

EXHIBIT No. 11

In reply refer to Initials and No. Op-10 Hu.

NAVY DEPARTMENT,
OFFICE OF THE CHIEF OF NAVAL OPERATIONS,
Washington, 28 August 1941.

DEAR MUSTAPHA: Have been trying to get a letter off to you for a week, although what I have already sent you covers fairly well our situation to date. I do, however, want once again to thank you for your splendid letter of August 12th which has been so thoroughly enjoyed by everybody. It gave us a great close-up of the Fleet which was more than welcome.

As of today we have about 262,000 men. Reenlistments for the year to date average something over 70% and the same is true for the month of July. Our advertising campaign for men is bearing fruit and we hope next month to get at least 10,000, and our best hopes might realize 11,000. Our goal is not less than 12,000. Tommy Holcomb expects to reach his allowed 75,000 in March. The goal for enlisted men (Navy) is all I can get, regardless of deficits or whatnot.

I shoved off the letter on RDF just as it came to me and with the rough notes I had made, and I really should apologize for its form, but the substance was there and that letter, together with the previous table which had been sent out by BuShips will, I believe, give your people the best picture we have.

I note what you say about not resting until you get the patrol vessels you have requested in official correspondence. I might add "neither will I". You know I am keenly alive to your needs. At present we are constantly fighting material shortage and priorities. You are thoroughly familiar with the building program and the dates of completion so no need to comment on it. We are ahead of schedule at present but the steel situation grows more critical daily and at last I believe the blocks are going to be put on unnecessary civilian needs. Our *small ship* program was the most difficult to get started. I was perfectly delighted the other day when some one told me they had tried to buy an electric refrigerator but it could not be had. Another example:—I ordered an electric heater for the cottage at the Lake direct from the Westinghouse wholesale people here in Washington, who inform me it is well I got my order in when I did because it was the last one and no more would be manufactured. It has taken a long time to get the psychology started. I say started, because the country still is to a considerable extent, asleep to the effort required.

I am perfectly delighted with your reaction to the recent directives from the Office of Fleet Training relative to target practices. Of course, Lee was tickled to pieces over your enthusiastic comment.

I have talked not only to Nimitz but also to Carpender, who came down to see me after I had given Nimitz your notes with regard to personnel. You will have heard from Bunav direct.

I am delighted also over your comment about the recreation facilities and hope the good work in this connection may continue to expand until the situation is satisfactory.

I am told an official letter was sent to you on the Defense Battalion situation so will not repeat here.

Once again, thanks for the human side of the news.

With regard to the general situation in the Pacific about all I can say is the Japs seem to have arrived at another one of their indecisive periods. I can only intimate to you that some very strong messages have been sent to them but just what they are going to do I don't know.

I told one of their Statesmen this morning that I felt another move, such as one into Thailand, would go a long way towards destroying before the American public what good-will still remained. As you know, I have had some extremely frank talks with them.

I have not given up hope of continuing peace in the Pacific, but I could wish the thread by which it continues to hang were not so slender.

There is much talk of the Japanese barring ships carrying arms to Russia. I am delighted that when Admiral Hart asked us to make the Sulu Sea a closed area we did not do it although there was some pressure here for it. One of my principal reasons against doing it was because of the precedent which it might establish, and thus give the Japs something to hang their hat on if later they wanted to make a similar pronouncement regarding the Sea of Japan. We have to go through one of those holes in the wall to get to the Russian Maritime Provinces. This also brings up the case of the so-called neutrality zone encircling

the Western Hemisphere. But that, like the recent closing of the Canal to Japanese ships, is water over the dam and I won't bother you with my troubles on those pronouncements.

Regardless of the will to do all you want in the line of permanence of personnel, please keep in mind the tremendous expansion we are up against, and the many ships which have to be commissioned. Notwithstanding the fact that at least some of us foresaw that, regardless of our efforts, there just has to be considerable compromise in the arduous task of building up and manning the so-called Two-Ocean Navy, not to mention all the other stuff from AKs and APs to AMs and ATs.

Not in the way of an excuse, because I am not making any, but just giving reasons, I checked up on one of the battleships in the last war which had been in commission about a year. It has a complement of 65 officers, but of this number had only 13 regulars, including paymasters and doctors, in the entire outfit. The other 52 were all Reserves and temporaries. Nevertheless, I am told those 52 filled their billets very well and that they had a fine ship. I think history has got to repeat itself, and the only thing I see to do is loyally to attempt to solve our present situation and do the best we can with what we have, and I know of no one better than yourself to tackle the job. That is why you are where you are.

I expect all the kicks and forceful reasons you can send me for change and help and I will go just as far as it is humanly possible to do and so will everybody else in the Department.

We all know that Naval personnel will rise up and do better under great difficulties than they will when things are easy and serence (if they ever were).

You will be glad to know that the vibration troubles which, to put it mildly, were cause for concern in the WASHINGTON and NORTH CAROLINA are nearing solution.

I am delighted the West Coast visits are proving so helpful. I hope they will not have to be stopped but only time will tell.

I do not recall for the moment whether or not in previous correspondence I acknowledged receipt of your letter of 30 July regarding using one of your carriers for ferrying planes to the Russians. This is just one of the headaches we have here. Incidentally the Russian Ambassador with his gang is coming down to see me tomorrow. I will not put down on paper my feelings about the visit—I will just leave it to your good imagination.

[Handwritten notation:] This is privileged matter which must not be disclosed without "EXPRESS AUTHORITY SECNAV"

Mrs. Hull ought to be reminding me that she has a mother for whom she has to get dinner because it is 1830. My day is just beginning.

Keep cheerful and as always every good wish in the wide world to you all and best of luck.

Sincerely,

BETTY.

ADMIRAL H. E. KIMMEL, U. S. NAVY,
Commander in Chief, U. S. Pacific Fleet,
USS PENNSYLVANIA,
c/o Postmaster, San Francisco, California.

[NOTE.—The interested party, Admiral Harold R. Stark, U. S. N., respectfully directs the attention of the Court to Exhibit 11 which is a personal letter dated 28 August 1941, from Admiral Harold R. Stark, U. S. Navy, to Admiral Husband E. Kimmel, U. S. Navy. The interested party considers that this letter contains certain matters coming within the purview of Section 261 (a) of Naval Courts and Boards, which provides that a witness may be privileged with respect to certain testimony, among the principal cases of privilege being:

"(a) *State secrets*.—This class of privilege covers all the departments of the Government, and its immunity rests upon the belief that the public interests would suffer by a disclosure of state affairs. The scope of this class is very extended, and the question of the inclusion of a given matter therein is decided by a consideration of the requirements of public policy with reference to such matter."

If the interested party had been asked to read this letter into his testimony, he would have declined as a matter of personal privilege involving the disclosure of state secrets to read the following:

The last two sentences in the sixth paragraph on page 3.

The interested party respectfully requests that this statement be conspicuously attached to the copy of Exhibit 11, which the Judge Advocate proposes to place in the secret files of the Navy Department.

The interested party considers that the disclosure of the parts of this letter mentioned above would be detrimental to the interests of the United States and contrary to public policy.]

30 AUGUST 1941.

MEMORANDUM FOR ADMIRAL KIMMEL

Will send a memo from Holcomb by separate letter re defense battalions. He is away for a couple of days and I want him to O. K. anything I send.
Keep cheerful.

H. R. S.

EXHIBIT No. 12

In reply refer to Initials and No. Op-10 Hu.

NAVY DEPARTMENT,
OFFICE OF THE CHIEF OF NAVAL OPERATIONS,
Washington, 23 September 1941.

DEAR KIMMEL: This is in reply to your letter of 12 September. I have sent you a copy of my letter of 22 September to Tommy Hart which gives some of the picture as I see it up to that date.

At the present time the President has issued shooting orders only for the Atlantic and Southeast Pacific sub-area.

The situation in the Pacific generally is far different from what it is in the Atlantic. The operations of raiders in the Pacific at present are not very widespread or very effective. Most of the merchantmen in the Pacific are of United States or Panamanian flag registry. Instituting any steps toward eliminating raiders outside of waters close to the continents of North and South America, might have unfavorable repercussions, which would not be worth the cost to the United States in the long run. The longer we can keep the situation in the Pacific in status quo, the better for all concerned.

One of the things you did not mention is what action the United States and the United Kingdom would take were Japan to attack Siberia. The policy of either government under such circumstances has not yet been clarified. In the meantime we are preparing an agenda for staff conversations with the Russians.

In reply to question (a) your existing orders to escorts are appropriate under the present situation. They are also in accordance with Art. 721 U. S. Navy Regulations; no orders should be given to shoot at the Present Time, other than those clearly set forth in this article. I believe there is little possibility of an Italian or German raider molesting a naval ship, but there might be another "Robin Moore" incident in the Pacific, in which case the President might give orders for action in the Pacific similar to those now in effect in the Atlantic; but that is something for the future.

Act. 722, U. S. N. R. reads as follows:

"The use of force against a foreign and friendly state or against anyone within the territories thereof, is illegal.

"The right of self-preservation, however, is a right which belongs to States as well as to individuals, and in the case of States it includes the protection of the State, its honor, and its possessions, and the lives and property of its citizens against arbitrary violence, actual or impending, whereby the State or its citizens may suffer irreparable injury. The conditions calling for the application of the right of self-preservation cannot be defined beforehand, but must be left to the sound judgment of responsible officers, who are to perform their duties in this respect with all possible care and forbearance. In no case shall force be exercised in time of peace otherwise than as an application of the right of self-preservation as above defined. It must be used only as a last resort, and then only to the extent which is absolutely necessary to accomplish the end required. It can never be exercised with a view to inflicting punishment for acts already committed."

Regarding questions (b), we have no definite information that Japanese submarines have ever operated in close vicinity to the Hawaiian Islands, Alaska or