

TOP SECRET

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UNITED STATES FLEET
 Headquarters of the Commander in Chief
 NAVY DEPARTMENT
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Serial: 003191.

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From: The Commander in Chief, United States Fleet and Chief of Naval Operations.

To: The Secretary of the Navy.

Subject: Record of Proceedings of Pearl Harbor Court of Inquiry—Review of.

Reference: (a) SecNav ltr of 21 October 1944.

Annex: (A) List of Parts of Record that Contain Information of super-secret nature.

1. In compliance with Reference (a), the following comment is submitted as to how much of the record of the Pearl Harbor Court of Inquiry bears such a relation to present military operations as to require high security classification.

2. There are only two general classifications of information, which, if made public, would be detrimental to the conduct of current and future operations. These are:

(a) Information which, directly or by inference, would lead the Japanese to suspect that we have been able to break their codes.

(b) Verbatim plain language reproductions of messages sent in United States Codes. The Japanese presumably have the enciphered versions of these messages, and if they are given the word for word, plain language version, it would help them to work on our codes. This is a matter of less importance than the possible compromise of what we know about Japanese encyption, but it should be guarded against.

[2] 3. The really vital point is, to preserve absolute secrecy as to our success in breaking Japanese codes. It is essential to keep this information to ourselves. I say this for the following reasons:

(a) All Japanese intercepts considered by the Court were in diplomatic codes. Most of these are still in effect, with only minor changes. They are still the sources of information of incalculable value. Furthermore, all Japanese codes, Army and Navy, as well as diplomatic, are of the same general structure. The Japanese codes of today are not basically different from those they used in 1941. Breaking one code makes it easy to break the others. The Japanese presumably are well aware of this. If they were told that we broke their diplomatic codes in 1941, there is a reasonable assumption that they will change the whole basic code structure. If they were to do this, the damage would be irreparable. The information we get relates not only to the current and prospective movement of Japanese naval vessels, upon which we base our operating plans, but also include data as to troop strength and prospective troop movements which is vital to the Army. It also relates to the disposition of Japanese Army and Navy air forces. It is impossible to overstate the disadvantages we would suffer if there were to be a leakage, direct or indirect, that an alert enemy might interpret as indicating that we can and do break his codes. It is no exaggeration to state that Midway might have been a Japanese victory had it not been for the information which we obtained by intercepting his coded despatches. The risks we have

taken in advancing into the Marshall Islands and the Philippines would have been far greater than they actually were had we not been able to obtain information of Japanese dispositions and movements from Japanese sources.

(b) In view of the foregoing I strongly recommend that there be no public release of any information which would alert the Japanese as to the possibility that we are breaking their codes.

[3] (c) It is a pertinent question as to just what part, if any, of the record of proceedings can be made public, without resulting in a leak of vital information.

(d) I can say unequivocally that Volume 5 (the "Top Secret" volume of proceedings) must not be made public. With regard to the other volumes of the record I find there are certain paragraphs which do point quite clearly to the fact that we have information which could only be obtained by reading Japanese coded messages. I have listed these in Annex (A) of the report, which also includes certain references which might be damaging to the security of our own codes.

(e) I am not any too certain of the effectiveness of the deletions recommended in Annex (A). There are statements of a border-line nature concerning which it is difficult to tell whether or not an alert enemy might find a clue as to what our knowledge of his codes really is. However, if the record is abridged by deletion of the matter enumerated in Annex (A), it would be devoid of any direct reference to information which we must keep from becoming public.

(f) The foregoing should not be interpreted to mean that I am in favor of making public the parts of the record not referred to in the Annex. On the contrary, I am of the opinion that publication of a "weeded" record or of abridged Findings would have the following undesirable results:

(1) The picture presented would be disjointed and full of unexplained gaps. I think this would lead to a demand of Congress and by the Press for more information, on the ground that the part made public was incomplete, and that withholding of any information is indicative of a desire on the part of the Navy to "whitewash" high naval officers. A situation such as this might well lead to discussions that would inadvertently disclose just the information that we feel is vital to keep secret.

[4] (2) Admiral Kimmel's principal contention is that he was kept in the dark as to certain information which the Navy Department had obtained from various sources, including the breaking of Japanese codes. This is a matter which cannot be made public without irreparable damage to the conduct of the war. It is not unlikely that if there is a public release of some of the Facts and Opinions, but no release concerning matters in which Admiral Kimmel is particularly concerned, he may take further action to protect his own reputation. The potentialities are particularly dangerous, because Admiral Kimmel's civilian lawyers have now been informed, so I understand, of the existence and content of the many Japanese messages in question. I know of no means of keeping these lawyers from talking in public, except such ethical views as they may have concerning their responsibility for not doing anything that would jeopardize war operations. It is a question just how far they could be restrained by ethical considerations, if the Navy Department were to make public the part of the record which is unfavorable to Admiral Kimmel, while suppressing that part which he regards as a main element of his defense.

(3) I also invite attention to the fact that the Findings include certain Facts and Opinions critical of Army efficiency, ascertained by proceedings to which the Army was not a party. The publication of this part of the record might well result in an inter-service dispute, which would tend to bring out the very information which it is essential to conceal.

4. In regard to the requirements of Public Law 339, 78th Congress, I note that the Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts surrounding the Pearl Harbor catastrophe, and to commence proceedings against such persons as the facts may justify. This law does [5] not obligate the Secretary of the Navy to make any public statement of what the Court of Inquiry has ascertained. Furthermore, as I understand it, the President has definitely expressed himself as opposed to any act which might interfere with the war effort. I, therefore, conclude that there is no necessity for making anything public, except on the ground that something should be done to suppress the rumors and irresponsible accusations that are now current. I do not believe that such considerations in any way warrant jeopardizing the war effort by publicizing all or any part of the record.

5. With regard as to whether or not there should be any public statement, I offer the opinion that no steps should be taken without consulting the Secretary of War, and arranging for parallel action. The two Departments should not issue conflicting statements, nor should one keep silent while the other one makes a statement. Assuming that the War Department would take parallel action I recommend that there be no public release whatsoever. However, if the Secretary of the Navy and the Secretary of War decide that there must be some report to the public, I recommend a statement to the Press in substance as follows:

"The Pearl Harbor Court of Inquiry is of the opinion that no offenses have been committed which warrant court martial proceedings against any person or persons in the naval service. The Secretary of the Navy approves the Findings. The record of the Court will not be made public while the war is in progress."

6. If you should find it advisable, at a later time, to issue a further statement it seems to me that it would also be desirable to make public in some manner the fact (see page 1160 of the record) that Admiral Kimmel and General Short were personal friends, that they met frequently, that their relations were cordial and cooperative in every respect, and that they [6] invariably conferred on matters bearing on the development of the Japanese situation and their several plans in preparing for war. This would refute the statements and rumors that have been prevalent to the effect that Admiral Kimmel and General Short were at odds with one another. Of course, no such statement could be made unless the Secretary of War concurs. If the Secretary of War does concur you might find occasion to make informal comment on the matter at a press conference.

/s/ E. J. King.
E. J. KING.

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ANNEX "A" TO COMINCH SERIAL 003191

1. The following portions of the Record of the Pearl Harbor Court of Inquiry should *not* be made public, because they convey information which the enemy could use to the detriment of United States war operations.

- (a) Volume 5 (the "Top Secret" volume).
- (b) The following paragraphs of Volumes 1, 2, 3, and 4:

(1) Volume 1

Page	Paragraph	Page	Paragraph
166-----	683	255-----	174
172-----	739	256-----	179
213-----	Entire page	256-----	180
214-----	116	266-----	260
214-----	117	266-----	261
244-----	127	297-----	81

(2) Volume 2

Page	Paragraph	Page	Paragraph
315-----	25	470-----	3
315-----	26	470-----	4
326-----	145	471-----	5
328-----	153	471-----	6
344-----	226	471-----	7
396-----	54	471-----	8
427-----	43	471-----	9
430-----	54	472-----	15
432-----	63	473-----	18
432-----	64	473-----	19
463-----	18	473-----	20
463-----	19	473-----	21
463-----	20	473-----	22
465-----	24	483-----	51
466-----	25	534-----	40
466-----	26	563-----	168
466-----	27	567-----	187
468-----	38		

(3) *Volume 3*

<i>Page</i>	<i>Paragraph</i>	<i>Page</i>	<i>Paragraph</i>
S05-----	176	SS9-----	16
S17-----	7	SS9-----	17
S18-----	8	911-----	38
S50-----	149		

(4) *Volume 4*

<i>Page</i>	<i>Paragraph</i>
938-----	34
939-----	35

(c) Also the following parts of the "Findings" in Volume 4:

Page 1191. Third paragraph (beginning with words "on 24 November") and the despatch quoted therein.

Page 1192. Entire page.
 Page 1193. Entire page.
 Page 1194. First 3 lines.
 Page 1198. Last paragraph.
 Page 1199. Entire page.
 Page 1200. Entire page.
 Page 1201. First 2 lines.
 Page 1206. Last paragraph.
 Page 1207. Entire page.
 Page 1208. First 7 lines.

Statement of Admiral Stark:

Paragraph 7.
 Paragraph 8.

Statement of Admiral Kimmel:

Page 21. Last paragraph.
 Page 22. First paragraph.

(d) All "Top Secret" exhibits, and the following exhibits listed in the index to Volume 1: 13, 15, 17, 18, 19, 20, 21, 22, 40, 57, 62, 63, 64, 65, 66, 68, 76, 76, 77.