

time her imports of materials useful for war and for her general economy. If Japan gets a favorable opportunity, and believes the United States has then definitely decided to remain out of war altogether, she will move first against Malaya and possibly Harbin, hoping the Dutch will not participate. Her present economic conversations with the Dutch indicate she may be playing for time, and even may intend to conquer the Dutch primarily by economic and political penetration.

(d) Japan is unlikely to undertake hostilities against Britain until she sees the results of Germany's next attack on the British Isles, and of Germany's success in the Balkans. If the Germans succeed in conquering the British Isles, Japan will at once move into Malaya, and possibly into the Netherlands East Indies. If the German attack against the British Isles fails, I believe Japan may await a more favorable opportunity before advancing beyond Indo-China.

3. The above are my present views. They will change if we get information that will warrant change. So far, everything leads me to believe that Japan is playing for a secure advance without too great an expenditure of military energy. The recent reinforcement of her defense in the Mandates indicates the seriousness with which she views the threat by the Pacific Fleet, so long as it remains strong and apparently ready to move against her eastern flank.

H. R. STARK.

The interested party, Admiral Harold R. Stark, U. S. N., respectfully directs the attention of the Court to *Exhibit 31* which is a personal letter dated 25 February 1941, from Admiral Harold R. Stark, U. S. Navy, to Admiral Husband R. Kimmel, U. S. Navy. The interested party considers that this letter contains certain matters coming within the purview of Section 361 (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 to answer as a matter of personal privilege involving the disclosure of state secrets:

The words in parentheses in the second sentence in the first paragraph on page 2.

The interested party respectfully requests that this statement be conspicuously attached to the copy of *Exhibit 31*, 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.

[1]

EXHIBIT No. 32

SECRET

In reply refer to initials and No. Op-10/Dy.

NAVY DEPARTMENT,
OFFICE OF THE CHIEF OF NAVAL OPERATIONS,
Washington, March 22, 1941.

DEAR KIMMEL: Your letter of February 18th was handed to me upon my return from an inspection of N. O. B., Norfolk, Fajardo, Vieques anchorage, Pillsbury Sound, St. Thomas, San Juan, Guantanamo, various Bahama Islands, Key West, Miami, Jacksonville, Pensacola, Charleston, and Parris Island; literally, a flying trip.

Ingersoll wrote you to acknowledge receipt of your letter. We have now received answers from the interested individuals here in the Department to the questions you asked. I will take up your letter, paragraph, by paragraph, here goes:

The checks for the Navy Relief and Red Cross have been received. You must have had acknowledgments by this time.

Chester Nimitz in his letter to you of March 3—a copy of which I have—seems to have answered all your questions on personnel so that I need not comment

any further on that subject; except that, with regard to the Bureau of Ordnance requirements for post-graduate ordnance officers, I can fully understand your point of view in not wishing to have those officers detached from the Fleet. The procurement situation in the Bureau of Ordnance is critical. We made the best decision we could with the picture confronting us. You may expect a similar effort to get legally trained officers in legal jobs.

With reference to the Marines at Palmyra and Johnson you must, by now, have received my confidential serial 019612 of February 26th on the subject of permanent Marine defense force at Johnson, Midway and Palmyra Islands. Of course personnel stationed at Johnson and Palmyra Islands should not exceed the number provided in paragraph 4 of the letter of the 26th until satisfactory arrangements are made for providing the minimum requirements of food, water, and other essential supplies. We concur in your recommendation to send 100 Marines to Palmyra and none to Johnson for the present.

No comment seems necessary on paragraph 8 in view of the fact that the detachments have already gone to Australia and New Zealand.

[2] In paragraph 9 you request one Squadron of PT's and one of the new PTC's at the earliest possible date. At the present moment I can not give you an answer to this question because the demands of the British are such right now that I can't even make an estimate of the number of PT's and PTC's which might be available to be sent to you. I have an order now to give them 28 immediately.

You also speak of the probability that the Coast Guard will be taken over shortly. I hope to do that as soon as the 7 billion dollar appropriation is passed by the Congress and signed by the President.

Completion of the quota of small craft allocated to the 14th District is being pushed as rapidly as their conversion and readiness for service can be accomplished. You probably know the TAMAHUA and an Oil Barge are now en route to Hawaii in tow of the KANAWHA.

With respect to paragraph 10 Admiral Blandy furnished in his letter to you of March 5th, the shipment dates of the remaining bombs to be supplied to the Oahu area. It will be noted from Blandy's letter that all requirements will be completed either in the May, 1941, voyage of the U. S. S. Lassen, or the ammunition trip about October, 1941. With respect to the bomb supplies in Oahu, a letter is about to be signed increasing the bombs designated for that island and asking you to assist in transporting them from the mainland to Oahu. Dump storage of bombs in Oahu has already been authorized in advance of the availability of magazines.

I believe you have received information on the incendiary bomb situation; 5,000 are being procured from the Army and delivery is expected shortly.

The answers to paragraph 11 of your letter are contained in our confidential serial 05038 of March 18, to the effect that it is the present intention to substitute PYRO for LASSEN upon the conclusion of PYRO's next voyage to the Fleet.

As you know, the Department has taken steps to acquire two more vessels: Class C-3 cargo ships (Now building at Tampa, Fla.), for conversion into ammunition ships but it is impossible to tell at this date when these vessels may be ready for service.

Referring to paragraph 12 of your letter, need for destroyers in the Atlantic Fleet right now is such that we probably will not be able to help you with additional destroyers for some months, if then; in fact we may have to take some away soon.

[3] In connection with your comments in paragraphs 14 and 15 relative to complements recommended by the Fleet Personnel Board, the following pertinent comment from the Director of Fleet Maintenance is quoted:

"(a) The Bureau of Ships for some time has been calling attention to the continued weight increases, which have been taking place on all types of ships since commissioning, having reached such proportions that effect on military characteristics is now serious. The recent weight additions, made necessary by improved A. A. defence, D. C. equipment, splinter protection and increased ammunition which could not be compensated for by weight removals in accordance with the policy established several years ago, have greatly accentuated the overweight situation to such extent that no further uncompensated weights should be added until the results of the weight removal survey now under way are obtained.

(b) The Bureau of Ships estimates that for each additional man and his personal effects 300 lbs additional weight. To provide bunk, locker, mess gear, sanitary and other requirements, the total additional weight per man is approximately one-half ton. The average increases recommended by the Fleet Personnel

Board over the Force Operating Plan represents rather sizeable weight additions as shown by table.

	Over Increase Men	Resulting Weight Added
BBs-----	286	143 tons
CAs-----	228	114 tons
CLs-----	136	78 tons
DDs-----	57	28, 5 tons

(c) While the decision against recommended increases was based on weight and stability conditions more than on space and cost, the further restrictions on berthing space introduced by sealing of airports on the lower decks has made the space component of more importance than formerly.

(d) The Operating Force Plan has taken into consideration and has allowed increased complements for the additional AA batteries installed.

(e) The Operating Force plan represents the policy of the Department on the number of men which can or should be assigned to the various ships by types.

[4] (f) On a comparative basis the complements now allowed are 10-15% greater than those assigned by the British on similar types of ships.

(g) Correspondence is at present before the Bureau of Ships requesting comment on the maximum number of men which can be accommodated on the various types of ships within acceptable limits of space, weight and stability considerations. The reopening of the case depends largely on the Bureau of Ships reply.

P. S. The report of the Fleet Personnel Board is now in. It is anticipated that it will be recommended for approval to maximum extent permissible within space, weight and stability recommendations of BuShips."

Paragraph 18 of your letter referred to the supply of modern types of planes throughout the Fleet. In this connection Towers states the impression that the Bureau of Aeronautics is relegating fleet aircraft needs to a position of lower priority than the general expansion program, is in error. He says that the Bureau of Aeronautics has exerted and continues to exert every possible effort to provide the Fleet with new replacement airplanes for the old models at a rate only limited by the productive output of the contractors and diversions instituted by *specific directives* to the Bureau of Aeronautics. It is believed appropriate to point out that the Navy Department in the fact of long and determined opposition has been successful in establishing the highest priority for the following types and models of naval airplanes now on order for the Fleet. This priority (A-1-b) is higher than that accorded any Army aircraft, except the temporary priority given the P4OB's which are being sent to the Hawaiian area.

VP-----	PBY5-----	197
VSb-----	SBD-2&3-----	262
VF-----	F4F-----	324
VSO-----	SO3c-----	260
VSb-----	SB2c-----	70
VTB-----	TBF-----	108

1, 221

Your paragraph 18 recommends the acquisition of two more "seatrain" vessels. Acquisition and conversion of 4 APV's, 2 New Jerseys, 2 Manhattans, was recommended. The President cut out the Manhattans. Acquisition of the 2 New Jerseys as you probably know was approved by the Secretary of the Navy on January 15, 1941, but *funds have not been made available*. The New Jersey type is now used for ferrying loaded freight cars from the East and Gulf Coast ports to Havana. The conversion contemplates the removal of numerous [5] stanchions and use of three decks for the loading of aircraft. Capacity of this type after full conversion is estimated to be approximately 60 assembled airplanes of the scout bomber size. No flying on or flying off facilities are involved. I might add that "plans" for the conversion of the Manhattan type contemplating the installation of hangar and flying off deck with an offset island bridge and stack arrangement are being prosecuted. No provisions will be made for airplane landings aboard the Manhattans. Estimated carrying capacity for the Manhattans is 80 planes of the scout bomber class when the entire flight deck is loaded; under these conditions the planes could not, of course, be flown off.

In answer to your comment in paragraph 20 on the necessity for additional stores ships and transports, the following obtains:

On 15 January, 1941, the Secretary of the Navy approved recommendations for three additional store ships (AF). The President cut it to two. The status of legislation authorizing and appropriating money for these two vessels is indeterminate at the present moment. It is hoped these vessels will be acquired sometime during the current fiscal year.

The six transports intended for assignment to Base Force are being converted and made ready for use on the West Coast. It is expected that all of these vessels will report for duty by June or July, 1941. In addition to their intended employment for training Marines in landing operations, it may frequently be necessary for forces afloat to use one or more of those transports to meet transportation requirements between Hawaii and the Island Bases. In addition, to these ships, negotiations are being completed now for the charter of the Matson Line ship WEST CRESSEY. She should be available within a short time and ComTwelve is being instructed regarding her loading. It is planned to keep her under charter for transportation of supplies to Hawaii until the CAPE LOOKOUT is completed and ready for service.

With reference to your postscript on the subject of Japanese trade routes and responsibility for the furnishing of secret information to CincUS, Kirk informs me that ONI is fully aware of its responsibility in keeping you adequately informed concerning foreign nations, activities of these nations and disloyal elements within the United States. He further says that information concerning the location of all Japanese merchant vessels is forwarded by airmail weekly to you and that, if you wish, this information can be issued more frequently, or sent by despatch. As you know, ONI 49 contains a section devoted to Japanese trade routes, the commodities which move over these trade routes, and the volume of shipping which moves over each route.

[6] This chart was corrected in the Spring of 1940. The date appearing on the chart is the date 1939, which was the last complete year for which export and import data on commodities was available at the time the chart was revised.

Every good wish as always.

Keep Cheerful.

Unload all you can on us.

Give us credit for doing the best we can under many conflicting and strong cross currents and tide rips—just as we do you—and,

Best of luck,

BETTY.

Admiral H. E. KIMMEL, USN,
Commander-in-Chief, U. S. Fleet,
U. S. S. Pennsylvania,
Pearl Harbor, T.

EXHIBIT No. 31

171 A16/088 of 26 May 1941.

CinC File No.

UNITED STATES FLEET
U. S. S. PENNSYLVANIA, Flagship

26 May 1941.

From Cinc.

To: Opnav

Subject: Survey of Conditions in Pac. R.

1. PERSONNEL

(a) *Stability*.—A most important, perhaps the most important factor in the day by day readiness of the Pacific Fleet is the question of stabilizing personnel—both officers and men. The Fleet is doing all it can, and is making good progress, in absorbing new men and training new officers, but facts are facts and neither the Fleet nor the individual ships can be a coordinated war machine if the present rapid turnover of personnel is continued.

(b) *Permanency of Officer Personnel*.—Regular and experienced officers have been detached at an alarming rate. Cooke, for example, who came to the PENNSYLVANIA the latter part of February, is fourth on the list of twelve battleship captains in time on present list. Executive officers are going, if anything even more frequently. The situation is no better in cruisers. There