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25 JULY 1945.

*First Indorsement.*

To: The Judge Advocate General.

Commander-in-Chief, United States Fleet and Chief of Naval Operations.

Subject: Record of proceedings and Report of further Pearl Harbor investigation by Admiral H. Kent Hewitt, USN.

1. Forwarded for comment and recommendation.
2. The endorsement by the Judge Advocate General will include his opinion (a) as to the sufficiency of the evidence to warrant court-martial or other proceedings, (b) as to the offense or offenses which might be made the subject of court-martial or other proceedings, assuming the sufficiency of the evidence concerning such offense or offenses, (c) as to the date prior to which any such court-martial or other proceeding must be instituted, and (d) as to the practicability of any such court-martial or other proceeding prior to the termination of hostilities with Japan, particularly in view of the regulations concerning

the composition of a court and in view of the necessity of obtaining testimony from witnesses engaged in operations against the enemy.

3. The endorsement by the Commander-in-Chief, United States Fleet and Chief of Naval Operations will include his opinion (a) as to the sufficiency of the evidence to warrant court-martial or other proceedings, (b) as to the practicability of any such court-martial or other proceeding prior to the termination of hostilities with Japan, particularly in view of the regulations concerning the composition of a court and in view of the necessity of obtaining testimony from witnesses engaged in operations against the enemy, and (c) as to the advisability of any such court-martial or other proceeding prior to the termination of hostilities with Japan, particularly in view of the possibility of disclosure of information relating to current and prospective military operations and to national security.

FORRESTAL.

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