

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. 723 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. 723, 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

our Pacific Coast. They may have been near Wake recently. The existing orders, that is not to bomb suspected submarines except in the defensive sea areas, are appropriate. If conclusive, and I repeat conclusive, evidence is obtained that Japanese submarines are actually in or near United States territory, then a strong warning and a threat of hostile action against such submarines would appear to be our next step. Keep us informed.

We have no intention of further reducing the Pacific Fleet except that prescribed in Rainbow 5, that is the withdrawal of four cruisers *about one month after Japan and the United State are at war*. The existing force in the Pacific is all that can be spared for the tasks assigned your fleet, and new construction will not make itself felt until next year.

The operations of the Pacific Fleet ought not to be considered separately from the operations of the Asiatic Fleet and the British and Dutch forces in the Far East. Furthermore, the Japan-Soviet situation requires considerable attention from Japan's naval forces. While offensives by the Pacific Fleet in the Central Pacific may not draw important Japanese naval forces in that direction, they ought to have an important effect in pinning the Japanese Navy to northern waters, or to bases in the Western Pacific and thus divert them away from the Philippines and the Malay Barrier. By copy of my letter to Admiral Hart you now know that the Army is building up its Philippine Garrison, and plans important increases in Army air forces in the Philippines. Dutch and British air and land forces are also gradually increasing in strength. We are now informed by the British that they plan to send the Battleships ROYAL SOVEREIGN, RAMILLES and RESOLUTION to arrive on the East Indian Station by late December; to retain there the REPULSE until relieved by the RENOWN in January; and to send one or two modern capital ships to the East Indian Station early in the new year. These, with one carrier and a total of four eight-inch cruisers and thirteen six-inch cruisers (seven modern) ought to make the task of the Japanese in moving southward considerably more difficult. It should make Japan think twice before taking action, if she has taken no action by that time.

I may be mistaken, but I do not believe that the major portion of the Japanese Fleet is likely to be sent to the Marshalls or the Caroline Islands under circumstances that now seem possible.

The NORTH CAROLINA and the WASHINGTON are not as yet finally completed and have had no target practice. We ought to put aside any thought that these two battleships will be of any practical use to us before the end of next March, and I would consider it most unwise to reach any final decision now as to which Fleet they ought ultimately to be attached. At present, the need for them is far greater in the Atlantic than in the Pacific, particularly if we are to make possible the movement of British naval forces from the Atlantic to the Far East Area.

With regard to the first and last paragraphs on page two, I believe that, in all probability, the Pacific Fleet can operate successfully and effectively even though decidedly weaker than the entire Japanese Fleet, which certainly can be concentrated in one area only with the greatest difficulty.

The following despatch has just been brought to my attention. You no doubt have seen it but I will quote it as a reminder.

"Rear Admiral Toshio Matsunaga Retired in interview published in Hochi States Japanese should face future with calm confidence in ability Army Navy repel air attacks x Japan need not worry about weak ABCD powers encirclement plans x quoted as stating he has flown over Guam total sixteen times once this year without sighting single American plane x American air power Far East negligible x prior retirement Matsunaga served twelve years as aviator Commander Ryujo Acagi Tateyama Air Station now Director Japan airways."

In connection with the foregoing would it not be possible for your force to "carefully" get some pictures of the Mandated Islands?

Keep cheerful.

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

P. S. I have held this letter up pending a talk with Mr. Hull who has asked me to hold it very secret. I may sum it up by saying *that conversations with the Japs have practically reached an impasse*. As I see it we can get nowhere

towards a settlement and peace in the Far East until and unless there is some agreement between Japan and China—and just now that seems remote. Whether or not their inability to come to any sort of an understanding just now—is—or—is not—a good thing—I hesitate say.

Copy to Admiral Hart.

29 SEPTEMBER 1941.

Admiral KIMMEL.

P. S. #2. Admiral Nomura came in to see me this morning. We talked for about an hour. He usually comes in when he begins to feel near the end of his rope; there is not much to spare at the end now. I have helped before but whether I can this time or not I do not know. Conversations without results cannot last forever. If they fall through, and it looks like they might, the situation could only grow more tense. I have again talked to Mr. Hull and I think he will make one more try. He keeps me pretty fully informed and if there is anything of moment I will, of course, hasten to let you know.

Our transports which recently landed a contingent of Army in Iceland will, God willing, in another day be clear of the submarine concentration through which they have had to run and we will breathe easy with regard to them. However, it is a continuous game now and yesterday I am glad to state we delivered our first big convoy to the British after having gone through safely from Newfoundland well into the Eastern Atlantic. We also have a combatant force going up to strengthen the Iceland situation for the next few weeks because of the British situation and the possibility of a sortie of a German contingent which is under surveillance.

I saw a photograph of your picture. It looks great and I think it is a fine thing to have it recorded; the boys will be proud of it always.

BETTY.

SEPTEMBER 12, 1941.

Memorandum for Admiral Stark:

DEAR BETTY: You asked me about what we are doing for the Philippines:

August 26: There sailed from San Francisco part of a regiment of antiaircraft troops and some reserve supplies.

September 8: There sailed from San Francisco the remainder of the antiaircraft regiment, a tank battalion of 50 tanks, 50 of the latest pursuit planes, and the personnel to man them, which brings the modern pursuit planes in the Philippines up to 80.

September 18: 50 self-propelled mounts for 75 cannon to be shipped from San Francisco, and 50 more tanks.

Today: The squadron of nine Flying Fortresses landed in Manila after successfully flying the route Midway, Wake, New Britain, Dutch East Indies.

September 30: Two squadrons (26 planes) of Flying Fortresses will leave San Francisco for Hawaii enroute to the Philippines.

October: A reserve of pursuit planes will have been in process of shipment, about 32 in October, rising to a total of 130 by December.

November: Probably a reserve of six to nine of the super Flying Fortresses, B-24 type planes will be transferred to Manila. These planes will have an operating radius of 1500 miles, with a load of 14,000 bombs, which means that they can reach Osaka with a full load and Tokyo with a partial load. They have pressure cabins and can operate continuously 35,000 feet for bombing.

December: Another group of Flying Fortresses, some 35 planes, goes to Manila.

A group of dive bombers, some 54 planes, also goes.

A group of pursuit, some 130 planes, along with two additional squadrons to build up the previous pursuit group, will be dispatched.

A 50% reserve is being established for all these planes.

[Handwritten notation:] You may have had word of this already!

G. C. M.
Chief of Staff.

I gave original to Mr. Stimson.