

ENDORSEMENTS BY JAG, COMINCH AND SECNAV TO ADMIRAL HEWITT'S REPORT

[TOP-SECRET]

UNITED STATES FLEET,
HEADQUARTERS OF THE COMMANDER IN CHIEF,
NAVY DEPARTMENT.
Washington 25, D. C., 13 Aug. 1945.

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Third endorsement to Adm. Hewitt's Report to SecNav dated 12 July 1945.
From: Commander in Chief, United States Fleet and Chief of Naval Operations.
To: The Secretary of the Navy.
Subject: Report of Further Pearl Harbor Investigation by Admiral H. K. Hewitt, U. S. Navy.

1. I concur in general in the remarks and recommendations of the Judge Advocate General as expressed in the second endorsement. In answer to the specific questions asked in the first endorsement, the following opinions are submitted:

(a) I am of the opinion that the evidence is not sufficient to warrant trial by court martial of any person in the Naval Service, in that the evidence will not sustain the charges required by the Articles for the Government of the Navy.

(b) With regard to the sufficiency of the evidence to warrant other proceedings, I am still of the opinion, which I have previously expressed, that Admiral Stark and Admiral Kimmel, though not culpable to a degree warranting formal disciplinary action, were nevertheless inadequate in emergency, due to the lack of the superior judgment necessary for exercising command commensurate with their duties.

(c) Appropriate action appears to me to be the relegation of both of these officers to positions in which lack of superior strategic judgment may not result in future errors. The action has been taken in the case of both Admiral Stark and Admiral Kimmel. No further action is recommended.

(d) For the reasons stated by the Judge Advocate General, I consider it impracticable to bring Admiral Stark and Admiral Kimmel, or either one of them, to trial prior to the termination of hostilities with Japan, nor are court martial or other proceedings (prior to the termination of hostilities with Japan) advisable because such proceedings would almost certainly involve disclosure of information which would be detrimental to current military operations and to national security measures.

2. I concur in the opinion of the Judge Advocate General that the Navy Department is morally obligated to order Admiral Kimmel to trial before a General Court Martial, should Admiral Kimmel so insist. However, this action should not be taken until after the completion of hostilities with Japan.

3. I concur in the suggestion of the Judge Advocate that this record be made available to Admiral Kimmel and his counsel; that Admiral Kimmel be informed that he is free to make public anything contained in this record and prior records as soon as that may be done without prejudice to security; that if Admiral Kimmel insists, a General Court Martial will be convened to try him for alleged offenses he may have committed on or before December 7, 1941.

4. As to Admiral Hewitt's deductions from war experience—paragraph 28, page 180—I am unable to concur fully with (a) thereof but do concur fully with (b) thereof. Nor am I able to concur fully in his paragraph 29 (page 180)—which parallels his paragraph 28 (a)—for the reason that he himself sets forth in substance at various places in his "findings" and "conclusions", namely, that while the system of command was that of mutual cooperation it was, in reality, incomplete and inadequate implementation of that system which was at fault.

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There is the further fact that, given the information which was available in Washington, it is reasonable to assume that the system of mutual cooperation would have been fully alerted and made to function effectively.

E. J. KING.

Otis

Originated by F-00 (Adm. Edwards) 8/10/45.

Rewritten by F-0 (Adm. King) 8/13/45.
