

## EXHIBIT No. 36

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UNITED STATES PACIFIC FLEET

U. S. S. PENNSYLVANIA, Flagship

Secret

PEARL HARBOR, T. H., September 12, 1941.

DEAR "BETTY": We all listened to the President's speech with great interest. With that and King's operation orders, of which we have copies, the situation in the Atlantic is fairly clear. But what about the Pacific?

I noted that Bidwell's Southeast Pacific Force has shooting orders for *surface* raiders east of 100° West, which seems to clear that up as far as raiders are concerned, but just how significant was the restriction, limiting offensive action to "surface raiders"? Of course I know that the possibility of German or Italian submarines in that area is slight and Japanese improbable, but the question arises as to just how much we can discount the threat of Japanese action. This uncertainty, coupled with current rumors of U. S.-Japanese rapprochement and the absence of any specific reference to the Pacific in the President's speech, leaves me in some doubt as to just what my situation out here is. Specific questions that arise are:

(a) What orders to shoot should be issued for areas other than Atlantic and Southeast Pacific sub-areas? This is particularly pertinent to our present escorts for ships proceeding to the Far East. So far, my orders to them have been to protect their convoy from interference; to avoid use of force if possible, but to use it if necessary. These orders, at least by implication, preclude taking the offensive. Shouldn't I now change them to direct offensive measures against German and Italian raiders? In view of the delicate nature of our present Pacific relations, with particular reference to their fluidity, I feel that you are the only one who can answer this question.

(b) Along the same lines, but more specifically related to the Japanese situation, is what to do about submarine contacts off Pearl Harbor and the vicinity. As you know, our present orders are to trail all contacts, but not to bomb unless they are in the defensive sea area. Should we now bomb contacts, without waiting to be attacked?

[2] The emphasis, in the President's speech, on the Atlantic also brings up the question of a possible further weakening of this Fleet. A strong Pacific Fleet is unquestionably a deterrent to Japan—a weaker one may be an invitation. I cannot escape the conclusion that the maintenance of the "status quo" out here is almost entirely a matter of the strength of this Fleet. It must not be reduced, and, in event of actual hostilities, must be increased if we are to undertake a bold offensive.

Our present shortage of carriers, cruisers and destroyers gives me much concern, as it is these types that must bear the brunt of our early operations. Later, we'll need a superiority in all types, as, according to reports, new Japanese BB's, CV's and CA's are coming out and the balance is going against us. We cannot carry the war very far into the Pacific until we are able to meet the Japanese Fleet on at least equal terms. Pertinent to the maintenance of the "status quo" and, if necessary, later hostilities, is the disposition of the NORTH CAROLINA and WASHINGTON. I feel that their movement to the Pacific, now, would have a tremendous effect on Japan and would remove any impression that *all* our thoughts are on the Atlantic. If we can't do it now, we should at least be prepared to do it later if the situation deteriorates.

When we get into a shooting war with Germany there will be an increased demand for escorts in the Pacific. In view of the immense distances involved and the character of probable opposition, this, in the main, means cruisers. We may need additional cruisers and I cannot see how we can handle the job properly if our cruiser strength is reduced. We now have three cruisers on escort duty to Manila. My orders are to escort to Manila but not to escort on the return trip. Bidwell in the Southeast Pacific has two cruisers.

I feel better now that we have gotten something at Wake. The success of the Army flight has re-emphasized its importance, and, while by no means "impregnable", its present defensive strength is considerable and will require the exposure of quite a force to capture it. It is even possible [3] that

should its capture be an early objective of Japan, such an effort might be supported by a substantial portion of their Combined Fleet, which would create, for us, a golden opportunity, *if we have the strength here to meet it*. Do not misunderstand me—I don't discount the Atlantic problem—but from where I sit, I discount the Pacific problem even less. Until we can keep a force here strong enough to meet the Japanese Fleet we are not secure in the Pacific—and the Pacific is still very much a part of the world situation.

I know you have these thoughts in mind and share my concern, but I am not sure but that there are some in Washington who might be inclined to overlook them.

Please let me have your views on the questions raised herein. With regard to offensive action against raiders in the Pacific and submarines off Hawaii, etc., I presume I will get official orders, if any change in present policy is desired.

Sincerely,

Reg. #293 guard mail. U. S. #282 via 14 Sept. Clipper.

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EXHIBIT No. 37

NAVY

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

Op-10 11a

DEAR KIMMERS.—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 Southwest 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 in escorts are appropriate under the present situation. They are also in accordance with Art. 725 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.

Art. 725, 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. [2] whereby the State or its citizens may suffer irreparable injury. The conditions entailing 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