

[1] *ADDENDUM TO COURT'S FINDING OF FACTS*

In the Finding of Facts, No. XVIII, the Court has referred to "certain other important information" as being available in the War and Navy Departments. This information was obtained by intercepting Japanese messages and breaking their diplomatic codes. The Court has been informed that these codes are still in use and, if it became known to the Japanese Government that they had been broken by the United States, the codes would be changed and, as a consequence, the war effort would be adversely affected.

For this reason, the Court has refrained from analyzing or discussing the details of the information in its Finding of Facts but feels that its report would not be complete without a record of such details. The Court, therefore, submits the following record in this addendum and transmits it to the Secretary of the Navy for filing with other highly secret matter referred to as such in the record of the Court's proceedings.

Highly secret messages, hereinafter mentioned, were intercepted by the War and Navy Departments during the very critical period 26 November to 7 December, 1941, and prior thereto. The method of handling these messages in the Navy Department was as follows:

The Director of Naval Intelligence and the Director of Naval Communications operated directly under the Chief of [2] Naval Operations. They were responsible to see that all messages were transmitted to him in order that he might be kept conversant at all times with existing conditions.

Officers in Intelligence and Communications, Divisions of Naval Operations, remained on duty night and day. They made every effort to obtain all possible diplomatic and military information, in order that high officials of our government might be kept fully informed.

Messages were translated and placed in a folder immediately upon receipt or intercept. The important messages were marked with a clip and taken by a designated officer to the Secretary of the Navy, the Chief of Naval Operations, the Directors of War Plans, Naval Intelligence, and Naval Communications, and to the Chief of the Far Eastern Division of Naval Intelligence. The Director of Naval Intelligence, Captain Wilkinson, kept himself constantly informed regarding all messages. He checked as to whether or not the Chief of Naval Operations had seen the important ones and in many cases took them personally to the Chief of Naval Operations and discussed them with him.

Immediately after the receipt of the note of 26 November, 1941, from the Secretary of State, the Japanese representatives in Washington sent a message to Tokyo which was intercepted by the Navy Department. This is Document 17, Exhibit 63, which gave to Tokyo the following stipulations contained in the note:

- (a) The recognition of Hull's "four principles".
- (b) (1) Conclusion of mutual non-aggression treaty between Tokyo, Moscow, Washington, The Netherlands, Chungking and Bangkok.

[3] (2) Agreement between Japan, United States, England, The Netherlands, China and Thai on the inviolability of French Indo-China and equality of economic treatment in French Indo-China.

(3) Complete evacuation of Japanese forces from China and all French Indo-China.

(4) Japan and the United States both definitely to promise to support no regime but that of Chiang Kai-shek.

(5) The abolition of extraterritoriality, the concessions in China, and other requirements bearing on reciprocal trade treaty, rescinding freezing orders, stabilization of yen, etc., and for Japan to amend her tripartite pact with Germany and Italy.

The Japanese representatives added in their report to Tokyo the following:

Both dumbfounded and stated to Hull we could not even cooperate to the extent of even reporting this to Tokyo.

No information regarding the delivery of this note or of its contents was transmitted to the Commander-in-Chief, Pacific Fleet, or to other Commanders afloat.

From 26 November to 7 December, 1941, there was much diplomatic dispatch traffic intercepted between Tokyo and the Japanese Ambassador in Washington which had a bearing on the critical situation existing and which was not transmitted to the Commander-in-Chief, Pacific. A message dated 19 November, 1941, Tokyo to Washington, translated on 28 November, 1941, and referred to as "The Winds Code" was as follows:

Regarding the broadcast of a special message in an emergency.

In case of emergency (danger of cutting off our diplomatic relations), and the cutting off of international communications, the following warning will be added in the middle of the daily Japanese language short wave news broadcast.

[4] (1) In case of a Japan-U. S. relations in danger: HIGASHI NO KAZEAME.*

(2) Japan-U. S. S. R. relations: KITANOKAZE KUMORI.**

(3) Japan-British relations: NISHI NO KAZE HARE.***

This signal will be given in the middle and at the end as a weather forecast and each sentence will be repeated twice. When this is heard please destroy all code papers, etc. This is as yet to be a completely secret arrangement.

Forward as urgent intelligence.

The Commander-in-Chief, Asiatic Fleet, on 28 November, 1941, sent to the Chief of Naval Operations, information to Commander-in-Chief, Pacific Fleet; Commandant 16th Naval District; and Commandant 14th Naval District, substantially the same information as outlined above. On 5 December, 1941, the United States Naval Attache, Batavia, sent to the Chief of Naval Operations substantially the same information. These messages stated that at some future date information would be sent by Japan indicating a breaking off of diplomatic relations or possibly war between countries designated.

All officers of the Communication and Intelligence Divisions in the Navy Department, considering the expected information most important, were on the lookout for this notification of Japanese intentions. On 4 December an intercepted Japanese broadcast employing this code was received in the Navy Department. Although this notification was subject to two interpretations, either a breaking off of

*East wind rain.

**North wind cloudy.

***West wind clear.

diplomatic relations between Japan and the United States, or [5] war, this information was not transmitted to the Commander-in-Chief, Pacific Fleet, or to other Commanders afloat.

It was known in the Navy Department that the Commanders-in-Chief, Pacific and Asiatic Fleets, were monitoring Japanese broadcasts for this code, and apparently there was a mistaken impression in the Navy Department that the execute message had also been intercepted at Pearl Harbor, when in truth this message was never intercepted at Pearl Harbor. No attempt was made by the Navy Department to ascertain whether this information had been obtained by the Commander-in-Chief, Pacific, and by other Commanders afloat.

Admiral Stark stated that he knew nothing about it, although Admiral Turner stated that he himself was familiar with it and presumed that Admiral Kimmel had it. This message cannot now be located in the Navy Department.

It is a matter of general knowledge that Japan has had for many years a thorough system of espionage throughout the world and continuously sought and received information regarding the location and movements of United States naval vessels. There were certain messages received in the Navy Department which showed very clearly that Japan, at this critical period, was particularly desirous of obtaining exact information from two sources, namely, Manila and Honolulu. Messages between Tokyo, Manila, and Honolulu inquiring especially about planes, ships, their places of anchorage, etc., in the latter ports, were intercepted. Similar messages were sent to Japanese officials in Honolulu clearly indicating that Japan was most [6] desirous of obtaining exact information as to ships in Pearl Harbor.

The important messages having special reference to Pearl Harbor were as follows:

(a) On 15 November, 1941, Document 24, Exhibit 63, an intercept from Tokyo to Honolulu, translated in Navy Department, 3 December, 1941, states:

As relations between Japan and the United States are most critical make your "ships in harbor report" irregular but at rate of twice a week. Although you already are no doubt aware, please take extra care to maintain secrecy.

(b) On 18 November, 1941, Document 37, Exhibit 63, an intercept from Tokyo to Honolulu, translated in Navy Department on 5 December, 1941, states:

Please report on the following areas as to vessels anchored therein: Area "N" Pearl Harbor, Manila Bay, and areas adjacent thereto. Make your investigation with great secrecy.

Note by Navy Department on this message:-

"Manila Bay" probably means "Mamala Bay."

(c) On 18 November, 1941, Document 40, Exhibit 63, an intercept from Honolulu to Tokyo and translated in Navy Department 6 December, 1941, gives information as to ships moored in certain areas in Pearl Harbor and movements of ships in and out.

[7] (d) On 29 November, 1941, Document 36, Exhibit 63, an intercept from Tokyo to Honolulu, translated in Washington 5 December, 1941, states:

We have been receiving reports from you on ship movements but in future will you also report even where there are no movements.

Admiral Kimmel was not aware of and had no information regarding these messages.

On 5 November, 1941, Document 7, Exhibit 63, Tokyo to Washington, was intercepted. This message stresses the necessity of signing an agreement between the United States and Japan by 25 November, 1941.

On 22 November, 1941, Document 11, Exhibit 63, intercept from Tokyo to Washington, stated that the signing of agreement set for 25 November, 1941, could be postponed until 29 November, and in explanation this message stated:

* * * There are reasons beyond your ability to guess why we wanted to settle Japanese-American relations by the 25th, but if within the next three or four days you can finish your conversations with the Americans; if the signing can be completed by the 29th, * * * if the pertinent notes can be exchanged; if we can get an understanding with Great Britain and the Netherlands; and in short if everything can be finished, we have decided to wait until that date. This time we mean it, that the deadline absolutely cannot be changed. After that things are automatically going to happen. * * *

No intimation of the receipt of this message was transmitted to the Commander-in-Chief, Pacific, or to other Commanders afloat, nor was any information transmitted to them regarding contents of the messages mentioned in the following paragraphs.

[8] On 28 November, 1941, a dispatch, Document 18, Exhibit 63, was intercepted between Tokyo and Washington which in part reads as follows:

* * * The United States has gone ahead and presented this humiliating proposal—
referring to note of 26 November—

* * * the Imperial Government can by no means use it as a basis for negotiations. Therefore, with a report of the views of the Imperial Government on this American proposal which I will send you in two or three days, the negotiations will be de facto ruptured. This is inevitable. However, I do not wish you to give the impression that the negotiations are broken off. Merely say to them that you are awaiting instructions * * *

etc.

The message indicates the position of Japan regarding the note of 26 November, and further indicates that within two or three days negotiations will be de facto ruptured. Further, it emphasizes the importance of delay. Neither the message nor any of its contents were transmitted to the Commander-in-Chief, Pacific, or to other Commanders afloat.

On 29 November, 1941, Document 19, Exhibit 63, intercept Tokyo to Washington and translated by the Navy Department 30 November, 1941, directs that Japanese representatives make one more attempt to have United States reconsider and states:

* * * please be careful that this does not lead to anything like a breaking off of negotiations.

Again, on 30 November, 1941, Document 20, Exhibit 63, an intercept from Washington to Tokyo indicated that negotiations were to be stretched out.

These two messages indicate that the Japanese were sparring for time.

[9] On 30 November, 1941, Document 22, Exhibit 63, translated by the Navy Department on 1 December, 1941, was intercepted, being

a message from Tokyo to Japanese representatives in Berlin, reading as follows:

1. Japan-American negotiations were commenced the middle of April of this year. Over a period of half a year they have been continued. Within that period the Imperial Government adamantly stuck to the Tri-Partite Alliance as the cornerstone of its national policy regardless of the vicissitudes of the international situation. In the adjustment of diplomatic relations between Japan and the United States, she has based her hopes for a solution definitely within the scope of that alliance. With the intent of restraining the United States from participating in the war, she boldly assumed the attitude of carrying through these negotiations.

2. Therefore, the present cabinet, in line with your message, with the view of defending the Empire's existence and integrity on a just and equitable basis, has continued the negotiations carried on in the past. However, their views and ours on the question of the evacuation of troops, upon which the negotiations rested (they demanded the evacuation of Imperial troops from China and French Indo-China), were completely in opposition to each other.

Judging from the course of the negotiations that have been going on, we first came to loggerheads when the United States, in keeping with its traditional ideological tendency of managing international relations, re-emphasized her fundamental reliance upon this traditional policy in the conversations carried on between the United States and England in the Atlantic Ocean. The motive of the United States in all this was brought out by her desire to prevent the establishment of a new order by Japan, Germany, and Italy in Europe and in the Far East (that is to say, the aims of the Tri-Partite Alliance). As long as the Empire of Japan was in alliance with Germany and Italy, there could be no maintenance of friendly relations between Japan and the United States was the stand they took. From this point of view, they began to demonstrate a tendency to demand the divorce of the Imperial Government from the Tri-Partite Alliance. This was brought out at the last meeting. That is to say that it has only been in the negotiations of the last few days that it has [10] become gradually more and more clear that the Imperial Government could no longer continue negotiations with the United States. It became clear, too, that a continuation of negotiations would inevitably be detrimental to our cause.

3. The proposal presented by the United States on the 26th made this attitude of theirs clearer than ever. In it there is one insulting clause which says that no matter what treaty either party enters into with a third power it will not be interpreted as having any bearing upon the basic object of this treaty, namely the maintenance of peace in the Pacific. This means specifically the Three-Power Pact. It means that in case the United States enters the European war at any time the Japanese Empire will not be allowed to give assistance to Germany and Italy. It is clearly a trick. This clause alone, let alone others, makes it impossible to find any basis in the American proposal for negotiations. What is more, before the United States brought forth this plan, they conferred with England, Australia, The Netherlands, and China—they did so repeatedly. Therefore, it is clear that the United States is now in collusion with those nations and has decided to regard Japan, along with Germany and Italy, as an enemy.

On 1 December, 1941, the Navy Department intercepted a message from Tokyo to the Japanese Ambassador in Berlin as follows:

The conversations between Tokyo and Washington now stand ruptured. Say very secretly to Hitler and Ribbentrop that there is extreme danger that war may suddenly break out between the Anglo Saxon nations and Japan, and this war may come quicker than anybody dreams. We will not relax our pressure on the Soviet, but for the time being would prefer to refrain from any direct moves on the north. Impress on the Germans and Italians how important secrecy is.

On 1 December, 1941, document 21, Exhibit 63, was intercepted, being a message from Tokyo to the Japanese Ambassador in Washington which reads as follows:

1. The date set in my message #S12** has come and gone, and the situation continues to be increasingly critical. However, to prevent the [11] United States from becoming unduly suspicious we have been advising the press and

**JD-1: 6710.

others that though there are some wide differences between Japan and the United States, the negotiations are continuing. (The above is for only your information).

2. We have decided to withhold submitting the note to the U. S. Ambassador to Tokyo as suggested by you at the end of your message #1124***. Please make the necessary representations at your end only.

3. There are reports here that the President's sudden return to the capital is an effect of Premier Tojo's statement. We have an idea that the President did so because of his concern over the critical Far Eastern situation. Please make investigations into this matter.

On 2 December, 1941, Document 25, Exhibit 63, intercept Washington to Tokyo, translated by the Navy Department 3 December, 1941, reports that conversations with the State Department continue; that the Japanese representatives stated to Welles, the Under Secretary of State, that it is virtually impossible for Japan to accept new American proposals as they now stand, and that the Japanese representatives feel that the United States is anxious to peacefully conclude the current difficult situation.

On 3 December, 1941, Document 29, Exhibit 63, intercept Tokyo to Washington, translated by the Navy Department 4 December, 1941, requests their representatives to explain Japan's increased forces in Indo-China.

On 3 December, 1941, Document 33, Exhibit 63, intercept Washington to Tokyo, translated by Navy Department 5 December [12] 1941, states:

Judging from all indications, we feel that some joint military action between Great Britain and the United States, with or without a declaration of war, is a definite certainty in the event of an occupation of Thailand.

On 6 December, 1941, Document 38, Exhibit 63, from Tokyo to Washington, was intercepted, giving notice to the Japanese representatives that a reply consisting of 14 parts to American proposal of 26 November is being sent to them, directing that secrecy should be maintained and stating that the time of presenting this reply would be sent in a separate message.

The first 13 parts of this reply were intercepted and received by the Navy Department at about 3:00 p. m., December 6, 1941, and were translated and made ready for distribution by 9:00 p. m., Washington time, of that date. These 13 parts contain a very strong and conclusive answer to the note of November 26 and state in part,

Japan cannot accept proposal as a basis of negotiations.

Commander Kramer, the officer whose duty it was to distribute this class of information, prior to 9:00 p. m., 6 December, 1941, 'phoned Captain Wilkinson that an important message had been received and was being translated. He also tried to communicate with Admiral Stark and Rear Admiral Turner at their homes but found them out.

At about 9:00 p. m., Washington time, Commander Kramer proceeded to the White House with the 13 parts of reply and delivered copy to a White House aide, with the request that [13] it be delivered immediately to the President. Kramer then proceeded to the home of Secretary Knox where he personally delivered to the Secretary a copy of the Japanese reply. Secretary Knox read the reply, did not discuss it in detail with Kramer, but 'phoned the Secretary of War and Secretary of State.

*JD-1 : 6921.

***Not Available.

Kramer then proceeded to the home of Captain Wilkinson and gave a copy to him. Kramer told Wilkinson that he had tried to get Stark and Turner. Wilkinson made several 'phone calls, presumably to Admiral Stark and others. This information regarding receipt of these 13 parts or their contents was not transmitted to the Commander-in-Chief Pacific Fleet or other Commanders Afloat.

Kramer then returned to his office in the Navy Department, arriving about 12:30 a. m., 7 December, and as no other important messages were at hand, went home and returned to the Navy Department about 7:00 a. m. Upon his arrival he found the 14th part of the Japanese reply had been received and decoded. He then delivered a copy of all 14 parts to the Flag Secretary in his office of the Chief of Naval Operations at about 9 a. m., where he found several officers gathering for a conference with Admiral Stark. Kramer then proceeded about 9:30 a. m., to the White House and made delivery of the 14 parts of the message. He proceeded then, at about 9:50 a. m., to the State Department and delivered same to the Secretary of the Navy, who was there in conference with the Secretary of State.

At about 10:30 a. m., Kramer returned to the Navy Department where he found another message had been translated. This message, an intercept from Tokyo to Washington, was marked "Urgent, very important" and read as follows:

Will the ambassador please submit to the U. S. Government (if possible to the Secretary of State) our reply to the U. S. at 1:00 p. m., on the 7th, your time.

Kramer delivered a copy of this message (hereinafter referred to as the "one p. m. message") to the Flag Secretary of Admiral Stark, the latter at the time being in conference with several officers.

Kramer then returned to the White House and delivered the "1:00 p. m. message." From there he went to the State Department where the Secretary of the Navy was still in conference with the Secretary of State. On arrival he requested one of the State Department assistants to present the message to the Secretary of the Navy and to invite his attention to the fact that 1:00 p. m., Washington time, meant dawn at Honolulu and midnight in East Asia.

Admiral Stark had arrived in his office at the Navy Department at some time between 9:00 and 10:30 a. m., on the morning of 7 December. Although he testified that he had no information prior to this time relative to the Japanese reply to the note of November 26th he was informed of the 14 parts and "the 1:00 p. m. message" not later than 10:30 a. m., of that date. He testified that General Marshall 'phoned him and suggested that the information regarding the delivery of the 14 parts at 1:00 p. m. was most important and significant and, in his opinion, should be transmitted to Commanders [15] in the Pacific. Admiral Stark at first demurred and hung up the receiver. Shortly thereafter he 'phoned General Marshall requesting that, in the event he sent the message to the Commanding Generals in the Pacific area, he instruct them to relay this message to naval opposites.

The message which General Marshall sent to the Commanding General, Hawaiian Department (Exhibit 48) reads as follows:

Japanese are presenting at one p. m. Eastern Standard time today what amounts to an ultimatum also they are under orders to destroy their Code machine immediately stop Just what significance the hour set may have we

do not know but be on alert accordingly stop Inform naval authorities of this communication.

This message left the War Department at 11:52 a. m., Washington time, was sent out over R. C. A. at 12:17 p. m. (6:47 a. m. Honolulu time) and arrived in Honolulu's R. C. A. office at 7:33 a. m. Honolulu time. There remained but 22 minutes before the attack for delivery, decoding, dissemination, and action. Lieut. General Short did not receive the decoded dispatch until the afternoon of 7 December, several hours after the attacking force had departed.

Had the telephone and plain language been used, this message could have been received in Hawaii before the attack began. Even in this event, however, there was no action open to Admiral Kimmel which could have stopped the attack or which could have had other than negligible bearing upon its outcome. There was already in effect the condition of readiness [16] best suited to the circumstances attending vessels within the limits of the Pearl Harbor Naval Base and the Fleet planes in their air bases in Oahu.

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