

One more P. S.—I am sending Kimmel the copy of this letter. When I got to thinking out loud I was really talking to you all including Admiral Hart, to whom I am also sending a copy.

H. H. S.

[Now:—The interested party, Admiral Harold H. Stark, U. S. N., respectfully directs the attention of the Court to Exhibit 72, which is a personal letter dated 2 August 1911 from Admiral Harold H. Stark, U. S. Navy, to Admiral Husband K. Kimmel, U. S. Navy, enclosing a copy of a letter to Captain Charles M. Cooke, Jr., U. S. N. 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 each 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 second, third and fourth sentences in the fifth paragraph on page 1 of the enclosure to Captain Cooke.

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.]

EXHIBIT No. 73

SECRET

NAVY DEPARTMENT,
OFFICE OF THE CHIEF OF NAVAL OPERATIONS,
Washington, April 3, 1941.

In reply refer to Initials
and No.

Serial 038612.

From: The Chief of Naval Operations.

To: The Commander in Chief, U. S. Pacific Fleet.

The Commander in Chief, U. S. Asiatic Fleet.

The Commander in Chief, U. S. Atlantic Fleet.

Subject: Observations on the present international situation.

1. You are requested to disclose the contents of this letter to your seconds in command and to your chiefs of staff, and to no other persons.

2. Staff conversations with the British have been completed and a joint United States-British war plan drawn up. Two copies of the Report (Short title ABC-1) of these conversations are being supplied each addressee by officer messenger. Navy Basic War Plan Rainbow No. 5, founded on the United States-British plan, is in preparation and will be distributed at an early date. The general nature of Rainbow No. 5 will become evident to you upon perusal of the joint Report. This Report has been approved by the Chief of Staff of the Army and by myself, and, at an appropriate time, is expected to receive the approval of the President. You are authorized to discuss matters pertaining to Rainbow No. 5 with other officers of the Army and the Navy, as may be appropriate.

3. The basic idea of the United States-British plan is that the United States will draw forces from the Pacific Fleet to reinforce the Atlantic Fleet, and that the British will, if necessary, transfer naval forces to the Far East to attempt to hold the Japanese north of the Malay Barrier. The U. S. Asiatic Fleet would not be reinforced, but would be supported by offensive operations by the U. S. Pacific Fleet.

4. From the viewpoint of the defense of the United States national position, the proposed naval development gives adequate security in case the British Isles

should fall. From the viewpoint of bringing immediate heavy pressure in the Atlantic, which we consider the decisive theater, the plan leaves something to be desired in the initial stages of the war.

5. The difficulties are our present uncertainty as to Japanese action, and British insistence on the vital importance of holding Singapore, and of supporting Australia, New Zealand, and India. Their proposals, which I rejected, were to transfer almost the whole of the Pacific Fleet to Singapore to hold that position against the Japanese. In my opinion, the result of such a move on our part would almost surely be a British defeat in the Atlantic, and, thereafter, a difficult period for the United States. I have agreed to the present plan for the initial stages, but have insisted that the deployment at any one time must depend upon the situation which exists at that time. Elasticity and fluidity of planning are therefore assured.

6. There seem to be two principal dangers which immediately threaten the United Kingdom. The first is the very grave threat to its sea communications from submarines, aircraft, and raiders. The recent activity of the large German naval raiders foreshadows a wider, and even weaker, deployment of British surface forces capable of dealing with such raiders. The British are badly deficient in anti-submarine escort craft, and have as yet devised little defense of convoys and single ships against heavy bombers. Shipping is now being lost about three times as fast as it can be replaced. The only remedy, in my opinion, is a radical strengthening of the defense against all three forms of shipping attack, by greater forces and new ideas, to such an extent that the hazard to the attackers will be too great for them to overcome. The entire United States naval strength could be usefully employed in the Atlantic, were it to become possible to send it there.

7. The second great danger is the continued deterioration of British production and morale through heavy bombing. This will become more serious as shipping losses become greater. At the same time the situation in the Mediterranean might become dangerous at any time; on the other hand, in spite of uncertainties, favorable elements are visible in that theater.

8. The Japanese attitude will continue to have an extremely important bearing on the future of the war in the Atlantic. For some time past, Japan has shown less and less inclination to attack the British, Dutch, and ourselves in the Far East. Her people are distinctly tired of the war in China and of the privations they now must undergo. Whether Matsuoka's visit to Berlin and Rome will strengthen the wish of some of them to help Germany, or will deepen their caution against rash action, may be disclosed within the next month. I advise you to watch this situation keenly.

9. Unquestionably the concentration of the U. S. Pacific Fleet in Hawaii has had a stabilizing effect in the Far East. I am more and more of opinion that Japan will hesitate to take further steps, perhaps even against Indo-China, so long as affairs do not go too badly for Britain. What the effect on her would be were the United States to transfer a large part of the Pacific Fleet to the Atlantic can, as yet, be only surmised. In any case, we shall rigidly avoid making any indication that we contemplate such a transfer until the last possible moment.

10. The question as to our entry into the war now seems to be *when*, and not *whether*. Public opinion, which now is slowly turning in that direction, may or may not be accelerated. My own personal view is that we may be in the war (possibly undeclared) against Germany and Italy in about two months, but that there is a reasonable possibility that Japan may remain out altogether. However, we can not at present act on that possibility.

11. Your Operating Plans for Navy Basic War Plan Rainbow No. 3 will, with little change, be equally effective for Rainbow No. 5. I advise you to study the Report of the staff conversations in order that you will be in a position to issue your new plans as soon as practicable after receipt of the new Basic Plan, and, if war comes before you receive it, so that you can promptly modify your present orders.

12. In the meantime, I advise that you devote as much time as may be available to training your forces in the particular duties which the various units may be called upon to perform under your operating plans. The time has arrived, I believe, to perfect the technique and the methods that will be required by the special operations which you envisage immediately after the entry of the United States into war.

H. R. Stark.
H. R. STARK.