evidence appears to warrant.

We have followed the first course, (a), because it not only appears to be in conformity with the direction that charges be now prepared, but because it is certain that the formal investigation of the charges which must precede arraignment will bring out additional evidence. For example, we believe that knowledge of the Navy Department radio of November 27, 1941, ("This is a war warning"), can be brought home to General Short, but from the Roberts record there would be difficulty in establishing that as a fact. General Short states categorically, "I didn't see it". Record, page 143. Only almost immediately to admit that he "did not know whether I saw it or not. I am not sure". Record, page 144. The Roberts record does not establish the fact, one way or another, for Admiral Kimmel's subordinates admit they did not carry out the Admiral's explicit direction that the radiogram was "for personal delivery to General Short", but, so far as they are concerned, it only reached G-3. (Record, page 662). Whether G-3 ever got the message to General Short was not brought out.



[2]

Again, Admiral Kimmel testified that the Navy Department informed him on December 3, 1941, that based upon information from reliable sources that Japanese diplomatic and consular officers in Washington, London, Hong Kong, Singapore and Batavia were directed to destroy most of their codes and ciphers and to burn secret documents. (Record, page 583). But, while General Short testifies to conferences with Admiral Kimmel from November 27, 1941, to December 6, 1941, and, in fact, to a conference on that very date, December 3, 1941, there is nothing in the record to indicate whether or not this information was given him by Admiral Kimmel.

Further, we have noted newspaper statements by possible witnesses who did not appear before the Roberts Board on points covered by our charges. Thus, Mrs. Mary Kogan, wife of First Lieutenant Milton M. Kogan, D. C., a reserve officer, is quoted in the press as stating that they had never received any instructions at Schofield Barracks as to what to do in case of an air raid, and further that a Hawaiian newspaper had predicted an attack by the Japanese "that week end". (See clipping in Brief and Resume submitted herewith.) Also, Mr. Raymond Coll, a Hawaiian newspaper editor is quoted by a Washington newspaper, shortly after the submission of the report of the Roberts Board, as stating, in substance, that General Short and Admiral Kimmel had made clear by their utterances before December 7, 1941, the possibility and imminence of a Japanese attack at an early date. (We have not been able to examine the Hawaiian newspapers at the Library of Congress because we were informed that they are now at the bindery, but this is another "lead" which should be followed in preparing the case.) Staff Sergeant Joseph Lockard, the enlisted man who was operating the Opana radar on the northern tip of the Island of Oahu, and who gave warning of the approach of the Japanese airplanes on this morning of December 7, 1941, was not questioned.

It is not necessary to multiply other instances. The Roberts Board, of necessity, could not go into many matters which would properly concern a court-martial.

3. *Theory upon which Charge and Specifications were framed.* The theory on which we have prepared the charge and specifications is that of nonfeasance. We have endeavored in each specification to show a duty and then to allege a neglect or failure to perform that duty. The line which General Short's defense will take is obvious from his statements before and to the Roberts Board. He will contend that there was no neglect of duty, but simply errors of judgment; that he had reported the measures he had taken to the War Department, and if he was in error in not going beyond "Alert No. 1" (protection against sabotage only), the War Department was equally in error in not inviting his attention to the supposed neglect; that from the nature of his instructions many of the neglects or failures with which we may charge him concerned defensive measures which he could not take without "causing unnecessary publicity and alarm", contrary to the instructions in the Chief of Staff's radiogram of November 27, 1941; [3] that it was the duty of the War Department to warn him more specifically if it had thought hostilities imminent, and that it did not do so until the radiogram of December 7, 1941, which he did not receive until after the attack. The obvious answer to this line of defense is that he had been warned, not once but repeatedly, both by the War Department and Navy Department messages, of the imminent dangers, well before December 7, 1941; that he had been placed in a position that every school-boy knows was one of exposure to sudden attack; that his own battle plans referred to it as "frontier"; that what the War Department may or may not have thought of the possibility of a sudden attack could not relieve him of his responsibility; that his failure to take effective and vigorous measures of defense against outside attack can not be condoned as mere errors of judgment. In short, the case will come down to this—Has the Government shown clearly and unequivocally neglect of duty or has it merely pointed out errors of judgment, excusable under the circumstances. We think that we can show such neglect, and that General Short will not be able to escape its consequences by any "Tu quoque" argument.

4. *The Proposed Charge and Specifications.* It will be noted that there is only one charge, viz., violation of the 96th. Article of War. There are several reasons why it is not recommended that any other article be invoked. In the first place, no precedent has been found for employing the 95th. Article of War in a case of this nature—in fact, the case appears to be unique—and if it be conceded that the 95th. Article of War could be used, there would immediately be an outcry

that the War Department was practically informing the court-martial that it desired the officer dismissed the service. Then, to use the 96th. Article of War avoids anything in the nature of a personal attack on General Short. A court-martial, whose members of necessity must, in most instances, know him personally, would hesitate to find him guilty of conduct unbecoming an officer and a gentleman unless it was very firmly convinced that he had deliberately falsified.

However, while General Short did not, in my opinion, deliberately falsify in his testimony before the Roberts Board, he certainly made statements without a sufficient background on which to base them, and actually the statements were contrary to the facts. A statement made "with disregard of a knowledge of the facts" may be a false official statement equally with one made with full knowledge of its falsity. (See, for example, specifications 119 and 141, Appendix 4, Manual for Courts-Martial, 1928.) Examples of such statements are, in substance, as follows:

(a) That the Interceptor Command was fully working from November 27, 1941, to December 6, 1941. (Record, page 51.) But General Davidson, who was supposed to be in charge of it, states that the Interceptor Command was not set up or functioning on or before December 7, 1941, and, in fact, that it was not activated until December 17, 1941. (Record, pages 170, 179, 196. See also Lt. Col. Powell, S. C., Department Signal Officer, Record, page 353.)

[4] (b) There were Navy liaison officers at the Interceptor Command Station—General Short thinks that three naval officers may have been detailed there to relay information to the Navy, but none were there on the morning of December 7, 1941. (Record, pages 68-70.) But no Navy liaison officers had as yet been detailed for this duty or had made their appearance at the Station. (Lt. Comdr. Taylor, Record, page 1230; Major Bergquist, Record, page 381; Admiral Kimmel, Record, page 632.)

(c) "The inshore reconnaissance was a daily thing. We had planes all around the Island constantly." (Record, page 107.) But General Davidson states, in answer to a question whether there were less planes in the air early Sunday morning, December 7, 1941, than usual, "Well, we don't generally have any planes in the air on Sundays." (Record, page 181.) And General Martin, Commanding the Hawaiian Air Force, states that up to December 7, 1941, there were no inshore aerial patrols for a possible enemy. (Record, page 1648.)

(d) First Lieutenant Tyler, Air Corps, was the control officer for the Interceptor Command (on December 7, 1941). (Record, page 66.) But Lieutenant Tyler was simply an observer who had only seen the "board" once before and had never operated it. He had no instructions whatever beyond observing for training purposes, and was at the Station after all the others but one had departed at 7:00 o'clock a. m. on December 7, 1941, only because he had been told to stay there until 8:00 o'clock a. m. (Record, page 368.) Major Bergquist had taken upon himself to have officers like Lieutenant Tyler assigned so that he could train them in the system. There was no assignment of this officer, Lieutenant Tyler, by order from General Short's headquarters or the headquarters of General Martin, commanding the Air Forces. (Record, page 379.)

If higher authority should reside specifications based on statements of General Short, such as are above mentioned, it would be easy to prepare them. But it is submitted that all such inconsistencies can best be developed by testimony relating to alleged acts of negligence, rather than by specifications charging false official statements. Thus, the proposed specification (number 3) as to the lack of an Interceptor Command, in effect contradicts flatly the allegation made by General Short that there was such a command functioning on December 7, 1941. The court-martial can determine whether he made the statement truthfully, deliberately, falsely, or with disregard of its truth or falsity. It should be kept in mind that a sentence of dismissal can be adjudged under A. W. 96 as well as under A. W. 95.

The specifications, all laid under the 96th Article of War and alleging a neglect or omission which was continuous down to and including December 7, 1941, are eleven in number, and, in substance, cover the following alleged offenses:

[5] (1) Failure to provide an adequate inshore aerial patrol.

(2) Failure to provide adequate anti-aircraft defenses.

(3) Failure to set up an Interceptor Command.

(4) Failure to provide a proper aircraft warning service.

(5) Failure to provide for the transmission of appropriate warnings to all interested agencies.



(6) Failure to establish a proper system of defense by cooperation and coordination with the Navy.

(7) Failure to issue adequate orders to his subordinates as to their respective duties in case of sudden attack.

(8) Failure to take adequate measures to protect the Fleet and Naval Base at Pearl Harbor.

(9) Failure to have his airplanes dispersed in anticipation of a hostile attack, after having been warned of the danger thereof.

(10) Failure to have his airplanes in a state of readiness for an attack.

(11) Failure to provide for protection of military personnel, their families, et cetera, on various reservations.

Some, if not, all, of these specifications may be expanded into several specifications. Thus, the failure to provide adequate anti-aircraft defense (specification 2) may be subdivided as follows, to-wit:

(a) Failure to have the available anti-aircraft guns in readiness.

(b) Failure to have the available ground machine guns in readiness.

(c) Failure to have adequate ammunition at hand for the anti-aircraft and the ground machine guns.

But it is believed that it will be much wiser to limit the specifications to a comparatively small number of distinct heads. When one begins to divide and subdivide he almost invariably ends by pleading evidence and unnecessarily hampering the prosecution by too great particularity. All three of the subdivisions set forth above are comprehended in failure to provide adequate anti-aircraft defense. If, of a large number of specifications, the accused is found guilty but of a few, there is always an attempt to show persecution. Thus, in the well known case of Oberlin M. Carter, the accused was tried on 37 specifications and found guilty of but four, and his defenders have constantly referred to that fact (overlooking that these four specifications were the most serious of the entire thirty-seven). Specifications of large and general import focus attention on the larger issues, and, in a case of this nature, that is highly desirable. General Short is not to be tried for some obscure military offense, but for neglect of duty in matters of the greatest moment to the whole country.

[6] Nor can General Short plead ignorance of the nature of the accusations against him on the ground that the specifications lack particularity, because in these specifications we have used language taken from battle plans and agreements to which either he was a subscribing party or of which he cannot deny knowledge without admitting gross ignorance. Certainly General Short cannot ask us to be more specific in our charges than he was in the written plans and agreements to which he was a party. If he knew what the plans and agreements meant, he cannot be deceived or misled by the same language in the charges.

It will be noted also that these specifications cover the specific matters in which General Short was found negligent by the Roberts Board. (See Report of Board under "Conclusions", pages 9, 10, 12, 13, 16 and 17.)

5. *Statute of Limitations.* From the nature of the offenses charged, it seems clear that it is proper to treat them as continuing down to and including the date of the attack, December 7, 1941. The failure to take adequate measures is not a single failure on a specific date but a failure on every day it continues. Hence, the statute of limitations, set forth in the 39th Article of War, for the offenses charged is two years and arraignment before a duly constituted court-martial must be had on or before December 6, 1943, if these charges are to be brought to trial. In order to give the investigating officer and the trial judge advocate ample time to perform their respective duties, it would seem that formal charges would have to be served not much later than January 1, 1943, for months would be required to secure depositions of absent witnesses and documentary evidence, not to speak of the difficulty of assembling a court of general officers. It is not unlikely, also, that the investigating officer or the trial judge advocate, or both, might find it necessary to visit the situs of the alleged derelictions.

6. *Liaison with the Navy Department.* As divers allegations of negligence are based on failure to cooperate with the Navy or to act on information received through the Navy, it will no doubt be necessary to call on the Secretary of the Navy for permission to examine the Navy officers who testified before the Roberts Board. The statute of limitations for any naval court-martial also appears to be two years. (See Section 1624, Revised Statutes, Art. 61.)

7. *Verification of Charges.* If desired, the charges can be verified, as on information and belief, by Major Steuart or myself, since from our examination of the Roberts record we believe that there is legal justification for trial.

[7] 8. *Assistance rendered by Major Dell King Steuart, J. A. G. D.* In the review of the voluminous record made by the Roberts Board, the examination of divers maps and other documents submitted, and in the analysis of and searching out of the evidence on which to base these charges and the initial ground-work in the preparation of the charges, I cannot speak too highly of the work done by my assistant, Major Dell King Steuart, J. A. G. D. Major Steuart was unknown to me when, with your approval, I selected him for this task, and, in my opinion, he has done a thorough piece of work in a highly efficient manner which has not only materially lightened my own review of the record, but which will be of the greatest assistance to anyone who is assigned to try this case. I desire to take this opportunity to express my appreciation of his loyal cooperation.

F. Granville Munson

F. GRANVILLE MUNSON,

Colonel, J. A. G. D.

4 Incls

Incl *a*—Charge and Specifications.

Incl *b*—Brief and Resume of Record of Roberts Commission.

Incl *c*—Pertinent notes—Roberts Commission (typewritten).

Incl *d*—Pertinent notes—Roberts Commission (longhand).

3216 CONGRESSIONAL INVESTIGATION PEARL HARBOR ATTACK

(WRITE NOTHING ABOVE THIS LINE)

CHARGE SHEET

Name, etc., of accused Short, Walter C. (O-1621), Major General, United States Army, Retired. (Give last name, first name, and middle initial in that order followed by serial number, grade, company, regiment, branch or by other appropriate description of accused. Alias names, etc., to follow in same manner)

Age Pay, \$ per month. Allotments to dependents, \$ per month. (Base pay plus pay for length of service)

Government Insurance deduction, \$ per month.

Data as to service: (As to each terminated enlistment, give including dates of service and organization in which serving at termination. As to current enlistment, give the initial date and the term thereof. Give similar data as to service not under an enlistment)

Data as to witnesses, etc.: (Give names, addresses, and note if for accused. List documentary evidence and note where each item thereof may be found)

As the question of the witnesses who may be called depends on the direction of higher authority as to the manner in which the case shall be tried (viz., on the testimony of only those witnesses who appeared before the Roberts Board, on the testimony of those witnesses plus that of additional witnesses, etc.) these data are left for future action. A list of the witnesses before the Roberts Board may be found in "Brief and Resume of Record of Roberts Commission" or "Notes Taken from Transcript of Roberts Commission to Investigate Attack on Pearl Harbor".

Data as to restraint of accused: (Give date, place, and initial date of any restraint of accused)



**CHARGE:** Violation of the 96th Article of War.

*Specification 1:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of providing for, and the execution of, defensive air operations over and in the immediate vicinity of the Island of Oahu, in his command, and of the establishment of an inshore aerial patrol of the waters of Oahu defensive coastal area, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility, by failing to establish and provide for an adequate inshore aerial patrol of said area commensurate with the critical relations between the United States and Japan which he then knew to exist, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 2:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of providing for, and the execution of, defensive air operations over and in the immediate vicinity of the Island of Oahu, in his command, and of providing for the beach and land, sea-coast, and anti-aircraft defense of said Island of Oahu, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing to provide adequate anti-aircraft defenses for such area commensurate with the critical relations between the United States and Japan which he then knew to exist, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 3:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of providing for, and the execution of, defensive air operations over and in the immediate vicinity of the Island of Oahu, in his command, and of providing for an interceptor command to coordinate and control the operations of pursuit aircraft, anti-aircraft artillery (including Naval and Marine Corps anti-aircraft artillery), the aircraft warning service, and attached units, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing to establish and provide for such interceptor command, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 4:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of providing for, and the execution of, defensive air operations over and in the immediate vicinity of the Island of Oahu, in his command, and of providing an aircraft warning service for the Hawaiian Island, in his command, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing to establish and provide for an adequate aircraft warning service commensurate with the critical relations between the United States and Japan which he then knew to exist, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 5:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of providing for, and the execution of, defensive air operations over and in the immediate vicinity of the Island of Oahu, in his command, and of establishing an aircraft warning service for the Hawaiian Islands, with provision for the transmission of appropriate warnings to all interested agencies, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing to provide for the transmission of appropriate warnings to all interested agencies of the approach or movement of possible hostile aircraft received through any aircraft warning service for said Hawaiian Islands, or otherwise, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 6:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of

acting jointly and in coordination with the United States Naval Forces in holding the Island of Oahu, in his command, as a main outlying naval base, and of coordinating joint defensive measures of the military and naval forces for the security of the United States Fleet in and near Pearl Harbor, and the Pearl Harbor Naval Base, Island of Oahu, from hostile raids and air attacks delivered prior to a declaration of war and before a general mobilization for war, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing adequately to collaborate and cooperate with the said United States Naval Forces in their aforesaid joint defensive measures in a manner commensurate with the critical relations between the United States which he then knew to exist, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 7:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of holding the Island of Oahu, in his command, against attacks by land, sea and air forces, and in providing for the beach and land, sea coast, and anti-aircraft defense of said Island of Oahu, with particular attention to Pearl Harbor Naval Base on said Island of Oahu and the naval forces there present, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing to issue to his subordinates adequate orders and instructions commensurate with the critical relations between the United States and Japan which he then knew to exist, as to their various duties in the event of sudden hostile attack against said Island of Oahu, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 8:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of coordinating the joint defensive measures of the military and naval forces for the security of the United States Fleet in Pearl Harbor and for the Pearl Harbor Naval Base, Island of Oahu, in his command, and for the defense against hostile raids or air attacks delivered prior to a declaration of war, and of providing for the beach and land, sea coast, and anti-aircraft defense of said Island of Oahu, with particular attention to Pearl Harbor Naval Base and the naval forces there present, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing to take and provide for adequate and proper defense measures, commensurate with the critical relations between the United States and Japan which he then knew to exist, for the security of the said Pearl Harbor Naval Base and the naval forces there present, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 9:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of holding the Island of Oahu, in his command, against attacks by land, sea and air forces, and of providing for the beach and land, sea coast, and anti-aircraft defense of said Island of Oahu, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing to make proper ground disposition, commensurate with the critical relations which he then knew to exist between the United States and Japan, of aircraft under his command, in that the said aircraft were not properly dispersed in anticipation of hostile air attacks which might be delivered prior to a declaration of war, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 10:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of holding the Island of Oahu, in his command, against attacks by land, sea and air forces, and of providing for, and the execution of, all defensive air operations over and in the immediate vicinity of said Island of Oahu, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing to have the aircraft under his command in a



proper state of readiness, commensurate with the critical relations between the United States and Japan which he then knew to exist, for the defense of the Island of Oahu, as aforesaid, same being neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

*Specification 11:* In that Major General Walter C. Short, United States Army, Retired, then Lieutenant General, United States Army, commanding Hawaiian Department, being then and there charged with the duty and responsibility of providing for the defense of the Island of Oahu, in his command, against attacks by land, sea and air forces, did, on the 7th day of December, 1941, and at all times prior thereto, utterly neglect and fail in his said duty and responsibility by failing to provide adequate measures and means, commensurate with the critical relations between the United States and Japan which he then knew to exist, for the protection of military personnel and their families, and of civilian employees of the Army, at and in the immediate vicinity of the various military reservations on said Island of Oahu from air raid attacks, same being a neglect to the prejudice of military discipline, and conduct of a nature to bring discredit upon the military service.

(WRITE NOTHING ABOVE THIS LINE)

(Signature of accuser) .....

.....  
(Grade, organization, or branch)

## AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this ..... day of ....., 19....., and made oath that he is a person subject to military law and that he personally signed the foregoing charges and specifications, and further that he \* has personal knowledge of the matters set forth in specifications .....; and \* has investigated the matters set forth in specifications ..... and that the same are true in fact, to the best of his knowledge and belief

(Indicate by specification and charge numbers)

(Signature) .....

.....  
(Grade and organization).....  
(Official character, as summary court, notary public, etc.)

NOTES.—At (\*) strike out words not applicable.

If the accuser has personal knowledge of the facts stated in one or more specifications or parts thereof, and his knowledge as to other specifications or parts thereof is derived from investigation of the facts, the form of the oath will be varied accordingly. In no case will he be permitted to state alternatively, as to any particular charge or specification, that he either has personal knowledge or has investigated.

If the oath is administered by a civil officer having a seal, his official seal should be affixed.

## LET IND.

Headquarters ....., (Place) ....., (Date) ....., 19.....

Referred for trial to .....  
(Grade, name, and organization of summary court, or trial judge advocate)..... court-martial appointed by paragraph ....., Special Orders No. ....  
(Summary) (Trial judge advocate of special or general)

Headquarters ....., 19.....

By ..... of .....  
(Command or order) (Grade and name of commanding officer)

....., Adjutant.

I have served a copy hereof on (each of) the above-named accused, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

(Signature) \_\_\_\_\_, Trial Judge Advocate.

(Grade and organization)

(SPACE FOR USE WHERE TRIAL IS BY SUMMARY COURT)

CASE No. \_\_\_\_\_

SPECIFICATIONS AND CHARGES	PLEAS	FINDINGS	SENTENCE OR ACQUITTAL AND REMARKS

Place \_\_\_\_\_, Date \_\_\_\_\_, 19\_\_\_\_\_

(Signature, grade, and organization)

Summary Court

Headquarters \_\_\_\_\_, 19\_\_\_\_\_

(Place and date)

(Action of reviewing authority)

\_\_\_\_\_, Commanding.

(Signature, grade, and organization)

Entered on service record in cases of conviction \_\_\_\_\_  
(Initials of personnel adjutant)

(4)

(WRITE NOTHING BELOW THIS LINE)



Secret

## BRIEF AND RÉSUMÉ OF TESTIMONY AND EXHIBITS TAKEN BEFORE ROBERTS COMMISSION INVESTIGATING ATTACK ON PEARL HARBOR DECEMBER 7, 1941 WITH LIST OF POSSIBLE SPECIFICATIONS BASED THEREON

[NOTE: This Brief and Résumé is based upon, and a further condensation of, approximately 100 pages of notes taken from the Report of the Roberts Commission. For a more complete statement of the testimony of each witness reference may be had to the aforesaid 100 pages of notes.]

## [1] INDEX

Page.

1. Index.
2. Reference note.
3. Explanatory note.
4. Witnesses examined by the Roberts Board and their functions.
5. Basic Documents and pertinent data.
- 5a. Newspaper Clippings.
6. Documentary Evidence.
21. Specification 1: Failure to provide an adequate inshore aerial patrol.
23. Specification 2: Failure to provide adequate anti-aircraft defenses.
27. Specification 3: Failure to set up an Interceptor Command.
29. Specification 4: Failure to provide a proper aircraft warning service.
31. Specification 5: Failure to provide for the transmission of appropriate warnings to interested agencies.
32. Specification 6: Failure to establish a proper system of defense by cooperation and coordination with the Navy.
36. Specification 7: Failure to issue adequate orders to his subordinates as to their duties in case of sudden attack.
39. Specification 8: Failure to take adequate measures to protect the Fleet and Naval Base at Pearl Harbor.
43. Specification 9: Failure to have his airplanes dispersed in anticipation of a hostile attack, after having been warned of the danger thereof.
44. Specification 10: Failure to have his airplanes in a state of readiness for an attack.
46. Specification 11: Failure to provide for the protection of military personnel, their families, etc., on various reservations.

[2] In re Major General Walter C. Short, United States Army, Retired

NOTE: The specifications on the charge sheet number 1 to 11, inclusive. The evidence relied upon to sustain each specification will be found in this Brief and Resume under the headings of Documentary Evidence and "Possible Specifications", each bearing a number that corresponds to that of the specification as drawn. In addition to the evidence shown under each particular specification, evidence set out under other specifications may also be relevant. Hence, it is advisable to first read all the Documentary Evidence, then the evidence contained in said Brief and Resume under all the specifications with this fact in mind.

DELL KING STEUART,  
Major, J. A. G. D.

## [3] EXPLANATORY NOTE

This concise resume of pertinent evidence with suggestions of possible specifications that might be based thereon, is a concentration and evaluation of over 4,900 typewritten pages of testimony and exhibits.

From this vast fund of material it was found that certain evidence therein tended in a degree to establish certain specifications herein enumerated under the heading of "Possible Specifications", and each item of such evidence has herein been listed, together with page in the record where it may be found, under the appropriate "Possible Specification".

It will be found that certain evidence is lacking, in whole or in part necessary to sustain some specifications, but it is thought that from all of the other pertinent evidence that such deficiency might readily be supplied by a further search and the securing of such additional evidence as may be necessary to sustain the specification to which it pertains. In some instances, it will be found that from the evidence in the record it appears that any deficiencies might be supplied by an examination in greater detail of the same or other witness.

The "Possible Specifications" are but tentative suggestions, and may be divided, sub-divided or combined in various ways when put in final form.

It has been the purpose of this resume to set forth each scintilla of evidence that either proves or tends to prove a certain possible specification, as set out in the record that has been examined, and, as stated above, in any instance where the evidence is either lacking, insufficient or unsatisfactory to sustain such specification, it will have to be supplied by further investigation or other appropriate measures.

There are sixteen volumes of the Roberts Record and thirty-six exhibits. The method used herein for reference thereto is that R6-780 means volume number 6, page 780. Ex. 15, means exhibit number 15.

DELL KING STEUART,  
Major, J. A. G. D.

[4] *Officers Examined and Their Official Capacities*

1. Lt. Col. W. E. Donegan, GSC, T. H.
2. Major Wm. S. Lawton, GSC, T. H.
3. Lt. Gen. Walter C. Short, CG Dept. of Hawaii
4. Brig. Gen. Howard C. Davidson, CG 14th. Pursuit Wing
5. Brig. Gen. Jacob H. Rudolph, CG 18th. Bombardment Wing
6. Major Brooke E. Allen, AC Hickman Field
7. Col. Walter C. Phillips, C of S, Hawaiian Dept.
8. Brig. Gen. Durward S. Wilson, CG 24th. Div.
9. Major Gen. Maxwell Murray, CG 25th. Div.
10. Major Gen. Henry T. Burgin, CG CA (sea coast and antiaircraft artillery)
11. Lt. Col. Kendall F. Fielder, G-2, Hawaiian Dept.
12. Lt. Col. Melvin L. Craig, Provost Marshall
13. Lt. Col. Bicknell, Ass't to G-2.
14. Major Gen. Frederick L. Martin, CG Hawaiian Air Force
15. Lt. Col. Carrol A. Powell, Dept. Signal Officer
16. Lt. Kermit A. Tyler, AC
17. Major Kenneth P. Bergquist, AC
18. Major Lorry Norris Tindall, AC
19. Lt. Kenneth M. Taylor, AC—cited
20. Lt. Geo. S. Welch, AC—cited
21. Sergeant Mobley L. Hall, Wheeler Field
22. Capt. Frank W. Ebey, CAC
23. Col. Wm. J. McCarthy, CAC
24. Pvt. Creed Short, ambulance driver
25. Lt. Stephen Saltzman, CA
26. Pvt. Raymond F. McBriarty, Bellows Field
27. Sgt. Lowell Vincent Klatt, 98 CA
28. Lt. Col. Jack W. Howard, QMC
29. Lt. Howard Frederick Cooper, Hickam Field
30. Capt. Melbourne H. West, Camp Malakole
31. Lt. Willis T. Lyman, CA—Malakole
32. Civilian Chas. Utterbach
33. Rear Adm. Husband E. Kimmel, USN, Cincpf
34. Rear Adm. Claude Chas. Bloch, Commandant 14th. Naval District
35. Walter Stanley Delany, Ass't C of S, and Operations Officer of the CinC
36. Capt. Chas. H. McMorris, USN, War Plans Office
37. Vice Adm. Wm. Satterlee Pye, USN
38. Rear Adm. Patrick N. L. Bellinger, CO Naval Planes when on shore.
39. Lt. Com. Edwin T. Layton, Fleet Intelligence Officer
40. Comdr. Joseph J. Rochefort, Combat Intelligence
41. Lt. Col. Claude A. Larkin, USMC, CO Ewa Field, Marine Planes
42. Capt. James M. Shoemaker, CO US Naval Air Station, Kaneohe Bay
43. Lt. Col. Leonard Weddington, CO Bellows Field
44. Lt. Comdr. Wm. E. G. Taylor (helping-army set up AWS).

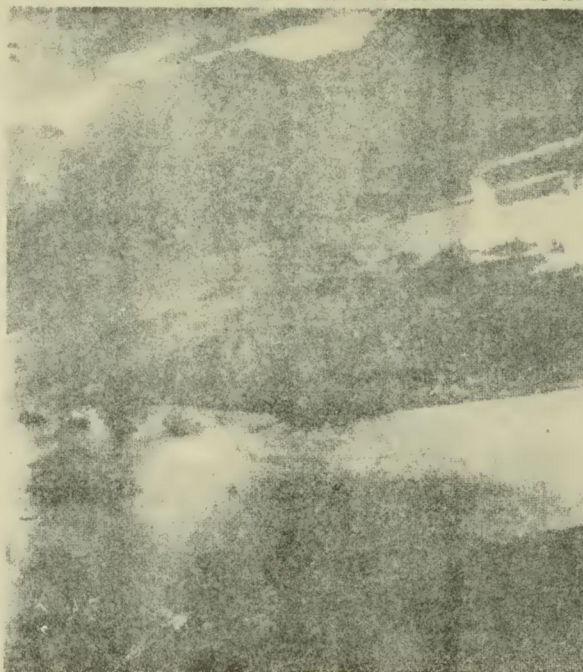


## 3224 CONGRESSIONAL INVESTIGATION PEARL HARBOR ATTACK

## BASIC DOCUMENTS AND PERTINENT DATA

Date	Description	Known to Genl.	Remarks
1935	Joint Army & Navy Def. Plan.-Rainbow 5	Yes.	This was the basic plan.
Jan. 24, '41	Letter Secy. of Navy to Secy. of War	Yes.	Sets forth in detail expected attack on Fleet in P.H.
Feb. 1, 1941	Adm. Kimmel takes com.		
Feb. 7, 1941	Secy of War answers Secy of Navy letter	Yes.	Secy War states both sent to Gen. S. and in his statement admits letter 2/7/41 received from W.D., 2/19/41.
Feb. 7, 1941	Gen. Short takes com.		
Feb. 15, '41	Pac. Ft. Con. Letter 2CL-41 (Security Measures)	Yes.	This corresponds to Army. SOP, and based on this CG and Adm. Bloch drew "Joint Air Operations Agreement".
Mar. 21, '41	Joint Air Operations Agreement.	Yes.	When part of Army or Navy Air Forces will come under command of other.
Mar. 31, '41	Addendum I to 2CL-41 and Annex	(Signed by CG, Hawn Air Force & Adm. Bellinger.	This is a joint estimate of the air action: each would take in case attacked. (Summarizes situation in detail).
Apr. 11, '41	Joint Coastal Hawaiian Frontier Defense Plan	Yes.	Signed Gen. Short & Adm. Bloch. (See pgs. 1 & 2 in Brief and Resume for details.)
Apr. 11, '41	Addendum II to 2CL-41	?	This is naval instruction as to degrees of readiness of plans based on Addend. I.
June, 1941	See letter Secy. War to Navy dated Feb. 7, 1941		Radar equipment supposed to be delivered to CG in Oahu.
June 19, '41	Letter Gen. Short to Adm. Kimmel	Yes.	Stating AWS "will be in operation in the near future".
Aug. 5, 1941	Letter Gen. Short to Adm. Kimmel	Yes.	Stating AWS is "rapidly nearing completion."
Aug. 20, '41	Ex. 35-Plan Gen. Martin for Aviation Defense	Yes.	Sent thru Gen. Short to WD. Covers in detail exactly what happened in attack.
None given In effect	Joint Action of Army and Navy. R5-553.	It appears so	Plan of Joint Board stating specific functions of Army in re AWS and transmission of info to Navy. Page 8 of Brief.
Oct. 15, 1941	2CL-41 (Revised)	?	No particular import this matter.
Oct. 16, 1941	CNO despatch to Cincpf	Yes. R2-40	"Japan may attack US and Britain."
Nov. 5, 1941	Standing Operating Procedure, Hawn Dept.	Yes.	Ex. 32. Duties AWS and Interceptor Command.
Nov. 24, 1941	CNO to Cincpf. Directed to inform Army	Thinks may have. R2-39.	"Suprise aggressive move of Japs in any direction a possibility."
Nov. 27, 1941	CNO to Cinc directed to inform Army	Adm. Kimmel says yes. ?	"This is a war warning."
Nov. 27, 1941	C of S to CG, Hawn Dept.	Yes.	"Hostile action possible at any moment. Negotiations terminated."
Nov. 27, '41	G-2 to G-2, Hawn Dept.	Yes.	"Possible that hostilities may begin."
None given	Hawn Dept., Field Order No. 1.	Yes.	Lawton says this created Interceptor Command.
Nov. 28, '41	G-2 to C. Areas & Overseas Depts.	Must have. ?	"Critical situation demands" watch for subversive activities.
Nov. 28, '41	CG to WD	Yes.	"Alerted to prevent sabotage. Liaison with Navy."
Dec. 1, 2, 3, 1941	Gen. Short says in conference with Navy.		Doesn't remember anything they discussed.
Dec. 3, '41	CNO to Cincpf	?	This is message Japs to destroy ciphers, codes, burn papers.
Dec. 6, '41	Japs burning papers	Yes ?	Reported to C of S Powell night before. He reported at Staff meeting this date.
Dec. 7, '41	WD warning to CG	Not at time.	This was message that came too late.
Note:	All plans and messages are set out fully in Ex. 36 by Gen. Gerow.		

*My. Jones, April 12, 1942.*  
 THE ATTACK ON EARL HARBOR AS SEEN BY THE JAPANESE



This photograph, showing the enemy blasting our ships on the morning of April 4, 1942, was sent from Kulbyshev to Moscow, whence it was radioed to New York. The four ships are described (left to right) as two United States cruisers, one of which is a fleet oiler, and a heavy cruiser that also has been hit. Beyond the island a column of water rises and a plume of smoke is seen (to right of column). According to the Japanese caption, American

Associated Press



This photograph, showing the enemy blasting our ships on the morning of April 4, 1942, was sent from Kulbyshev to Moscow, whence it was radioed to New York. The four ships are described (left to right) as two United States cruisers, one of which is a fleet oiler, and a heavy cruiser that also has been hit. Beyond the island a column of water rises and a plume of smoke is seen (to right of column). According to the Japanese caption, American



Berlan<sup>d</sup>-av, Somerset, Md.

### May Urges Death for Kimmel & Short

By United Press

PIKEVILLE, Ky., April 7—Rep. May (D., Ky.) chairman of the House Military Affairs Committee, recommends a "shooting match", court martial of Lieut. Gen. Walter C. Short and Admiral Husband E. Kimmel, commanders of Army and Navy installations at Pearl Harbor during the Japanese assault.

May made the recommendation at an Army Day celebration in this little county seat in the Cumberland Mountains.

Tom Holland, editor of The Pikeville County News, defined "shooting match" as "Kentucky language for a lawful execution."

May placed complete blame for the success of the Japanese attack on the two commanders. He said they were given sufficient warning of attack.

"It was probably the morning after Saturday night," May said. "You know Honolulu is noted for its night clubs."

A 29-witness and ra of Jay safety Washir "The Washir Mrs. M ton Ko "I'm calm. there is done at ters?"

repeats week t street N.W. which she left immediately after her marriage last April.

All across the continent she found the same listlessness. In the Middle West particular, she noticed there were no signs that a war was in progress.

She left Hawaii February 28, flew by clipper to San Francisco and completed the trip by train. In California she saw the first lights at night she had seen in three months, and here at home she experienced one of the greatest letdowns of her life.

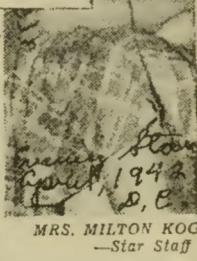
"The city is just like it was when I left it, although America is facing the greatest war in her history," she said yesterday. "No one here is at all perturbed, while life in Hawaii is like living in a fortress. I feel like saying, 'Wake up, people, and do something.' Unfortunately, it may take a bombing to make them do this, but there will be no laxity after that. I can never forget the feeling you have during an air raid—you want only one thing, and that is your life."

#### Saw Rising Sun Insignia.

Mrs. Kogan and her husband were awakened at their home at Schofield barracks at 7:55 a.m. December 7 by loud noises in the sky. They threw on wraps and walked out into the yard, thinking it was something different in the way of maneuvers. They commented to each other that if war was like this it must be terrible. Smoke was rising in all directions. The gigantic explosion of bombs, the heavy roar of coast artillery fire and the rattle of machine guns seemed to be shaking the entire island.

Out of the doglight overhead a plane peeled off and came toward them, flying low. They watched it until they saw the rising sun insignia on its side, saw its machine guns spouting, saw bullets kicking up soil at their feet. It was then they knew the thing was real and that the warning of a Hawaiian

### Jap Bull Asstee



MRS. MILTON KOGAN —Star Staff

### Pearl Harbor Pilot Wins Navy Cross

JACKSONVILLE, Fla., April 4 (U.P.)—A 31-year-old naval flyer who took his unarmored Sikorski amphibian aloft as Japanese war planes were attacking Pearl Harbor on December 7 in order to obtain "information of the enemy," today received the Navy Cross for bravery.

The flyer, Lieut. Gordon E. Bolser, of Los Angeles, was carrying only two Springfield rifles in his plane when two Japanese planes attacked him at an altitude of about 1,500 feet. Unable to fight back, he broke away from the Jap fighters by slipping into a cloud bank and gaining altitude.

Bolser who was transferred to the Jacksonville Naval Air Station last week as an instructor in observation and scout training, was reticent to discuss his exploit but lauded the conduct of his comrades at Pearl Harbor under fire.

"Talk about suicide squadrons," he said, "we really had them. Men from disabled ships were eager to get at the enemy and begged for a chance to go up, even in unarmored training planes.

"Ten of them crowded around when I started my takeoff. Our crew included two strangers—one from a battleship and one from a patrol squadron. We had no arms until two sentries handed over their Springfields."

A native of Boston, Bolser is the son of Mrs. Charles C. Allen of Los Angeles.

He was decorated today by Capt. Charles P. Mason, commandant of the Naval Air Station, on behalf strong in her memory that of President Roosevelt.

newspapers a week ear when Japan could be expected. crew included two strangers—one that week end had come t from a battleship and one from Mrs. Kogan remembers a patrol squadron. We had no arms until two sentries handed over their Springfields.

Nightmare for 24 Ho "I think I'll go shave," s him.

And then she asserted he ity as a bride. "I think y she said. "This is war." strong in her memory that of President Roosevelt.

Things were a nightmare for the next 24 hours. She helped make surgical dressings all morning and then she was huddled in a quadrangle to await evacuation. It was well after dark when she and other women were taken away by bus. They passed by the burning ruins of Pearl Harbor, through a blackness broken frequently by tracer bullets. Along the roadside they could hear the excited talk of many people, all going toward Honolulu.

Eventually the bus drew up at a school building in Kalia Valley. There the evacuees lay down on the floor on a thin layer of blankets and tried to sleep.

"Before December 7," she recalled, "we hadn't even been told what to do in case of an air raid."

"Hawaii has had her bombing experience and Hawaii is prepared," she said. "But I'm afraid for Washington."

See Ex 16 Encl 1



[6]

## DOCUMENTARY EVIDENCE

## PLANS

1. Joint Army and Navy Defense Plan of 1935. See Ex. 36 and R1-5.

Based on above War Plans Division prepared Army Strategical Plan which consists of Operations Plan—Rainbow 5, and Concentration Plan—Rainbow 5. Mission assigned Hawaiian Coastal Frontier under Army Strategical Plan are:

*a. Joint.*—Hold Oahu as main outlying naval base and control and protect shipping in coastal zone.

*b. Army.*—Hold Oahu against attacks by land, sea and air forces and against hostile sympathizers. Support naval forces in protection of the sea communications of the Associated Powers, \* \* \*.

*c. Navy.*—Patrol the coastal zone; control and protect shipping therein; support the Army.

Based on above plan General Short and Admiral Bloch appeared and signed on April 11, 1941 the—

2. Joint Hawaiian Coastal Frontier Defense Plan, Ex. #36, states in part—

“I. *General:*

1. In order to coordinate joint defensive measures for the security of the fleet and for Pearl Harbor Naval Base for defense against hostile raids or air attacks delivered prior to a declaration of war and before a general mobilization for war, the following agreements, \* \* \*, are adopted.

“II. *Joint Air Operations:*

2. \* \* \*.

*a.* Joint air attacks upon hostile surface vessels \* \* \*.

*b.* Defensive air operations over and in the immediate vicinity of Oahu will be executed under the tactical command of the Army. \* \* \*.”

In addition to foregoing, Major Lawton states (R1-5) that [7] this plan says—

"The Commanding General, Hawaiian Department, shall provide for the beach and land, sea-coast, and anti-aircraft defense of Oahu, with particular attention to Pearl Harbor Naval Base and naval forces present, etc., etc."

"The Army to provide for anti-aircraft and gas defense, intelligence and warning services, protection of landing fields and naval installations and outlying islands consistent with available forces, defense of installations on Oahu vital to the Army and Navy and to the civilian community for light, water, power, and for interior guard and sabotage \* \* \* within Hawaiian Island \* \* \*, establishment of an inshore aerial patrol of the waters of Oahu defensive coastal area in cooperation with the naval inshore patrol, \* \* \*, and an aircraft warning service for the Hawaiian Islands, \* \* \*."

Under this Plan the Navy was to be responsible for "distant reconnaissance".

Based upon above there was issued Field Order #1 which was a secret operations order for Hawaiian Department (R1-17). Major Lawton states that this document creates the interceptor command and the aircraft warning service.

Then to further amplify Field Order #1 which was secret, the Standing Operating Procedure (SOP) of 5 November 1941 was issued (Ex. 32).

Section II, paragraph 15j provides:

"The interceptor Command will:

Coordinate and control the operations of pursuit aircraft, anti-aircraft artillery (including available Naval and Marine Corps AA artillery), the aircraft warning service, and attached units, and will provide for the coordination of anti-aircraft measures of units not under military control, to include:

- (1) Arrival and departure of all friendly aircraft.
- [8] (2) The coordination of the anti-aircraft fire of Naval ships in Pearl and/or Honolulu Harbors.
- (3) Transmission of appropriate warnings to all interested agencies."

R1-34 states where these three documents were examined and briefly their contents.

Based upon the Joint Army and Navy Plan-Rainbow 5, Admiral Kimmel on February 15, 1941, issued his security measures in a letter known as "Letter 2CL-41", which was later revised on October 15, 1941, and known as Pacific Fleet Confidential Letter No. 2CL-41 (Revised). R5-following page 549. Paragraph (G) of this letter provided that Commandant 14th. ND would be the Naval Base Defense Officer, known as N. B. D. O., and as such should cooperate with the Army for "defense against air attack".

In furtherance of this proposed cooperation Admiral Bloch and General Short on March 20, 1941, drew up an agreement which was signed and approved by them March 21, 1941 (R5-554-556). This was known as their Joint Air Operations Agreement. This provided in brief that Defensive air operations over and in the immediate vicinity of Oahu will be executed under tactical command of the Army, and that under certain situations Army planes would go to the Navy to assist them with their "distance patrol" and other times Navy planes on shore would operate under Army control.

April 9, 1941, the N. B. D. O. issued an Annex for the Naval Forces to this Joint Air Operations agreement based upon this agreement, Letter 2CL-41, 15 February 1941, and Addendum I to the Plan.

[9] Addendum I is a joint estimate of the air action necessary, dated 31 March 1941, signed by Commanding General, Hawaiian Air Force (General Martin) and Admiral Bellinger (R5-556C). This states, in pertinent part, as follows:

#### I. Summary of the Situation:

- (a) Relations between US and Orange are strained, uncertain and varying.
- (b) In the past Orange has never preceded hostile action by a declaration of war.
- (c) A successful, sudden raid, against our ships and Naval installations on Oahu might prevent effective offensive action by our forces in the western Pacific for a long period.
- (d) It appears possible that Orange submarines and/or fast raiding force might arrive in Hawaiian waters with no prior warning from our intelligence service.

## II. Survey of Opposing Strengths:

(a) Orange might send into this area one or more submarines and/or one or more *fast raiding forces composed of carriers* supported by fast cruisers. For such action she is known to have eight carriers. \* \* \*

## III. Possible Enemy Action:

(a) A declaration of war might be preceded by:

1. A surprise submarine attack on ships in the operating area.
2. A surprise attack on Oahu including ships and installations at Pearl Harbor.

3. A combination of these two.

(b) *It appears that the most likely and dangerous form of attack on Oahu would be an air attack. It is believed that at present such an attack would most likely be launched from one or more carriers which would probably approach inside of 300 miles.*

(c) A single attack might indicate or not indicate the presence of more submarines or more planes awaiting to attack \* \* \*.

(d) \* \* \*.

(e) In a dawn air attack there is a high probability that it could be delivered as a complete surprise in spite of any patrols we might be using \* \* \*. (Here discusses dawn and dusk carrier borne plane air attacks in detail.) (See this document as it completely covers and provides for just what happened.)

## IV. Action Open to United States:

\* \* \* \* \*

[10] (4) None of the above actions can be initiated by our forces *until an attack is known to be imminent* or has occurred. On the other hand, when an attack develops time will probably be vital and our actions must start with a minimum of delay. *It therefore appears that task forces should be organized now, missions assigned, conditions of readiness defined and detailed plans prepared so that coordinated immediate action can be taken promptly by all elements when one of the visualized emergencies arises.* \* \* \*

## V. Decisions:

\* \* \* \* \*

2. Air Combat Group. (To) Intercept and destroy hostile aircraft. Identify and report types of attacking aircraft. *Trail attacking carrier type planes to carrier and report location to commander search and attack group.* \* \* \*

(c) *Provide a means for quickly starting all required action under this plan when:*

(a) An air attack occurs on Oahu.

(b) Information is received from any source that indicates an attack is probable.

\* \* \* \* \*

Addendum II to this Plan follows on R5-556K, see also R5-556M, N, and this briefly describes the various states of readiness of the planes necessary to perform their duties under this plan. The two lowest degrees or states of readiness are:

*Material Readiness, E—All aircraft conducting routine operations, none ready for the purposes of this plan; and under Operational Readiness #5. All types—four hours.*

On January 24, 1941, Secretary of the Navy Knox wrote to the Secretary of War Stimson, which letter reads in pertinent part, as follows (R16-1823-1827):

MY DEAR MR. SECRETARY: The security of the U. S. Pacific Fleet while in Pearl Harbor and of the Pearl Harbor Naval Base itself, has been under renewed study by the Navy Department and forces afloat for the past several weeks. This re-examination has been, in part, prompted by the increased gravity of the situation with respect [11] to Japan, and by reports



from abroad of successful bombing and torpedo plane attacks on ships while in bases. If war eventuates with Japan, it is believed easily possible that hostilities would be initiated by a surprise attack upon the Fleet or the Naval Base at Pearl Harbor.

In my opinion, the inherent possibilities of a major disaster to the fleet or naval base warrant taking every step, as rapidly as can be done, that will increase the joint readiness of the Army and Navy to withstand a raid of the character mentioned above.

The dangers envisaged in their order of importance and probability are considered to be:

- (1) Air bombing attack.
- (2) Air torpedo plane attack.
- (3) Sabotage.
- (4) Submarine attack.
- (5) Mining.
- (6) Bombardment by gun fire.

Defense for all but the first two appears to have been provided for satisfactorily. The following paragraphs are devoted principally to a discussion of the problems encompassed in (1) and (2) above, the solution of which I consider to be of primary importance.

Both types of air attack are possible. They may be carried out successively, simultaneously, or in combination with other operations enumerated. \* \* \* Attacks would be launched from a striking force of carriers and their supporting vessels.

The counter measures to be considered are:

- (a) Location and engagement of enemy carriers and supporting vessels before air attack can be launched;
- (b) Location and engagement of enemy aircraft before they can reach their objectives;
- (c) Repulse of enemy aircraft by anti-aircraft fire;

\* \* \* \* \*

To meet the needs of the situation, I offer the following proposals:

(1) That the Army assign the highest priority to the increase of pursuit aircraft and anti-aircraft artillery, and the establishment of an air warning net in Hawaii.

(2) \* \* \*

(3) That local joint plans be drawn for the effective coordination of naval and military aircraft operations, and ship and shore anti-aircraft gun fire, against surprise aircraft raids.

(4) That the Army and Navy forces in Oahu agree on appropriate degrees of joint readiness for immediate action [12] in defense against surprise aircraft raids against Pearl Harbor.

(5) That joint exercises, designed to prepare Army and Navy forces in Oahu for defense against surprise aircraft raids, be held at least once weekly so long as the present uncertainty exists.

\* \* \* \* \*

Sincerely yours,

FRANK KNOX.

On the 7th day of February, 1941, the Secretary of War answered this letter, in brief, as follows:

Subject: Air Defense of Pearl Harbor, Hawaii.

1. In replying to your letter of January 24, 1941, regarding the possibility of surprise attacks upon the Fleet or Naval Base at Pearl Harbor, I wish to express complete concurrence as to the importance of this matter and the urgency of our making every possible preparation to meet such a hostile effort.

2. (Here the Secretary outlines the Hawaiian Project for defense. Says all material for aircraft warning service will be there not later than June, 1941, etc.)

\* \* \* \* \*

6. With reference to your other proposals for joint defense, I am forwarding a copy of your letter and this reply to the Commanding General,

Hawaiian Department, and am directing him to cooperate with the local naval authorities in making those measures effective.

HENRY STIMSON.

This last letter from War to Navy is Ex. 22, and reported on page R16-1827 of transcribed testimony. In General Short's statement he admits receipt on February 19, 1941, "of your letter of February 7, 1941", and refers to much information on aircraft he didn't have. (It is inferred that this is the letter to which he refers, but it should be checked.)

On the 20th day of August, 1941, the Commanding General, Hawaiian Air Force (General Martin), submitted to the War Department, [13] through the Commanding General, Hawaiian Department (General Short), a plan for the Air Defense of Oahu (Ex. 35). It states, in pertinent part, as follows:

I. *General:*

1. The key to this plan is found in the provision for first, a complete and thorough search of the Hawaiian area daily during daylight; secondly, an attack force available on call to hit a known objective located as a result of the search, and, thirdly, if the objective is a carrier, to hit it the day before it could steam to a position offshore of Oahu where it could launch its planes for attack.

\* \* \* \* \*

III. *Facts Bearing on the Case:*

1. Facts:

a. The Army mission is: "To defend the naval base of Oahu. \* \* \*"

d. To perform its missions, the Fleet must have freedom of action without responsibility for the defense of its base.

2. Assumptions:

\* \* \* \* \*

c. The Hawaiian Air Force is primarily concerned with the destruction of hostile carriers in this vicinity before they approach within range of Oahu where they can launch their bombardment aircraft for a raid or attack on Oahu.

\* \* \* \* \*

e. Our most likely enemy, Orange, can probably employ a maximum of six carriers against Oahu.

IV. *Discussion:*

Part 1. The Search:

1. The only manner in which the Hawaiian area can be thoroughly searched for enemy surface craft, *particularly aircraft carriers*, in the event of a situation requiring such action, is to provide a sufficient number of aircraft to conduct a daily search of a desired area during daylight hours with 100% coverage through 360 degrees. \* \* \*

Part 2.

1. Section 1:

a. An enemy should be primarily interested in obtaining the maximum cover of darkness for his carrier approach. This section illustrates four possible uses of darkness by an enemy to cover his approach. \* \* \*

\* \* \* \* \*

c. \* \* \* The early morning attack is, therefore, the best plan of action open to the enemy.

V. *Conclusion:*

1. \* \* \*

2 a. The most favorable plan of action open to the enemy, and the *action upon which we should base our plans* of operation [14] is the early morning attack in which the enemy must make good the following time schedule:

(1) Cross circle 881 nautical miles from Oahu at dawn of the day before attack.

(2) \* \* \*

(3) Launch his planes 233 nautical miles from Oahu at dawn the day of the attack.

VI. *Recommendations:*

\* \* \* \* \*



4. \* \* \* The sole purpose of the existence of the military establishment on Oahu, ground and air, is for the defense of Oahu as an outlying naval base. \* \* \*

It has been said, and it is a popular belief, that Hawaii is the strongest outlying naval base in the world and could, therefore, withstand indefinitely attacks and attempted invasions. Plans based on such convictions are inherently weak and tend to create a false sense of security with the consequent unpreparedness for offensive action.

Just prior to December 7, 1941, there were several communications that are mentioned throughout the testimony and should be borne in mind, as follows:

1. General Short on R2-40 admits receiving the following from the Navy 16 Oct. 41:

The following is a paraphrase of a despatch from the CNO which I have been directed to pass to you. Quote: "Japanese cabinet resignation creates a grave situation. If a new cabinet is formed it will probably be anti-American and extremely nationalistic. If the Konoye cabinet remains it will operate under a new mandate which will not include rapprochement with the United States. Either way hostilities between Japan and Russia are strongly possible. Since Britain and United States are held responsible by Japan for her present situation there is also a possibility that Japan may attack those two powers. View of these possibilities you will take due precautions including such preparatory deployments as will not disclose strategic intention nor constitute provocative action against Japan."

2. R9-1094: On November 24, 1941 CNO to Cincpf—General Short thinks (R2-39) he probably saw it:

There are very doubtful chances of a favorable outcome of [15] negotiations with Japan. This situation, coupled with statements of Nippon Government and movements of their naval and military forces indicate in our opinion that *a surprise aggressive movement in any direction* including an attack on the Philippines or Guam *is a possibility*. The Chief of Staff has seen this dispatch and concurs and requests action addressed (\* \* \*) inform senior Army officers their respective areas. Utmost secrecy is necessary in order not to complicate an already tense situation or precipitate Jap action. \* \* \*. (These communications are all found Ex. 36)

3. War Department to Commanding General, Hawaiian Department, November 26, 1941. in re two planes to photograph islands to locate Jap guns, ships, etc.

4. CNO to Cincpf dated November 27, 1941 (there is considerable discussion about whether this was delivered to General Short or not, but Admiral Kimmel tells just how it was delivered by a Lieutenant Burr to G-3, either Donegan or Lawton, on November 27, 1941, in R6-622,3, it reads in part (See R9-1095) :

This is a paraphrase of a classified dispatch.

\* \* \* \* \*  
 "Consider this dispatch a war warning. The negotiations with Japan in an effort to stabilize conditions in the Pacific have ended. Japan is expected to make an aggressive move within the next few days. An amphibious expedition against either the Philippines, Thai or Kra Peninsula or possibly Borneo is indicated by the number and equipment of Japanese troops and the organization of their naval task forces. You will execute a defensive deployment in preparation for carrying out the tasks assigned in WPL 46 only. Guam Samoa and Continental Districts have been directed to take appropriate measures against sabotage. A similar warning is being sent by the War Department. Inform naval district and army authorities. British to be informed by Spenavo." \* \* \*

5. Chief of Staff to Commanding General, Hawaiian Department, 27 November 1941:

Negotiations with Japan appear to be terminated to all [16] practical purposes with only the barest possibilities that the Japanese Government might come back and offer to continue. Japanese future action unpredictable but hostile action possible at any moment. If hostilities cannot, repeat cannot, be avoided, the US desires that Japan commit the first overt act. This policy should not, repeat not, be construed as restricting you to a course of action that might jeopardize your defense. Prior to hostile Japa-



nese action, you are directed to undertake such reconnaissance and other measures as you deem necessary but these measures should be carried out so as not, repeat not, to alarm the civil population or disclose intent. Report measures taken. Should hostilities occur, you will carry out tasks assigned in Rainbow 5 as far as they pertain to Japan. Limit dissemination of this highly secret information to minimum essential officers.

6. G-2, War Department, to G-2, Hawaiian Department, dated November 27, 1941:

Advise only the CG and the C of S that it appears that the conference with the Japanese has ended in an apparent deadlock. Acts of sabotage and espionage probable. *Also possible that hostilities may begin.*

7. G-2, War Department, to all Corps Areas and Overseas Departments, dated November 28, 1941:

Critical situation demands that all precautions be taken immediately against subversive activities within the field of investigative responsibility of the War Department \* \* \* (then discusses sabotage. See Ex. 36).

8. Commanding General to Chief of Staff, November 28, 1941:

Report department alerted to prevent sabotage. Liaison with Navy.

9. Chief of Staff to Commanding General, Hawaiian Department, December 7, 1941 (this message never delivered prior to attack):

Japanese are presenting at 1:00 P. M., EST, today what amounts to an ultimatum also they are under orders to destroy their code machine immediately. Just what significance the hour set may have we do not know but be on alert accordingly. Inform naval authorities of this communication.

[17] On R5-553, Admiral Kimmel testifies in regard to a publication known as "Joint Action of the Army and Navy." He says, "This publication was prepared by the Joint Board and promulgated to the two services by a joint order signed by the Secretaries of War and Navy. Under a heading "The Specific Functions of the Army in Coastal Frontier Defense"—(*the Army will provide* (I have added the italicized words for clarity—DKS)):

A communication and intelligence system to include an aircraft warning service, among the elements of the land defense, with provision for the prompt exchange of information or instructions with the Navy.

On R5-554 Admiral Kimmel reads a statement from this "Joint Action of the Army and Navy", page 32 thereof, which states:

An aircraft warning service is a communication and intelligence service which forms part of the communication and intelligence service of the frontier defense. The purpose is to warn centers of population, industrial plants, public utilities, and military and naval establishments of the approach of hostile aircraft, and to alert Air Corps units and antiaircraft artillery units. It consists essentially of observers, of information centers for plotting the courses and distributing information of approaching hostile planes, and of the necessary communications.

(NOTE: This above document is discussed but no date thereof given, although Adm. Kimmel says it was in force December 7, 1941, and prior thereto. Check it.)

Ex. 7: On page 11, General Short in his statement cites an extract from the Joint Coastal Frontier Plan which is also his Ex. D attached thereto, and it reads:

"Method of Coordination. The CG, Hawaiian Dept, and the Commandant 14th Naval Dist. have determined that in this joint plan the method of coordination will be by mutual cooperation [18] and that this method will apply to all activities wherein the Army and Navy operate in coordination, until and if the method of unity of command is invoked, as prescribed in Joint Army and Navy Defense Plan, 1935, Chap. 2, par. 9b."

On R5-583, Admiral Kimmel reads a Naval Dispatch dated December 3, 1941, which states:

"OpNav informs CinC Asiatic, CinePac, Combat 14-15 that highly reliable information has been received that instructions were sent Japanese diplomatic and consular posts at Hong Kong, Singapore, Batavia, Washington,

and London to destroy most of their codes and ciphers at once and to burn secret documents."

Ex. 16: This is account of action and orders taken since December 7th at Wheeler Field. This document is extremely illuminating in that it indirectly shows what was necessary and not done prior to the attack—such as information for conduct of families during air raids; blackouts, what to do in gas attacks, orders for gas masks. (No provision for these things prior thereto.) It includes:

Special Orders for chemical air attack dated December 9, 1941.

Air raid instructions, dated December 7, 1941.

Statement that they distributed Stewart Klaxons for air raid warning system after attack. (Consequently, must have had them prior thereto.)

December 9, 1941, sets up a practice air raid for Honolulu. This signed by General Short.

December 9, 1941, had them exchange their old gas masks for new ones as old ones were unserviceable.

Submitted Col. Wm. Flood, Commanding Wheeler.

Ex. 17: From General Rudolph at Hickam Field. Gives his new arrangements and instructions since December 7, 1941. Blackout instructions, issued gas masks, and sirens for air raid alarms. Cooperation with Navy on patrols.

Ex. 18: From General Tinker, Air Force Commander, Hickam [19] Field. About same as above.

Ex. 20: This is a communication from General Martin to Commanding General dated September 20, 1941, arranging for Joint Army and Navy practice drill for 17-22 November, 1941. (This was a plan for the drill.) States they want to test "ability of carrier aviation to attack defenses of Oahu"—"efficiency of Interceptor Command". "\* \* \* defense of Oahu will be directed by the Interceptor Commander using recently installed equipment and controlling operations from his control board."

Ex. 31: SOP, CAC—53rd CA Brigade (AA) November 26, 1941. CO—Harbor Defense—Pearl Harbor, Honolulu, Kaneohe Bay.

"Sec. 1, para. 6—Every unit is responsible for its security at all times from hostile ground or air forces."

See pars. 233-273, incl., FM 10-5 (particularly applicable to "close in" defense by all sea coast artillery and AA units.) "Sec. 1, para. 10-a. AA defense is a responsibility of every unit. See Paras. 261-273, FM 100-5."

"All units will have their automatic weapons habitually in readiness for AA defense.

d. All unit commanders will be held responsible for the following:

(1) Maintenance of air guards to give timely warning of the approach of hostile aviation; \* \* \*

(3) Reduction of vulnerability to air attacks and observation by dispersion of personnel and material when in bivouac or in position, \* \* \*

Sec. 1, para. 11 \* \* \* an adequate alarm system will be provided. (Alarms for air attacks, close-in defense and blackouts indicated.)"

Ex. 32: SOP, Hawaiian Department, 5 November 1941. This is practically same content as preceding Ex. 31 in re all things mentioned above.

Ex. 27: This is telephone conversation on December 3, 1941, [20] between a Japanese in Honolulu by name of Mori and a Military or Naval officer in Tokio, translated and available to Military Intelligence, Hawaiian Department, December 5, 1941. (This does not seem to show very much of importance except that Tokio inquired about the number of air planes flying about daily and if Mori knew "anything about United States Fleet".)

Ex. 28: SOP, 25th Division—See Section I, para. 10, "Alarm system" and Sec. I, para. 6 a, b (1) (2)—relative to having AA guns and ammunition.

Ex. 29: SOP, 24th Division. See in re AA defense and Sec. 1, para. 13—"alarm system".

[27]

#### POSSIBLE SPECIFICATIONS

##### 1. FAILURE TO PROVIDE AN ADEQUATE INSHORE AERIAL PATROL

R1-5: Joint Coastal Frontier Defense Plan—provides amongst other things for Army the "\* \* \* establishment of an inshore aerial patrol of the waters of Oahu defensive coastal area."



R1-14: Major Lawton states that Army fliers were to patrol inshore area off Oahu (about 20 miles) and Navy to operate a surface patrol in same area.

R2-127: Gen. Short states there were no planes in the air this Sunday morning of attack, and that it was "Most unusual". Would have to ask Davidson why not. But had they been in the air "they would have had no ammunition. They were only training."

R2-107: Gen. Short states, "Inshore reconnaissance was a daily thing. We had planes around the Island just constantly."

R2-162: Pursuit planes not armed at time of the attack, Gen. Short admits. Says, "They were not on a war footing." (There was no "inshore" patrol established. He means that training planes were just flying around for the training. They had no ammunition while in the air.)

R2-172: Gen. Davidson had charge of the pursuit planes on the Island and says that none of his planes ever flew before 7:30 A. M. and then just for training and never flew on Sundays.

R2-181: General Davidson says there were no planes in the air this Sunday morning just the same as any other Sunday morning. They were resting.

R6-738: Adm. Bloch says that he and Gen. Short signed the Joint Coastal Hawaiian Frontier Defense Plan, April 11, 1941. By this Navy undertook the distant reconnaissance and the Army to provide an "inshore aerial patrol" to run out 25 to 50 miles at sea. Prior to December 7th he don't think Army ever did this.

R14-1648: Gen. Martin was Commanding General, Hawaiian Air Force, and admits that prior to December 7, 1941, there was no inshore patrol.

[22] R2-200: Gen. Rudolph, Commanding General, bombers, says that he was only training crews to bring over the bombers from the mainland. That when his ships were up they would have no ammunition unless they were doing some target practice in connection with their training. None of his planes were in the air at time of attack December 7, 1941, at 7:55 A. M. and that none got in the air until after the attack.

R2-127: General Short, after stating that "planes were in the air constantly", was asked, "Well, they were the planes of your inshore patrol?" He replied, "Well, they were planes that were in training, but they would see just as much as—yes, they would have only been inshore patrol; they wouldn't have gone over 15 miles; they wouldn't have seen anything that those training planes wouldn't have seen constantly".

R2-107: General Short states, "My reconnaissance under the plan with the Navy is limited to just the immediate offshore of the island, ordinarily limited to 15 miles. \* \* \*" (See statement of Admiral Bloch, R6-738, supra.)

[23] 2. FAILURE TO PROVIDE ADEQUATE ANTI-AIRCRAFT DEFENSES

R1-5: Joint Coastal Frontier Plan makes Army responsible for aircraft defenses.

R2-80: General Short admits that all anti-aircraft batteries didn't have ammunition. Admits four batteries had to go some distance to get it, and some had to go to the crater after it, and those who had it had to unbox it.

R2-88. 25th Division had to draw ammunition for their artillery and was not in battle position until 4 P. M.

R2-128: Alert #1 didn't provide for air attack at all, but only for uprisings " \* \* \* where there was no threat from without."

R2-189-90: General Davidson says the biggest difficulty was that plane guns were not loaded and the ammunition was in a hangar that was afire.

R2-190: General Davidson states that had he been in position with his ships he could have shot down Jap planes before they reached their objective.

R3-257: General Wilson says that by the time he got to the field the men themselves had gotten the machine guns out and "had gotten busy".

R3-234: Colonel Phillips states that AA guns had no ammunition. Thinks they should have under FM 100-5. (This he speaks of would be mobile units.)

R3-252: General Wilson, 24th Division says his troops had to draw ammunition.

R3-262: General Murray, 25th Division, says that he had violated regulations and had previously drawn ammunition. He says he knew the area for drawing ammunition (small) at Schofield and as it was congested he knew that it would be a regular slaughter if Japs attacked with bombs. He thought there might be a surprise raid, so he did this. Says it took about six hours to draw ammunition owing to the congestion in the area.



R3-274: General Burgin says some of his AA guns were in position "in 15 or 20 minutes and others had to go to the other side of the Island and were not in position until afternoon. A great many did get into position." (This latter remark implying that they all did not. Negative.)

R3-275: General Burgin says that all of his guns did not have ammunition. Men had to go to the crater for it, and even that that was near guns was still in boxes and had to be unboxed before could be used.

R3-280: There were 60 mobile and 26 fixed AA guns.

R3-270: General Burgin says that when he got Alert #1 he expected Alert #2 right away. Alert #2 "is where we take ammunition."

R3-345: General Martin said that had Alerts 2 or 3 been in effect their planes would have had fuel and ammunition.

R4X434: Sergeant Mobley Hall tells of having to get machine guns [24] for anti-aircraft shooting out of the supply room at Wheeler Field and set them up and then go for "supplies". (Presumably ammunition.)

R4-437, 8: Captain Ebey, CAC, says his CA guns were not in position at Barbers Point at time of attack. Had to get 4 guns down there under fire. Got some machine guns out of supply room and set them up in a tennis court and fired, then set them on a barge and fired back at attacking Japs. They had no machine guns or ammunition at time of attack.

R4-458, 9: Lieutenant Stephen Saltzman, 98th CA, had no guns and their machine guns were in storeroom.

R4-459: Lieutenant Saltzman says they had ammunition pits and gun pits, but had to dig in ground for barracks for the men (?). They had no automatic weapons except .30 Calibre Brownings with infantry adapter mounts for anti-aircraft fire. Had no AA guns and the machine guns they had were in the storerooms.

R4-473: Lieutenant Cooper—came to Hickman Field—men were getting machine guns out, trying to put them together—they lacked water cans.

R4-469: Lieutenant Colonel Jack Howard, QMC, has charge of depot—many supplies—and on R4-471, says depot an easy target and had no machine guns for anti-aircraft at time of attack.

R4-473: Lieutenant Cooper, above, states that men were desperately and bravely bringing machine guns out and trying to shoot them.

R4-497: Captain West, CAC, had some machine guns (ground) at Camp Malakole, but had to get AA guns out of storage and set them up.

R4-498: West says no equipment in place and ready to fire. Says not ready at Pearl Harbor for 1 or 2 hours after attack.

R4-500: Lieutenant Lyman, CA, his was a machine gun battalion—had no AA guns and their machine guns were in storage about 50 yards away.

R10-1166: Lieutenant Colonel Larkin, USMC, CO of Ewa Field, had planes for Army use December 7, 1941, but Army never called nor was he called that entire day (Army controlled these land planes by the plans in effect.) Says for their anti-aircraft they had only some .30 calibre machine guns that they took out of some destroyed planes.

R10-1191: Captain Shoemaker, Commanding Officer Ford Island, (1193-1197). Army were supposed to install AA guns and ammunition and, supposed to man them. This is an Army battery. They had been there before on some tests, but December 7th they never showed up at all all day long. They got out some machine guns but the ammunition was in storage.

R10-1210: Commander Martin, Kaneohe Bay, had no anti-aircraft except ground machine guns and rifles. All planes here were put out of commission.

[25] R10-1217: Lieutenant Colonel Weddington, Commanding Officer, Belows Field, had planes but no ammunition. No anti-aircraft whatever. Got out their machine guns but had to go to the crater for ammunition. Post wasn't authorized any ammunition he says.

R13-1590: Colonel Pickett, USMC, was at Navy Yard Barracks—they were not supposed to handle the anti-aircraft defenses but no one called them so they of their own accord got machine guns out of the shed and ammunition and set them up. They were not set up or ready in any way and they had to do this under fire. Took them about 20 minutes.

R14-1648: General Martin says they did not set up machine guns at fields for the protection of planes.

R16-1830: Lieutenant Colonel Whaling saw one of our AA's shoot at our own plane.

R5-553: Admiral Kimmel testifies in regard to a publication known as the "Joint Action of the Army and Navy." He states, "This publication was prepared

by the Joint Board and promulgated to the two services by a joint order signed by the Secretaries of War and Navy." He says Army was to provide—

"A communication and intelligence system to include an aircraft warning service, among the elements of the land defense with provision for the prompt exchange of information or instructions with the Navy."

R5-554: Admiral Kimmel purports to read from page 32 of this document wherein it defines the functions of an aircraft warning service. (This is fully set out on page 17 this Brief and Resume under Documentary Evidence.) No date of this is given but the Admiral says it was in force and effect December 7, 1941, and prior thereto.

Ex. 9: Statement of Captain Edward Kent that he was ground defense officer at Bellows Field. They had some ground machine guns but no ammunition. Had asked for some ammunition about December 1, but it hadn't arrived.

Ex. 13: Captain Edward Kent makes another statement that at Bellows Field they had no rifles or ammunition issued, so they issued some rifles to use for their anti-aircraft. Their machine guns were not set up until after the attack. Had only rifles and a few machine guns from the grounded planes to ward off the attack.

Ex. 28: SOP 25th Division.

Ex. 29: SOP 24th Division (These sop's all provide for each unit responsible for its own air attack defense.)

Ex. 31: SOP, CAC—"Section 1, par. 6—Every unit is responsible for its security at all times from hostile ground and air forces." See paragraphs 233-273, FM 100-5. (Particularly applicable [26] to "close-in" defense by all sea coast artillery and anti-aircraft units.)

Ex. 32: SOP, Hawaiian Department, November 5, 1941.

R4-427: Lieutenant Welsh says that pits were dug for installing AA guns in some places but the guns were not ready.

R4-471: Colonel J. Howard, QMC, had many supplies in his QM depot which was an easy target but had no machine or other guns for anti-aircraft defense.

Ex. 7: Statement by General Short—page 24: "All anti-aircraft batteries had skeleton crews guarding them. *All units had in their possession ammunition for rifles, pistols, automatic rifles and machine guns.*"

Ex. 7, p. 23: Here appears a written statement by Lieutenant Kermit A. Tyler wherein he says at time of attack he was "Pursuit Officer at the Interceptor Control Center." (But see statements of his superior officer, Major Bergquist, (R3-379), Tyler merely sent there to watch it and familiarize himself with its operation.)

Ex. 7, p. 22: Appears an affidavit of Private Joseph P. McDonald who was the telephone operator at the AWS information center at time of attack. (Merely verifies that Lockard called in, Private McDonald wanted Lieutenant Tyler to call back the men at the Board, but Lieutenant Tyler said it was not necessary.)

R2-80: General Short here, and also in his statement (Ex. 7, p. 24), said that all anti-aircraft batteries had .30 caliber, .50 caliber, and small arms ammunition, "in their immediate possession." Then he says, "All but four batteries had their ammunition for the 3-inch guns immediately accessible. For instance, down at DeRussy the ammunition was in the casemate. They had to carry it probably 75 yards, but their men were right there, and the guns were all set up and in position, *but the ammunition was not right along side of the guns.* There were four batteries that had to go further for their ammunition. \* \* \*. (B. C. D, and F, 64th Infantry). The first one of those batteries started drawing its ammunition at the \* \* \* Crater, *where we had our ammunition in caves, at 8:15, \* \* \*. And by 10:15 they had all drawn what we call a day of fire, which for that particular battery is 300 rounds per gun. \* \* \*. They moved out, and they had about a thousand yards to go, and by 8:15 were actually drawing ammunition, \* \* \*."*

Q: "And the batteries you say all had the ammunition at the——"

A: Immediately accessible. They were not right along side of the gun. I say they had to step into the casemate and probably carry the ammunition 75 yards. Down at Fort Kamehameha they probably didn't have to carry it that far, and they were in action very quickly as a result of that. The casemate was closer to the position."

R2-81: General Short says under Alert #2 the ammunition would have been along side of the guns.



[27]

## 3. FAILURE TO SET UP AN INTERCEPTOR COMMAND

R1-5: Joint Coastal Frontier Plan—Army to provide against air attack.

R1-16: F. O. #1, dated November 28, 1941, sets up duties and responsibilities of Interceptor Command.

R1-18: SOP, Hawaiian Department states in pertinent part: "The interceptor command will coordinate and control the operations of pursuit aircraft, anti-aircraft artillery, including available Naval and Marine Corps anti-aircraft artillery, aircraft warning service and attached units, and will provide for the coordination of anti-aircraft measures of units not under military control, to include (1) arrival and departure of all friendly aircraft, (2) the coordination of the anti-aircraft fire from naval ships in Pearl and Honolulu Harbors, (3) transmission of appropriate warnings to all interested agencies.

R2-51: General Short here explains the workings of the Interceptor Command, just as though it was all set up and definitely states that General Davidson was in command thereof December 7th.

R2-68, 9: General Short states that ordinarily a Naval Officer was at the Board in the information center to relay any information on to the Navy in compliance with (3) above—and that he thinks three Naval Officers were detailed there. Says they were not there December 7th.

R2-178: General Davidson states definitely that on December 7th this command was not set up, that it was not activated.

R2-170: General Davidson states that he was not in charge of interceptor command December 7th because there was no interceptor command on that date. (Gen. Davidson had been in US from about Oct. 15, 1941 until Dec. 3, 1941, and after the 3rd he took the 4th and 5th in writing up his findings from the mainland where he had been studying the workings of interceptor commands, so he knew very little that was going on.)

R2-179: Davidson says interceptor command was not activated until "a few days ago" (Dec. 24, 1941.)

R2-196: Interceptor Command activated December 17, 1941.

R3-232: Colonel Phillips, Chief of Staff, admits interceptor command activated December 17, 1941.

R3-274: General Burgin, Command General CA, (sea coast and anti-aircraft artillery), when they are ready to fire turns his anti-aircraft over to the interceptor command, as had been doing in drills, and did this December 7th., and says "they were just shooting at everything \* \* \* I don't think they had much control."

R3-339: General Martin in speaking of AWS was asked, "Who had it if you didn't?" Answer "It was under the Signal Officer who [28] was in charge of the installation of the equipment."

R3-353: Lieutenant Colonel Powell, Department Signal Officer, had been setting up this command and that it had not been organized on December 7th. That he had been in U. S. with General Davidson. Interceptor Command had not been organized in accordance with SOP.

R3-356: Colonel Powell says that on morning of December 7th he was at his home in Honolulu at time of attack. Was not at AWS. (This is where interceptor commander would be.)

[29]

## 4. FAILURE TO PROVIDE A PROPER AIRCRAFT WARNING SERVICE

R1-5: Joint Coastal Plan—Army to provide for aircraft warning service.

R1-16: F. O. #1 provides army's responsibility for AWS.

R1-18: SOP, Hawaiian Department, Army to supply and "provide for transmission of information to all interested agencies". (Navy?)

R2-178: Although General Short had stated that this under General Davidson, General Davidson here states that it was not under his command as the Signal Corps were just setting it up and they were operating it a little.

R3-232: Colonel Phillips states that the "radars are still not installed", (apparently meaning the fixed ones).

R3-233: Had only three mobile units in use, and two of these not operating at time of attack. (They were only ordered to operate between 4 and 7 a. m., after that they could use them to train if they wanted to, but not required, and as no training on Sunday, they all quit at 7 a. m., December 7th, except the one boy, Lockard.) (Navy did not know that this was only time they were operating. Were not told.)



R3-253: When Colonel Powell, Signal Officer, got back from U. S., G-3 told him to operate it from 4 to 7 a. m., and this he did, but it was not set up yet in accordance with SOP for Interceptor Command.

R3-329: General Martin, Commanding General, Air Force, says December 7th the AWS was under the Signal Officer (Col. Powell) who was installing the equipment, never under Martin's command. (Which it would have had to be to be under Gen. Davidson.)

R3-337: General Martin says that AWS was never under his command.

R3-339: General Martin in speaking of AWS was asked, "Who had it if you didn't", answer, "it was under the Signal Officer who was in charge of the installation of the equipment."

R3-353: Colonel Powell, Signal Officer, says that on December 7th the detector instruments were under his direction, and it was planned that when he got the AWS working satisfactorily that he would turn it over to the Interceptor Command.

R3-354, 5: Colonel Powell says that at time of attack he had seven listening posts (AW stations) set up and could have enough men to operate them 24 hours, but there were not enough stations as they wear out under strain.

R3-368: Lieutenant Tyler, AC, was told by Major Bergquist to go over to the information center this morning from 4 to 8 a. m.—didn't know what to do—had no instructions—had only seen "board" once before and had never operated it. Says at 7 a. m. all those who had been there sitting [30] around the board with earphones on, took them off and all went home, except the switch-board operator, who is always there, and himself because he had been told to stay there until 8:00 o'clock. This officer had no instructions whatever as to his duties there. At about 7:20 a. m. the radar station at Opana (northern tip of Island) called in all excited and said a large number of planes were coming in from about 132 miles north. This was Lockard and he told this to Lt. Tyler, who told him not to worry about it. In about ten minutes Lockard called in again, very excited, the operator asked the Lt. if he shouldn't call the men back to the board. Lt. Tyler said not to. Very soon the attack came.

R3-377: Major Bergquist had been helping voluntarily to set up the information center and he states that it was not finished. He had voluntarily and without instructions, had officers under him go over to the board to act as watch officers, just to see it operate and learn what it was about, and this is why he had Lt. Tyler go over there this morning from 4:00 to 8:00 o'clock. The Board only operated until 7:00 a. m. but he had told Tyler until 8:00 and that is why he was there.

R3-380: He states that he knew that Lt. Tyler knew nothing about the Board and didn't expect him to as it was not necessary to have any air officer there at that time at all.

R3-383: Major Bergquist states that the Aircraft Warning Service Company, operating under the Signal Corps, were the ones ordered to operate the AWS from 4:00 to 7:00 a. m. The Air Force merely cooperated on its own initiative. Major Tindall, Commander Taylor and himself were all Controllers and could have operated it.

R3-382: Major Bergquist says that they could have operated the mobile units 24 hours a day at the time and that the sets could have stood it. The difficulty was with the gas engines operating the sets rather than the sets themselves, but even then could have operated them.

R3-390: Major Tindall says that altho not detailed or instructed to go over to the Information Center, he knew that it would probably be undermanned at the time of the attack on December 7, 1941, so he voluntarily went over there to help out if he could. Major Bergquist, Comdr. Taylor and himself were the only three who might be qualified to act as control officers and none of them were detailed there at that time as it had not been finished and was not ready, and even then it was only ordered to operate between 4:00 and 7:00 a. m. There was no naval officers there as there never had been any assigned. So there were none there this morning "the same as any other morning".

R10-1229: Lt. Comdr. Taylor says the AWS was "not ready by any means", and there was no naval liaison officers detailed there.

R3-356: Colonel Powell, Signal Officer, under whose direction the AWS was at the time of the attack, states that at that time he was at his home in Honolulu, not at the AWS center.

R5-553: Admiral Kimmel testifies in regard to a publication known as the "Joint Action of the Army and the Navy", saying, "This publication was prepared by

the joint board and promulgated to the two services by a joint order of the Secretaries of War and Navy. "He says that it provides under a heading "The specific functions of the Army in Coastal Frontier Defense" that the Army shall provide—"A communication and intelligence system to include an aircraft warning service, among the elements of the land defense, with provision for the prompt exchange of information or instructions with the Navy."

R5-554: Adm. Kimmel reads from this document on page 32 thereof where it defines functions of AWS. (This will be found in Documentary Evidence.)

[30a] Ex. 7, p. 23: Here appears a written statement by Lieutenant Kermit A. Tyler wherein he says at time of attack he was "Pursuit Officer at the Interceptor Control Center." (But see statements of his superior officer, Major Bergquist (R3-379), Tyler merely sent there to watch it and familiarize himself with its operation.)

Ex. 7, p. 22: Appears an affidavit of Private Joseph P. McDonald who was the telephone operator at the AWS information center at time of attack. (Merely verifies that Lockard called in, Private McDonald wanted Lieutenant Tyler to call back the men at the Board, but Lieutenant Tyler said it was not necessary.)

[31] 5. FAILURE TO PROVIDE FOR THE TRANSMISSION OF APPROPRIATE WARNINGS TO ALL INTERESTED AGENCIES

Exhibit 32: Standing Operating Procedure—Nov. 5, 1941: Section II, paragraph 15j provides: "The Interceptor Command will: Coordinate and control the operations of pursuit aircraft, anti-aircraft artillery (\* \* \*), the aircraft warning service, and attached units, and will provide for the coordination of anti-aircraft measures of units not under military control, to include:

(1) Arrival and departure of all friendly aircraft.

(2) \* \* \*

(3) *Transmission of appropriate warnings to all interested agencies.*"

R5-553: Admiral Kimmel testifies in regard to a publication known as "Joint Action of the Army and the Navy", saying "This publication was prepared by the Joint Board and promulgated to the two services by a joint order signed by the Secretaries of War and Navy." Under a heading therein 'The specific functions of the Army in Coastal Frontier Defense' it says the Army will provide:

"A communications and intelligence system to include an aircraft warning service, among the elements of the land defense, *with provision for the prompt exchange of information or instructions with the Navy.*"

(Altho in the record it does not appear that the date of this document was, Admiral Kimmel says it was in effect Dec. 7, 1941.)

R5-554: Admiral Kimmel reads from page 32 of above stated document, viz: "An aircraft warning service is a communication and intelligence service which forms part of the communication and intelligence service of the frontier defense. *The purpose is to warn centers of population, industrial plants, public utilities, and military and naval establishments of the approach of hostile aircraft, and to alert Air Corps units and anti-aircraft artillery units. It consists essentially of observers, of information centers for plotting the courses and distributing information of approaching hostile planes, and of the necessary communications.*"

R2-68-70: General Short testifies that there were Naval Officers at the Information Center at all times to get this information and relay it to the Navy. That they were liaison officers detailed there for that purpose—and he thinks that three naval officers had been so detailed to act in "transmitting" any warnings to the Navy. But, altho they had always been there on previous mornings, there were none there this morning of the attack.

R3-380: Major Bergquist says that Lt. Tyler at the Board this morning would not know that the planes heard were not Navy planes because the Navy liaison position at the Board had not been filled yet.

R3-381: Major Bergquist says that there had never been any navy liaison officers at the Board prior to December 7, 1941, and that Comdr. Taylor had contacted the navy in regard to sending some such officers over for that purpose, but none had as yet been sent.

R3-389: Major Bergquist also states that there was no bomber liaison at the Center until in afternoon, December 7, 1941.

R5-632: Admiral Kimmel states that no naval officer had ever been detailed to the AWS center to keep navy advised.



[32]

G. FAILURE TO ESTABLISH A PROPER SYSTEM OF DEFENSE BY  
COOPERATION AND COORDINATION WITH THE NAVY

R1-5: Major Lawton sets out the Joint Hawaiian Coastal Frontier Plan. Therein the Navy is to provide for a "distant reconnaissance".

R1-14: Under this Plan the Army was to conduct an inshore aerial patrol and the Navy a surface patrol of the same area. Major Lawton thought this distance would be about 20 miles out.

R6-738: Admiral Bloch says that he and General Short signed this Plan and under that the Army were to conduct an inshore aerial patrol to a distance of 25 to 50 miles.

Exhibit 7, page 11: In his exhibit D General Short sets out the following extract from the Joint Hawaiian Coastal Frontier Defense Plan:

*"Method of Coordination.* The Commanding General, Hawaiian Dept., and the Commandant, 14th. Naval District, have determined that in their joint plan the method of coordination will be by *mutual cooperation* and that this method will apply to all activities wherein the Army and Navy operate in coordination, until and if the method of unity of command is invoked, as prescribed in Joint Action of Army and Navy, 1935, Chapter 2."

R1-18: Standing Operating Procedure, 5 Nov., 1941, states that the Interceptor Command shall control the AWS and "provide for transmission of appropriate-warnings to all interested agencies."

R2-42: After War Dept. radiogram of Nov. 27, 1941, Gen. Short states that he only ordered Alert #1, and operation of AWS 4:00 to 7:00 A. M., but it doesn't appear that he notified the Navy of these steps.

R2-108: Gen. Short states that he didn't ask Navy about the "distant reconnaissance".

R2-127: Gen. Short doesn't know why the planes were not in the air this Sunday morning of the attack. Says there were planes all around the Island constantly. "Most unusual" that they were not up this morning. However, it would have made no difference as if they had been up they had no ammunition as they were only training up to that time.

R2-164: Gen. Short says that he did not discuss with the Navy whether they considered Alert #1 sufficient; says they, "Never talked it over."

R2-167: The General says that with all his guns and materiel he couldn't have guaranteed that the Fleet would be safe. (But never talked it over.)

R2-53: Gen. Short tells of the many meetings with Admirals Kimmel and Bloch just prior to the time of attack, but nothing to show that the Navy were ever informed that interceptor command had not been activated; that AWS was only working from 4:00 to 7:00 A. M.; that there was no inshore aerial patrol, or that only Alert #1 as to sabotage was in effect.

R2-68, 9: Gen. Short states that ordinarily a naval officer was at the Board at the Information Center—that he thinks that three officers were detailed there from the Navy. (This was not true so it shows they were not *mutually cooperating*.)

R2-108: Gen. Short says he never asked the Navy what distance reconnaissance they were making as, *"It was their full responsibility. I didn't know just where they went, and I don't know just what they did when they were out. That was a naval responsibility. \* \* \*, and I did not feel that it was my business to try to tell Adm. Kimmel how he would conduct his reconnaissance"*.

R2-119: Gen. Short says that Alert #1 doesn't call for the operation of the AWS at all, but were doing it anyhow.

[33] R2-128: Gen. Short states that Alert #1 didn't cover air attack at all. *And that no particular precautions were taken whether the Fleet was in or out of the Harbor.*

R2-186: Gen. Davidson states that a Navy Officer (Comdr. Taylor) had been around helping them set up the AWS, but not there every morning and that he was not detailed there as a liaison officer.

R2-222: Col. Phillips, Chief of Staff, Hawaiian Dept., was the senior Army member of the Local Joint Planning Committee (Army and Navy security measures), but that they had never met since he became Chief of Staff and was a member, November 6, 1941. Also, that they never met even after the communications of Nov. 27, 1941.

R3-223: Col. Phillips never consulted with the Navy Fleet or Dept. heads at any time between Nov. 27, 1941, and Dec. 7, 1941.



R3-227: Col. Phillips says that after the War Dept. radio of Nov. 27, 1941, he and Gen. Short talked it over and decided on Alert #1. *He thought that the Navy would make "reconnaissance," but never asked them or consulted them in any way.*

R3-227, 8: Col. Phillips never did know when the fleet were in or out of the Harbor, and he says knowing this fact would have made a difference in their plans of defense. *"\* \* \* but as Chief of Staff, I never knew."*

R3-229: Col. Phillips states that he was never present at any conferences between Commanding General and the Navy Commanders. That the General always took his aide along with him to these conferences. Says that the General was personally handling the protection and/or cooperation with the Navy. "Short was handling all that himself."

R3-235, 6: Col. Phillips says that "they" depended on the Navy to warn them. (I presume that he means by the distant reconnaissance.)

R3-245: Col. Phillips states again that there were no meetings of the Joint Planning Committee.

R3-270: General Burgin says that Gen. Short expressed himself "very forcefully" along the line that with the Navy scouting, etc., no ships could get close enough to land a plane. He got the impression that Gen. Short got this from the Navy.

R3-273: Gen Burgin, Commanding General sea coast artillery and anti-aircraft artillery, says he never knew when the Fleet was coming in, altho it would have helped him with his defenses had he known this.

R3-283: Gen. Burgin says that the Navy never gave any information as to when they were coming in except when they were practicing.

R3-293: Lt. Col. Fielder, G-2, Hawaiian Dept., states that at the Staff meeting on the morning of Dec. 6, 1941, he reported that the Japs were burning papers at the Consulate. That he knew of this a short time before this. That the FBI had reported it to one of his men and he in turn told meeting of the Staff. (Gen. Short says that he did not know of this, and Col Fielder does not state specifically whether Gen. Short was at this Staff meeting.) Says nobody paid any attention to this burning of papers.

R3-381: Major Berquist says that there had never been any Naval liaison officers at the Information Center, prior to Dec. 7, 1941.

R5-538: Admiral Kimmel says that he inspected the Pearl Harbor defenses and was astounded at their weakness.

R5-554: Adm. Kimmel says that my Army and Navy Joint Agreement signed March 20, 1941, "defensive air operations over and in the immediate vicinity of the Island of Oahu" would be under the tactical control of the Army. Signed by Adm. Bloch and Gen. (This is true. See under Documentary Evidence.)

[34] R5-556C: Here Admiral Kimmel sets out the Joint Agreement and the Joint Estimate of the Situation (Addendum I). (These are set forth in the preceding pages under Documentary Evidence.)

R5-569: Adm. Kimmel says that the Navy were not informed until about Dec. 9, 1941, that the radar operated by Sgt. Lockard at Opana had picked up the approaching Jap planes the morning of the attack. Had they been they might have trailed them back to carriers.

R5-581, 2: Adm. Theobald states that the "war warning message" of Nov. 27, 1941, from CNO to the Navy "was given by a Naval Officer to an Army Officer."

R5-583: On December 3, 1941, the CNO sent Adm. Kimmel a message that they had reliable information that the Jap consulates at Hong Kong,<sup>1</sup> Singapore, Batavia, London and Washington were to destroy most of their codes and ciphers and burn secret papers at once. (Gen. Short admits he was in conference with Adm. Kimmel this day, but it is not brought out whether he was informed of this message.)

R5-608, 9: Adm. Kimmel states that there were no Navy morning or evening patrols except over the route to Honolulu(?), and to the south where a task force was out—nothing to the north. He says no evening patrols anywhere at anytime.

R12-1481: Adm. Kimmel says that the Army was furnished with a schedule that did show what ships were in or out of the Harbor at a given time and this had been so for months.

R5-630-7: Adm. Kimmel states that he thought the AWS was working, and that radar sets were in good shape, had never been informed otherwise. He knows that no naval officer was detailed at the Information Center as a liaison officer. He had the SOP, 5 Nov., 1941, Hawaiian Dept., and from that thought the Interceptor Command and the AWS was working as provided therein. Just learned at time of hearing that the permanent radar sets were not even then installed.

R6-662, 3: Here Adm. Kimmel states just how he understands the "war warning" message was given to Gen. Short. Says Comdr. Layton gave it to Lt. Burr (Navy liaison at Army Hq.) who gave it to G-3 (Col. Donegan or Major Lawton) on Nov. 27, 1941.

R6-667: Gen. Short wrote Adm. Kimmel June 19, 1941, saying that the AWS "will be in operation in the near future." Aug. 5, 1941, Gen. Short wrote him again that AWS (aircraft warning service) is "rapidly nearing completion."

R6-669, 670: Tentative SOP (Standing Operating Procedure) of Interceptor Command was never given Adm. Kimmel he states.

R6-676: Adm. Kimmel knew there was no distant patrol of Dec. 7, 1941.

R6-730, 1: Admiral says that Gen. Short never told him at any time what he proposed to do after the messages of Nov. 27, 1941.

R6-733-738: Adm. Bloch didn't know the radars were not working all the time, didn't know anything about the inshore aerial patrol.

R7-771: Adm. Bloch states that the conversations between Adm. Kimmel and Gen. Short were very general.

R7-804, 5: Adm. Bloch says that he and Gen. Short talked many times after Nov. 27, 1941, and that Gen. Short never told him at any time prior to Dec. 7, 1941, that he was only alerted to prevent sabotage. After attack he went to the General's office and said, "Weren't you on alert?" and the Gen. replied, "Only against sabotage." Navy Condition 1 is their highest form of Alert while Army Alert #1 is their lowest. He thought the Army was on a "high" alert. Didn't know about the various types of alerts.

R7-806: Adm. Bloch thought Gen. Short was given the "war warning" despatch because he was given one by Adm. Kimmel.

[35] R7-831: Capt. DeLany, USN, knew that the AWS was very unsatisfactory, and "couldn't get information out of it."

R7-859: Admiral Pye says that he would depend for warning upon scouting by aircraft, "and it would seem reasonable to suppose that with all of the Army observation posts it would be impractical for enemy aircraft to arrive in this position in such a fashion that we could not fully man our guns." He assumed that Army's AWS was in full operation—" \* \* \* because on these drills they had given adequate warning."

R7-865: Adm. Pye says that Navy had its guns manned and ammunition at them at all times after Nov. 27, 1941.

R9-1094: Here Lt. Comdr. Layton introduces several Naval despatches right up until December 3, 1941, showing the imminence of war. (However, these are not brought home to Gen. Short in the record, but this might be checked. If they were cooperating they should have been made known to him.)

R9-119: Rochefort knew that Jan Consulate was burning papers the Wednesday before Dec. 7, 1941.

R14-1624: Gen. Short here says that the SOP, Nov. 5, 1941, was issued as an accomplished procedure. This sets out the functions of the Interceptor Command and provides that the Army will transmit warnings to "interested agencies". (Ten copies of this were given the Navy.)

R14-1626: Gen. Short upon being recalled admits that at time of attack the Interceptor Command had not a "definite organization". "We were working it informally". Doesn't know for sure whether the Navy knew this or not. (He didn't say this before.)

R14-1655: Gen. Martin, Com. Gen. Haw. Air Force, did not know the Navy had no daily off-shore reconnaissance.

R14-1648: Gen. Martin admits that prior to Dec. 7, 1941, there was no inshore aerial patrol by the Army Air Force.

R16-1823-1827: Here are set out the two letters. One from Secretary of Navy, Jan. 24, 1941, setting out the matter of protection of the Fleet at Pearl Harbor, and the answer thereto by Secretary of War, Feb. 7, 1941, which were sent to General Short and received by him. He admits receipt thereof in his statement as of Feb. 19, 1941. (See Documentary Evidence this Brief and Resume.)

R2-164: General Short was asked, "You didn't actually coordinate with the Navy as to whether they considered Alert #1 sufficient?" He replied, "I didn't go down and ask the Navy, no, sir, whether they considered it sufficient. I am sure from all of our talk that everybody understood just what was being done."

Question to General Short, " \* \* \*. Was it intended that the same alert would be ordered by the Navy or by the Army in each case?" He replied, "I hadn't—yes."

R2-38: General Short was asked if he got the "war warning" message to Navy. He replied, "I don't remember. I perhaps saw it in that I was in conference



with Admiral Kimmel and Admiral Bloch on the 27th for 2 or 3 hours. I was in conference with him on December 1—Admiral Kimmel on December 1, and with both of them on December 3; so in all probability I did see the one to which you refer. I am not sure whether it was sent to me officially."

[35a] R2-39: General Short states the same answer would apply to the Naval Communication of November 24, 1941. (See documentary Evidence in this Brief and Resume.)

R2-46: General Short says, "Now, to take up the question of having no information to indicate an attack, as I say, I was in constant communication with the 14th Naval District. *I had nothing in the way of alarming news.* In our Coastal Frontier Defense Plan *we coordinate the work of the Army and Navy by mutual cooperation.* \* \* \*

R2-46: General Short here discusses the Joint Air Operations Agreement of March 21, 1941, and says what they each agreed to do, and then, after stating the Navy was responsible for distant reconnaissance, says "*The question of just how the total reconnaissance was carried out was never known to me.* \* \* \* I assumed that the Navy planes were searching all the other critical areas, and they probably were. *I say that was a matter that was not under my control.*"

R2-107: General Short states, "My reconnaissance under the plan with the Navy is limited to just the immediate offshore of the Island, ordinarily limited to 15 miles. \* \* \*" (See statement of Admiral Bloch, R6-738, supra.)

R2-70: General Short in speaking of the operation of the Interceptor Command station said there would under battle conditions "be a total group of about 30 officers there. \* \* \* Including the naval officer. I think three naval officers is the normal quota that they have there."

[36] 7. FAILURE TO ISSUE ADEQUATE ORDERS TO HIS SUBORDINATES AS TO THEIR RESPECTIVE DUTIES IN CASE OF SUDDEN ATTACK

R2-66: Gen. Short here tells about Lt. Tyler being at the Board on this morning of the attack and getting the call regarding the approaching planes from Lockard. (But he had no instructions whatsoever regarding any duties there or what he was to do in case anything happened.)

R2-162: Gen. Short says that no planes had any ammunition. Were only training.

R2-163: Gen. states that no troops under his command were on a war footing.

R2-177: Gen. Davidson here sets out two telegrams whereby he is instructed not to disperse the planes.

R2-178: Gen. Davidson was never instructed to operate the AWS—it was just being set up, by Signal Corps.

R2-172: Gen. Davidson had charge of the pursuit planes but had never been instructed to have any in the air prior to 7:30 A. M. when they started the day's training—never told to operate an aerial inshore patrol—never told or instructed to have his planes in the air on Sunday mornings.

R2-186: Gen. Davidson states that he was never informed as to the serious international situation between U. S. and Japan. Hence, his subordinates, including Lt. Tyler, did not.

R2-200: Gen. Rudolph, Commanding General 18th. Bombardment Wing, has charge of the bombers, states he positively had no information of critical relations between U. S. and Japan.

R2-201, 2: Gen. Rudolph states that as an instructor that had he ever seen a radiogram stating "this is a war warning" he would never have had his planes concentrated, and especially on a Sunday morning.

R2-203: Major Allen, AC, says at attack he rushed out—got into a plane—it wouldn't start—he didn't know what to do—asked instructions—finally got into the air at Hickam Field about 11:30 A. M.

R2-205: Major Allen never heard a discussion, even informally, that there might be an attack by Japan.

R2-206: Major Allen, AC, didn't know that there was a flight of 12 of our own bombers coming in from the mainland at the time of the attack—saw some of our own men fire on these pilots as they were trying to land.

R3-226: There were no restrictions on social functions. All liberties and leaves of the men were normal.

R3-353: Col. Powell, Signal Corps, who had been getting the AWS together had been in the U. S. with Gen. Davidson from about Oct. 15, 1941, to Dec. 3, 1941, and when he got back G-3 had already told Col. Murphy, whom he had left



in charge, to operate the AWS between 4:00 and 7:00 A. M. He was told nothing else to do than just this. *Says there was no way of getting any information to the Navy.*

R3-237: Col. Phillips, C of S, states that no one ever reported to him that any ammunition was insecure in a hangar at Hickam Field. He says that no one ever reported to him that Lockard had picked up the planes that morning until a few days later when the Signal Officer just mentioned it informally.

R3-245: Col. Phillips didn't know whether Navy had been given SOP, Nov. 5, 1941, or not, or whether they would know what Alert #1 meant or not, or whether they had a similar procedure. (Navy were given 10 copies.)

[37] R3-249, 250: Brig. Gen. Durwold Wilson, CG 24th. Division, was verbally told by Col. Haynes, G-2 25th. Division, on Nov. 27th. that he had seen a telegram that Jap Negotiations were off, but no mention was made that hostilities might ensue. Never called into conference or consulted.

R3-251: Gen. Wilson says that he felt safe from attack on account of the patrol system (?), altho he says he knew nothing about it except by hearsay. He thought the Navy had an inshore and off-shore patrol.

R3-254: Gen. Wilson was at the "Ann Etzler's Cabaret" the preceding Saturday night at Schofield Barracks.

Col. Phillips was there -R2-216.

Gen. Short was there.

Gen. Murray was there -R3-264.

Gen. Burgin at "a little party at Ft. Rucker."

Major and Mrs. Dupree had rather "large party at Schofield"-R3-226.

Gen. Martin was at Dinner Party at Hickam Field -R3-332.

R3-299: Col. Fielder, G-2, says that he and Gen. Short discussed the possibility of an attack in a "purely academic way."

R3-260, 1: Gen. Murray, CG 25th. Div., "planned to take a horseback ride that morning. Was perplexed \* \* \*".

R3-264: On Nov. 27th. when Gen. Murray got Alert #1 he was not informed in any way as to the seriousness of the situation. No intimation—nothing.

R3-265: On Nov. 27th when Gen. Murray got Alert #1

R3-265: He says that he talked with Gen. Short several times between Nov. 27, 1941, and Dec. 7, 1941, but the Gen. had never intimated any serious or critical situation. He had only mentioned that he couldn't get all the funds he wanted for various things. Nothing in re international situation.

R3-273: Gen. Burgin thought the Interceptor Command was working and thought that Gen. Davidson was in charge of it.

R3-274: Gen. Burgin states how on this morning of the attack he got his anti-aircraft ready and turned it over to the Interceptor Command as he had done on the drills, and says, "They didn't have good control". (There wasn't any Interceptor Command and this Gen. didn't know it, altho he turned over his guns to it. It was just then being run by Majors Tindall and Bergquist who voluntarily went over there thinking that it would be undermanned.)

R3-316: Lt. Col. Bicknell, Ass't G-2, got the information that the Japs were burning papers on December 5, 1941, and informed Staff meeting next morning. Says that it meant that war was imminent to him.

R3-337: Gen. Martin says that Gen. Davidson was the Interceptor Commander, then on page 338 he didn't even seem to know that it was not activated until Dec. 17, 1941.

R3-368: Lt. Kermit Tyler was told by Major Bergquist to go over to the Information Center of the AWS this morning but didn't know why. He had no instructions only to be there between 4:00 and 8:00 A. M. He had never operated a Board and had only seen one once before.

R3-377: Major Bergquist had been helping the Signal Corps set up the AWS, and knew it was operating between 4:00 and 7:00 A. M. so he thought it would be a good idea to acquaint the officers under him with it by having them take turns going over there and watching the Board. So without being told to do so he sent over Lt. Tyler. Says that no Air Corps officer was required to be there as it was not under the Air Corps as yet. Page 380—he states that he knew that Lt. Tyler knew very little about it, didn't expect him to. Says there were no naval officers ever there as they had been assigned there as yet.

R3-383: Major Bergquist says that the Air Corps were merely cooperating on their own hook. Page 384—he states that there was no bomber liaison [38] there at the Center until afternoon of that day.

R3-386: Major Bergquist states that he came there about 10:00 A. M. as he was not detailed or assigned there, but merely came to help out.

R3-390: Major Tindal says that he was not detailed or assigned to the Information Center of the AWS, but knew it would probably be unmanned so he went over there to help out. *He was the first officer there and the men were trying to man it themselves.*

R4-415: Lts. Taylor and Welsh rushed to Maleiwa Field—no one told them to go up or to do anything—no squadron commander present. (He was hunting deer on another Island.) So on their own initiative they both took to the air after loading ammunition. They brought down several planes.

R4-427: Lt. Welsh says the guards there had no instructions as to what to do if enemy planes came over.

R4-447: Col. McCarthy says that on Dec. 7, 1941, he never did receive instructions to put in Alert #3 so he just did it himself and did what he could.

R4-448: Col. McCarthy says that from about Nov. 22, 1941, until Dec. 2nd or 3rd. that Alert #2 had been in effect. Says that Post Commander called in several Battalion Commanders and verbally gave them orders to put Alert #2 in effect.

R4-476: Lt. Cooper says that they had been on Alert #3 for about two weeks. (I don't understand these two officers and it should be checked.)

R4-454: Pvt. Shortt, ambulance driver, rushed to the hospital—three or four doctor officers there—had no instructions or orders—knew that men were injured so without any instructions he went out and picked up wounded by himself—no bitter service or assistance at all.

R4-461: Lt. Saltzman stated that he couldn't conceive of this attack "in my wildest dreams". Says that this is what the Junior Officers thought:—"Knowing that the Signal Corps, the AWS has outposts all over the Islands and that they are manned almost continually and that Navy patrols these waters, I never felt that we would be completely surprised the way we were." (This last word is "did" in record.)

R4-491: Pvt. McBriarty at Bellows Field says that about 8:30 A. M. a plane flew over shooting its machine guns, but as no one was hit they thought nothing of it and he went on to Church.

R14-1654: Gen. Martin says that no search was made for carriers on this morning.

R14-1659: Gen. Davidson says that the Interceptor Command did not direct that a search for planes from carriers be made this morning. (How could it?)

Exhibit 16: This document gives in detail the things they have done since the attack such as practice air raids, drills for gas attacks, practice air raid on Honolulu, distributed the Klaxons for air warning system. This at Wheeler Field. (See contents of this Exhibit more fully set out under specification 11.) (While this is all negative evidence, nevertheless it does show what was *not* done prior to the attack and what could have been done to alleviate the severity of said attack and the loss sustained.)

Exhibit 17: This sets forth what was done by Gen. Rudolph subsequently at Hickam Field. (See this under specification 11.)

Exhibit 15: Blackout instructions for Hickam Field, issuance of gas masks; air raid drills; plans for evacuation of women and children, etc..) Klaxons for air warning service had not been issued.

[39] 8. FAILURE TO TAKE ADEQUATE MEASURES TO PROTECT THE FLEET  
AND NAVAL BASE AT PEARL HARBOR

R1-5: Joint Hawaiian Coastal Frontier Plan (See Documentary Evidence in this Brief and Resume)—"Army to provide for land, sea coast and anti-aircraft defense of the Island of Oahu, with particular attention to Pearl Harbor and the naval forces there present. See also Exhibit 25, Plan for Air Defense of Oahu, \* \* \*

"III. Facts Bearing on the Case.

1. Facts:

a. The Army mission is: 'To defend the naval base of Oahu'. \* \* \*

d. To perform its missions, the Fleet must have freedom of action without responsibility for the defense of its base."

Also, Joint Army and Navy Defense Plan, 1935, Rainbow 5:

a. Joint—Hold Oahu as main outlying naval base and control and protect shipping in coastal zone.



R1-14: By above Plans Army was to conduct an inshore aerial patrol. (The distance of this is in debate.)

R2-42: After warning of November 27, the only measures General Short took were to order Alert #1 (sabotage and uprisings) and radar operation 4-7 a. m.

R2-80: General Short states that all anti-aircraft batteries, and these included PH, did not have ammunition. Says that by 10:15 a. m., they were already, though.

R2-51: General Short states what measures he took after November 27—See page 42 above.

R2-53: General Short states that he met with Kimmel and Bloch several times just prior to December 7, but nothing to show that they were informed that interceptor command was not organized; AWS was not working only 4-7 a. m.; that there was no inshore patrol or that only Alert #1 was in effect. (There is much to show otherwise, however.)

R2-108: General Short says he never asked the Navy what distance reconnaissance they were making as "It was their full responsibility". "I didn't know just where they went, and I don't know just what they did when they were out. That was a naval responsibility. \* \* \* and I did not feel that it was my business to try to tell Admiral Kimmel how he would conduct his reconnaissance."

R2-119: General Short states that Alert #1 is not for air attack and under this it was not necessary to operate AWS at all.

R2-127: General Short states no planes in air at time of attack this Sunday morning, he didn't know why, says it was "most unusual".

R2-157: *General says that no special precautions are taken whether Fleet is in or out of the harbor.*

R2-162: General admits his planes were not on a war footing at time of attack and had no ammunition.

R2-178: General Davidson says the AWS not under his command at this time—that Signal Corps were just setting it up. (Materials had been there since June, according to Secretary of War's letter of February 7, 1941.)

R2-186: General Davidson says a naval officer was helping set up the AWS but none were detailed to serve there for liaison. (Hence, there was no provision for transmitting information to interested agencies.)

[40] R2-172: General Davidson states no planes of his (pursuit) were ever in the air prior to 7:30 a. m., and never any on Sundays.

R2-190: General Davidson had 80 planes in commission and 69 not, this morning.

R2-189, 190: General Davidson states that the biggest difficulty was that the plane guns were not loaded and the ammunition was in the hangar that was on fire.

R3-222, 3: Colonel Phillips, Chief of Staff, was senior army member of Local Joint Planning Committee, but it never met since he was a member. Never consulted with Navy Fleet or District heads from November 27 to December 7.

R3-227, 8: Colonel Phillips says he never consulted Navy. He never knew when Fleet was in or out of the Harbor and this would affect the plan for defense. Never present at any conference of Commanding General with Navy. "*General Short was handling all that himself.*"

R3-234: Colonel Phillips states that anti-aircraft guns, mobile units, had no ammunition. Thinks that under FM 100-5 they should have had some.

R3-245: As Chief of Staff he never knew what forces the Navy had. Depended on Navy to warn them. (?)

R3-273: General Burgin says although he had the sea coast artillery and the anti-aircraft artillery he never knew when fleet was coming in although it would have helped him a lot to know this.

R3-293: Lieutenant Colonel Fielder reported at Staff meeting morning of December 6, that Japs were burning papers.

R3-316: Lieutenant Colonel Bicknell, Assistant Chief of Staff, got information that Japs were burning papers at 5 p. m., Friday, gave to Staff next morning. Also brought the Mori message to Commanding General the night before, but they could make nothing of it. (Ex. 27.)

R3-325: General Martin states that Japs seemed to know everything about them. "Unfortunately we were in Alert #1, that was the most unfortunate thing of all."

R3-368: Lieutenant Tyler detailed to Board with no experience, no instruction, wasn't even supposed to be there. Opana called and reported planes but



Tyler not told what to do, didn't know so he did nothing, and planes, although they had been detected, came on and surprised them all.

R3-380, 1: Major Bergquist says AWS not organized or set up; no interceptor command activated; no naval liaison or other means for getting information to Navy. On his own responsibility sent Tyler up there to get acquainted with it. Says had sufficient personnel to operate 24 hours. Bergquist was not detailed there, but did voluntarily go there and help take charge of it when the attack came.

R3-390: Major Tindall voluntarily went over there during attack as he knew it was not set up and would be unmanned.

R4-437, 8: Captain Ebey says his truck drawn coast artillery was not in position at Barbers Point. They were machine gunned on the way. They had to get machine guns out, set them up and fire back.

R4-468: Sergeant Klatt: C. A., says the switchboard and telephones for his battle post were in the barracks supply room—not installed.

[41] R4-497, 8: Captain West says that at Malakole they had some machine guns but the anti-aircraft had to be gotten from the storage and set up. No equipment in place and ready for fire.

R5-538: Admiral Kimmel says he inspected defenses at Pearl Harbor and was astounded at their weakness.

R5-549: (See two letters (2CL-41) of Navy's—SOP, Hawn. Dept. in Documentary Evidence. Also Ex. 35 "Air Defense of Oahu".)

R5-556C: On March 31, 1941, Bloch and Martin signed joint estimate of situation covering joint Army and Navy Air Action in event of hostile surprise attack. (See this in Documentary Evidence it covers the exact thing that happened.)

R5-581, 2: Admiral Theobald says that November 27, "war Warning" message given by "a naval officer to an army officer".

R6-730, 1: Admiral Kimmel says that Short at no time ever told him what measures he was going to take as a result of the messages of November 27.

R7-804: Bloch didn't know Army not on a "high" alert—never knew different kinds of alerts.

R10-1191: Captain Shoemaker, Commanding Officer, Ford Island, says Army was to set up an anti-aircraft defense of the island and man it, but that on this day they didn't even show up so they got out some machine guns but had to get ammunition from storage.

R14-1624: Short says hat SOP, 5 November 1941, was issued as "accomplished procedure". (This was given the Navy.)

R14-1622: General Short says, "Frankly, \* \* \* I was more serious about the training rather than expecting anything to happen at that time".

R14-1624, 5: General Short admits reconnaissance and radar working haphazardly up until December 7, because "I didn't think the situation demanded it."

R14-1641, 2: General Short states that if he had had all the material he needed it wouldn't have made any difference in his plans.

R3-383: The AWS Company, operating under the Signal Corps were the ones ordered to operate the AWS from 4 to 7 a. m. The Air Force merely cooperated on its own hook. Operating on a war footing there would be a controller and a pursuit officer present at the Information Center. Major Tindall, Commander Taylor and himself (Major Bergquist) were all controllers and could have operated it.

R3-339: General Martin in speaking of AWS was asked, "Who had it if you didn't?" Answer, "It was under the Signal Officer who was in charge of the installation of the equipment."

R3-337: General Martin says that AWS was never under his command.

R3-353: Colonel Carroll Powell says that at time of attack the Interceptor Command had not been organized in accordance with SOP. On this day AWS was under his direction.

[42] R3-356: At attack he was at his home in Honolulu. Was not at the AWS station.

R3-389: Major Bergquist says there was no bomber liaison at Information Center until in afternoon, December 7.

Ex. 20: Joint drill to test efficiency of interceptor command. (See).

R12-1481: Admiral Kimmel says Army was furnished with schedule showing when ships in and out and had been getting this several months.

R5-553: Admiral Kimmel testifies in regard to a publication known as the "Joint Action of the Army and the Navy." He states, "This publication was prepared by the Joint Board and promulgated the two services by the Secretaries of

War and Navy by a joint order signed by them respectively". It states what the Army shall provide for under a heading "The specific functions of the Army in Coastal Frontier Defense"—

"A communication system and an intelligence system to include an aircraft warning service, among the elements of the land defense, with provision for the prompt exchange of information or instructions with the Navy."

R5-554: Admiral Kimmel then reads from page 32 of this Joint Action plan and it defines and describes the duties of an aircraft warning service. (This is copied verbatim on page 8, Documentary Evidence, in this brief and Resume.) Admiral Kimmel says this was in effect December 7, 1941, and prior thereto.

R2-168: General Short was asked:

Q: "Well, your basic plans state specifically that that is the responsibility of the forces (Army) here, to protect that base."

A: "That is correct."

Q: "All right. Now, if you had those ideas have you discussed them with Admiral Kimmel and Admiral Bloch along those lines? Have you ever discussed with them the situation, or rather, whether or not they should bring their fleet in, or how many? Has that ever been discussed?"

A: "I don't think that I have discussed that particular point as to how many ships they would bring in."

[43] 9. FAILURE TO HAVE HIS AIRPLANES DISPERSED IN ANTICIPATION OF A HOSTILE ATTACK, AFTER HAVING BEEN WARNED OF THE DANGER THEREOF

Ex. 36: See communications of both the Army and Navy dated October 16, 1941; November 24, 1941; November 27, 1941 (one to Army direct from War Department, and the "war warning" dispatch to Cincpf), and November 28, 1941, and the Navy dispatch of December 3, 1941 (although it is not shown that General Short saw this latter, he says he was in conference with both Admiral Kimmel and Bloch on December 3, 1941), all bearing upon the warnings of danger given to General Short. These various documents also appear in this Brief and Resume under Documentary Evidence.

R2-84: General Short admits purposely grouping the planes as they were then easier to guard against sabotage.

R2-177: General Davidson set out two telegrams from Hawaiian Air Force not to disperse planes.

"Nov. 27, 1941. \* \* \* HAF Four two C place Alert number one in effect immediately. Anti-sabotage only. This is an actual repeat actual alert not a drill."

Followed by:

"Under alert #1 aircraft will not be dispersed. All units continue training under condition easy five."

Easy five meant E5 which was ready in four hours. So just continued to train normally under condition E5. Nothing ready.

R2-200: General Rudolph states alert #1 "did not include airplane raids; it included sabotage. Therefore, we bunched the planes because we could have much better protection against sabotage."

Ex. 6: This map shows the bunched arrangement of planes at Hickam Field.

[44] 10. FAILURE TO HAVE HIS AIRPLANES IN A STATE OF READINESS FOR AN ATTACK

R2-162: General Short admits that pursuit planes were not on a war footing at time of attack and were not supplied with ammunition.

R2-127: General admits no planes in the air this fateful Sunday morning.

R2-128: General states that Alert #1 doesn't cover air attack at all.

R3-345: General Martin states that had Alerts 2 or 3 been in effect the planes would have had fuel and ammunition, would have been better.

R3-331: Martin states that he had 140 pursuit planes at time and about one-half of them out of commission.

R2-190: Davidson says that he had 80 ships (pursuit) in commission at time and 69 out of commission.



R2-189, 90: General Davidson state that the biggest difficulty at the time was that the planes guns were not loaded and the ammunition was in a hangar that was on fire.

R2-177: General Davidson shows two telegrams from Commanding General, Hawn Air Force, not to disperse planes under Alert #1.—

"Nov. 27, 1941. \* \* \* HAF Four two C place Alert number one in effect immediately. Anti-sabotage only. This is an actual repeat actual alert not a drill."

"Under alert #1 aircraft will not be dispersed. All units continue training under condition easy five."

R5-556K, M, N: Addenda I and II to the plan of Army and Navy made in accordance with the Joint Air Operations Agreement of March 21, 1941 (R5-556A) provide conditions of aircraft readiness, in pertinent part, as follows:

"Material Readiness, E—All aircraft conducting routine operations, none ready for the purposes of this plan; and under Operational Readiness #5. All types—four hours."

R3-383: Major Bergquist says that if there had been Alert #2 the planes would have been dispersed; a pilot there at all times and a man sitting in the cockpit at all times to warm it up, and could be up in 1 to 3 minutes.

R3-389: Bergquist says there was no bomber liaison at information center December 7th until in the afternoon.

R4-415-423: Lieutenant Taylor and Welsh rushed to Maltewa Field and the men were just loading ammunition (30 cal.) into the planes—there was no Squadron Commander there (he was bear hunting on Molokai Island)—had no instructions at all so just jumped in to the planes and brought down six Japs and were cited for this by the Government.

R8-893: Amdiral Bellinger says that all Navy planes were armed with machine guns and had ammunition. (Also, somewhere in there that Navy planes were all dispersed.)

[45] R14-1658: General Martin states that he did not set up machine guns at Fields for protection of planes. (What about the SOP's and FM 100-5—Every unit will be responsible for its own defense from air attack.)

Ex. 25: In statement by Assistant Chief of Staff, G-3, states that there were no airplanes ready for immediate use at time of attack.

R2-200: General Rudolph, Commanding General bombers, says that he was only training crews to bring over the bombers from the mainland. That when his ships were up they would have no ammunition unless they were doing some target practice in connection with their training. None of his planes were in the air at time of attack December 7, 1941, at 7:55 a. m., and that none got in the air until after the attack.

R2-201, 2: General Rudolph, Commanding General bombers, says that if he had had any intimation of pending trouble he would never have had his planes bunched or concentrated, but would have had them ready for the air, "Especially on a Sunday morning."

R5-561: Here General McNarney reads a statement submitted by General Short in re condition of Reconnaissance and Bomber planes on December 7, 1941:

Reconnaissance planes in commission—6.

Reconnaissance planes out of commission—7.

Bomber planes in commission—39.

Bomber plane out of commission—33.

R2-128: General Short after saying it was "most unusual" for planes not to be in the air this Sunday morning, was asked how he would explain that. He replied, "I wouldn't be able to explain it without asking General Davidson why; *but if they had been up and training they wouldn't have had ammunition, for normally in training they did not carry ammunition.*"

R2-128: General Short says further "\* \* \* There is no question, if we had had pursuit in the air fully armed and expected this attack at 8 o'clock, why, we probably would have—we might have been able to stop it to a considerable extent, at any rate."

R2-162: General Short was asked, "Were the pursuit planes armed and supplied with ammunition at all?" He replied, "They were not."

R2-163: General Short was asked, "Were the bombers in the same state of unpreparedness as the fighting planes?" He replied, "Yes, sir."



[46] 11. FAILURE TO PROVIDE FOR PROTECTION OF MILITARY PERSONNEL, THEIR FAMILIES ET CETERA, ON VARIOUS RESERVATIONS

R3-232: Colonel Phillips states that the Hawaiian Home Guard was not in existence December 7th—"It was just being organized." Says there was no aerial warning service "with sirens in tower downtown" at that time. Have been established since.

R3-233: Colonel Phillips states again that there was no system of air raid warnings.

R1-5: Under the Joint Coastal Plan the Army mission was to provide against air and gas attack.

R4-412, 13: Colonel Phillips again states there were no sirens or warnings at various fields of any kind prior to attack. No warning devices of any kind. Also, again no air raid warning for "tower" prior to December 7th.

R4-514: Civilian Chas. Utterbach states that civilian comment was, "They caught them asleep, by God."

Ex. 15: This contains a group of orders and instructions issued subsequent to attack at Hickam Field. (While this evidence is of subsequent measures it does show what security measures were lacking prior to the attack.) It shows: gas masks issued; a gas alarm system established; blackout regulations promulgated: one communication dated December 20, 1941, states, "*The Hawaiian Air Depot is dependent upon the inverted sections of gasoline tanks for shelter and protection of our personnel in the event of an air raid. \* \* \* It is requested that we be permitted the use of these sections until such time as adequate air raid shelters are built for our personnel, \* \* \**" (Permission was granted by 1st Indorsement.); and a system of air raid wardens established.

Ex. 16: By order General Short gives orders for a practice air raid alarm on December 10 for Honolulu. Issued December 9, 1941. Also states that Members of the Military Police, Honolulu City Police, Home Guard and Honolulu Fire Dept. have been issued a supply of Stewart Hand Klaxon sirens for distribution throughout the City of Honolulu.

December 9, 1941—Standing orders first issued for defense against gas attack.

December 7, 1941—Bulletin "Information for Conduct of Families in Air Raids."

Ex. 17: This contains subsequent instructions by General Rudolph, Commanding General 18th Bombardment Wing. This states gas masks issued to all personnel. Sirens issued for use in giving air raid alarms. Construction for additional facilities underneath barracks floor initiated, to protect men occupying barracks. Continuous daily patrols have been flown in cooperation with the Navy. Evacuation plans [47] for women and children initiated. Complete blackout instructions put into effect.

(These exhibits are all negative evidence, but show (1) that these obvious safety measures they call for were not done prior to the attack, and (2) that the facilities were there and all of these things could have been done prior to the attack had anyone even suspected there might be trouble.)

(An article appears in the Washington Star for week of March 23, 1942, of an interview of Mrs. Mary Kogan, 1340 Taylor Street, N. W., wife of Lieutenant Milton Kogan, wherein she states that she and her husband were at Schofield Barracks at time of attack. She states therein, in pertinent part, "It was then they knew the thing (*the attack*) was real and that the warning of a Hawaiian Newspaper a week earlier that Japan could be expected to attack that week end had come true. \* \* \* Before December 7, we hadn't even been told what to do in case of an air raid".) [*Underscoring supplied.*]

(As showing that General Short must have known of imminence of attack, a Mr. Raymond Coll, a Hawaiian newspaper editor is quoted by a Washington Newspaper, shortly after the submission of the report of the Roberts Board, January 24, 1942, as stating, in substance, that General Short and Admiral Kimmel had made clear by their utterances before December 7, 1941, the probability and imminence of a Japanese attack at an early date.) (We have not been able to examine these Hawaiian papers at the Congressional Library as the papers were at the bindery at the time of this report.)

**SECRET**

June 12, 1942.

MEMORANDUM for the Files.

I today saw General Hildring and Colonel Donald Wilson, the officer who is to succeed him on July 1, about the general court-martial charges we have drawn up in the matter of General Short. General Hildring explained the background of the situation to Colonel Wilson. General Hildring advised me that there was nothing to do at the present time but hold the papers but suggested that I should at some time tell the Secretary of War and the Chief of Staff that we had prepared a draft of specifications and were awaiting any further instructions.

*M.C.C.*

M.C.C.

July 21, 1943.

Took up this matter with Gen. Marshall. He told me that it would have to wait until Sissy Stimpson's return, that it was a matter for his decision.

*M.C.C.*

**SECRET**

27 NOVEMBER 1944.

Memorandum for Mr. Bundy:

Subject: Secretary's Press Release of 28 February 1942 Re General Short.

1. Attached hereto are two copies of the Secretary's press release of 28 February 1942.

2. Pursuant to his direction the Judge Advocate General's Office on 4 March undertook preparation of charges against General Short, utilizing all available data including the Roberts Report and transcript. This work was completed 20 April 1942 and resulted in preparation of charges alleging violation of the 96th Article of War, with eleven specifications as follows:

Specification 1: Failure to provide an adequate inshore aerial patrol.

Specification 2: Failure to provide adequate anti-aircraft defense.

Specification 3: Failure to set up an Interceptor Command.

Specification 4: Failure to provide a proper aircraft warning service.

Specification 5: Failure to provide for the transmission of appropriate warnings to interested agencies.

Specification 6: Failure to establish a proper system of defense by cooperation and coordination with the Navy.

Specification 7: Failure to issue adequate orders to his subordinates as to their duties in case of sudden attack.

Specification 8: Failure to take adequate measures to protect the Fleet and Naval Base at Pearl Harbor.

Specification 9: Failure to have his airplanes dispersed in anticipation of a hostile attack, after having been warned of the danger thereof.

Specification 10: Failure to have his airplanes in a state of readiness for an attack.

Specification 11: Failure to provide for the protection of military personnel, their families, etc., and of civilian employees on various reservations.

3. The above charges were merely tentative and possible charges and were never approved by The Judge Advocate General or transmitted to the Secretary of War. Of course, they were never made public.

WILLIAM J. HUGHES, Jr.,

*Colonel, JAGD.*

1 Incl. Cy Press Release (dup)