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EXHIBIT G

INVESTIGATION BY LT. COLONEL HENRY C. CLAUSEN, JAGD, FOR THE SECRETARY
OF WAR

SUPPLEMENTARY TO PROCEEDINGS OF THE ARMY PEARL HARBOR BOARD

Memorandum of The Judge Advocate General to the Secretary of War dated 25
November 1944

TOP SECRET

[314] Memorandum for the Secretary of War :

Subject: Army Pearl Harbor Board Report.

You have referred to me for opinion the Report of the Army Pearl Harbor Board dated 20 October 1944 together with the testimony and exhibits. I have examined this Report with great care and submit herewith my views. The present memorandum does not cover so much of the investigation as pertains to the conduct of Colonel Theodore Wyman, Jr. and related matters referred to in the Report of the House Military Affairs Committee dated 14 June 1944.

Technical Legality of Board's Proceedings:

No question of the technical legality of the Board's proceedings is presented. As shown in the Report (Rep. 1) the Board was appointed by the Secretary of War by Letter Order AGO, 8 July 1944, (AGPO-A-A 210.311 (24 Jun 44)), as amended and supplemented, in order to meet the wishes of Congress as expressed in Public Law 339, 78th Congress, approved 13 June 1944. The Board followed judicial forms, affording full opportunity to witnesses to produce any data in their possession. Interested parties such as General Short and others were likewise offered the fullest possible opportunity to appear before the Board and submit information.

Board's Conclusions in General:

The Board concludes broadly that the attack on Pearl Harbor was a surprise to all concerned: the nation, the War Department, and the Hawaiian Department, which caught the defending forces practically unprepared to meet it and to minimize its destructiveness (Rep. 297). The extent of the disaster was due, the Board states, (a) to the failure of General Short adequately to alert his command for war; (b) to the failure of the War Department, with knowledge of the type of alert taken by Short, to direct him to take an adequate alert; and (c) the failure to keep him adequately informed of the status of the United States-Japanese negotiations, which might have caused him to change from the inadequate alert to an adequate one (Rep. 297). The Board follows these general conclusions by criticizing the conduct of the Secretary of State, the Chief of Staff, the then Chief of War Plans Division, and General Short (Rep. 297-300). The Board makes no recommendations.

It is believed that the most feasible method of examining the Report is to take up first the Report's conclusions as to General Short and the other conclusions later.

[315] *Board's Conclusion As to General Short:*

Taking them up in their order the Board concludes that General Short failed in his duties in the following particulars:

"(a) To place his command in a state of readiness for war in the face of a war warning by adopting an alert against sabotage only. The information which he had was incomplete and confusing but it was sufficient to warn him of the tense relations between our government and the Japanese Empire and that hostilities might be momentarily expected. This required that he guard against surprise to the extent possible and make ready his command so that it might be employed to the maximum and in time against the worst form of attack that the enemy might launch.

"(b) To reach or attempt to reach an agreement with the Admiral commanding the Pacific Fleet and the Admiral commanding the 14th Naval District for implementing the joint Army and Navy plans and agreements then in existence which provided for joint action by the two services. One of the methods by which they might have become operative was through the joint agreement of the responsible commanders.

"(c) To inform himself of the effectiveness of the long-distance reconnaissance being conducted by the Navy.

"(d) To replace inefficient staff officers." (Rep. 300)

Short's Defenses:

General Short, as the commander of a citadel taken by surprise, is in the position of the captain of a ship which has been wrecked: it is a question of the validity of his defenses.

Within a half hour after receiving the 27 November warning radio signed "Marshall," (see p. 8, present memorandum) Short ordered Alert No. 1, which his SOP described as a defense against sabotage "with no threat from without." (Tr., Short 283, 395, Ex. 1, p. 2, p. 5, par. 14) He did this without consulting his staff, other than his Chief of Staff, and without consulting the Navy. (Tr., Short 262, 395)

He also ordered into operation the radar air raid warning system, but only from 4 to 7 a. m., and primarily on a training basis. (Tr., Short 297, 4442)

[316] The action of Short, which was taken in pursuance of the 27 November wire signed "Marshall," did not contemplate any outside threat. (Tr., Short 283, Ex. 1, p. 2, p. 5, par. 14) His failure to provide for an outside threat was a serious mistake and resulted in overwhelming tactical advantages to the attackers, his being taken by surprise, the destruction of his aircraft on the ground, the severity of the damage done to the warships in Pearl Harbor and military installations. Short testified that when he ordered Alert No. 1 he did not consider there was any probability of an air attack and that in this regard "I was wrong." (Tr., Short 4440)

Numerous witnesses confirm that the failure of Short to provide against an outside threat constituted a grave error of judgment. (Tr., Allen 3113; Burgin 2618, 2655; Farthing 838-839; Gerow 4274; Hayes 263; Herron 238; King 2700; Murray 3096-3097; Phillips 1127-1128, 1151-1152; Powell 3911-3912; Throckmorton 1395-1396; Wells 2731; Wilson 1380-1381)

Short sought to excuse his error by claiming: (1) that he had assumed the Navy knew the whereabouts of the Japanese fleet and would warn him in ample time in the event of an impending attack (Short, Ex. 1, p. 55; Tr., 299, 300, 451, 452; cf. Kimmel 1769); (2) that in response to the radio signed "Marshall" of 27 November he informed the War Department of the alert against sabotage and the War Department had acquiesced therein and did not give him additional warnings after 27 November (Short, Ex. 1, p. 54; Tr., 286, 287, 306); (3) that measures to provide for threats from without would have interfered with training (Ex. 1, p. 16), and would have disclosed his intent and alarmed the civilian population (Ex. 1, p. 16-17) contrary to War Department instructions, and that the prime danger was sabotage. (Tr., Short 285, 286, 289, 428, 522; Ex. 1, p. 13-18, 54-57)

These excuses are untenable. Short's belief that the Navy knew the whereabouts of the Japanese fleet and would warn him in time cannot excuse him for his failure to take precautions against an outside threat. In the same way he cannot be heard to justify his failure to adopt the necessary alert against an air attack because of fear of sabotage, or disclosure of possible intent, or possibility of alarming the civilian population, or interference with his training program. These latter must clearly be subordinated to the overshadowing danger of a possible air attack.

Short's testimony indicates that he felt he was not given sufficient information as to the true Japanese situation by Washington and that what information he got was at least in part misleading. (Short, Ex. 1, p. 54-56; Tr., 278-281, 291, 4427)

The Board in its conclusion stated:

"The information which he had was incomplete and confusing but it was sufficient to warn him of the tense relations between our government and the Japanese Empire and that hostilities might be momentarily expected." (Rep. 300)

[317] General Short took command 7 February 1941. That very day the Secretary of War transmitted to him a copy of a letter from the Secretary of the Navy dated 24 January 1941 which stated:

"If war eventuates with Japan, it is believed easily possible that hostilities would be initiated by a *surprise attack* upon the fleet or the naval base at Pearl Harbor." (Roberts Report, p. 5) (Italics supplied)

Secretary Knox further stated that "inherent possibilities of a major disaster" warranted speedy action to "increase the joint readiness of the Army and Navy to withstand a raid of the character mentioned * * *". The letter proceeded:

"The dangers envisaged in their order of importance and probability are considered to be: (1) Air bombing attack, (2) air torpedo plane attack, (3) sabotage, (4) submarine attack, (5) mining, (6) bombardment by gunfire." (Roberts Report, p. 5)

The letter stated that the defenses against all but the first two were satisfactory, described the nature of the probable air attack and urged that the Army consider methods to repel it. It recommended revision of joint Army and Navy defense plans and special training for the forces to meet such raids. (Roberts Report, p. 5) Short admitted he received Secretary Stimson's letter inclosing Secretary Knox's letter, both of which he recalled very well. (Tr., Short 368-369)

On the same date, 7 February 1941, General Marshall wrote Short a letter containing the following statement:

"My impression of the Hawaiian problem has been that if no serious harm is done us *during the first six hours of known hostilities*, thereafter the existing defenses would discourage an enemy against the hazard of an attack. The risk of sabotage and the risk involved in a *surprise raid by Air* and by submarine, constitute the real perils of the situation. Frankly, I do not see any landing threat in the Hawaiian Islands so long as we have air superiority." (Tr., Marshall 17) (Italics supplied)

On 5 March 1941 General Marshall wrote Short a follow-up letter saying:

"I would appreciate your early review of the situation in the Hawaiian Department with regard to defense from *air attack*. The establishment of a satisfactory system of coordinating all means available to this end is a matter of *first priority*." (Tr., Marshall 19) (Italics supplied)

[318] Short replied by a letter, dated 15 March 1941, outlining the situation at length and stating:

"The most serious situation with reference to an *air attack* is the vulnerability of both the Army and Navy airfields to the attack." (Tr., Marshall 21) (Italics supplied)

Short further stated:

"The Island is so small that there would not be the same degree of warning that would exist on the mainland." (Tr., Marshall 24)

On 14 April 1941 Short, reporting progress in cooperating with the Navy, sent General Marshall three agreements made with the Navy to implement the Joint Coastal Frontier Defense Plan and concluding with the remark:

"We still have some detail work to do with reference to coordinating the air force and the *anti-aircraft* defense." (Tr., Marshall 27) (Italics supplied)

General Marshall on 5 May 1941 complimented him for "being on the job." (Tr., Marshall 27)

On 7 July 1941, The Adjutant General sent Short a radio fully advising him of the Japanese situation. It told him that the Japanese Government had determined upon its future policy which might involve aggressive action against Russia and that an advance against the British and Dutch could not be entirely ruled out. It further advised him that all Jap vessels had been warned by Japan to be west of the Panama Canal by 1 August, that the movement of Japanese shipping from Japan had been suspended, and that merchant vessels were being requisitioned. (Tr., Marshall 33, Fielder 2974, Stimson 4055)

Indicating his awareness of the threat of an air attack, Short sent General Marshall a tentative SOP, dated 14 July 1941, containing three alerts, Alert No. 1 being the all-out alert requiring occupation of field positions; Alert No. 2 being applicable to a condition not sufficiently serious to require occupation of field positions as in Alert No. 1; and Alert No. 3 being a defense against sabotage and uprisings within the Islands "with no particular threat from without." It will be noted that these alerts are in inverse order to the actual alerts of the final plan of 5 November 1941. It will be noted further that in paragraph 13 of the SOP, HD, 5 November 1941, as well as in the earlier tentative draft of the SOP, sent to Washington, Short expressly recognized the necessity for prep-

aration for "*a surprise hostile attack.*" (Short, Ex. 1, pp. 5, 64) (Italics supplied)

[319] On 6 September, Colonel Fielder, Short's G-2, advised the War Department that many of the Summaries of Information received from the War Department originated with the Office of Naval Intelligence, 14th Naval District, and that he had already received them. He stated that as the cooperation between his office, the Office of Naval Intelligence, and the FBI was most complete, that all such data was given him simultaneously with its dispatch to Washington and recommended that such notices from Washington to him be discontinued to avoid duplication of effort. (Tr., Bratton D. 292-293)

On 16 October, the Chief of Naval Operations advised Kimmel that the Japanese Cabinet resignation created a grave situation, that the new cabinet would probably be anti-American, that hostilities between Japan and Russia were strongly possible, and that since Japan held Britain and the United States responsible for the present situation there was also a possibility that Japan might attack those two powers. The radio concluded:

"In view of these possibilities you will take due precautions, including such preparatory deployments as will not disclose strategic intention or constitute provocative action against Japan." (Tr., Short 279)

Short admits receiving this message. (Tr., Short 278)

Secretary Stimson testified the War Department had this warning sent to Short. (Tr., Stimson 4055)

On 17 October, Short's G-2 furnished Short's staff with a full estimate of the Japanese situation which stated the situation was extremely critical, that Japan would shortly announce her decision to challenge militarily any nation which might oppose her policy, and that the major successes of the Axis afforded an unparalleled opportunity for expansion with chances of minimum resistance, that probable moves included an attack upon Russia, upon British possessions in the Far East, a defense against American attack in support of the British, and a simultaneous attack upon the ABCD bloc "at whatever points might promise her greatest tactical, strategic, and economical advantages." The report stated that a simultaneous attack on the ABCD powers

"* * * cannot be ruled out as a possibility for the reason that if Japan considers war with the United States to be inevitable as a result of her actions against Russia, it is reasonable to believe that she may decide to strike before our naval program is completed." (Tr. 3688)

[320] On 18 or 20 October the War Department advised Short:

"The following War Department estimate of the Japanese situation for your information. Tension between the United States and Japan remains strained but no, repeat no, abrupt change in Japanese foreign policy seems imminent." (Tr., Short 412-413, Main 3307, Gerow 4256, 4264)

Short's G-2 gave him a further estimate of the Japanese situation on 25 October 1941 stating that there had been no fundamental change in the situation since his warning advice of 17 October above referred to. It stated that a crisis of the first magnitude was created in the Pacific by the fall of the Japanese Cabinet, that actions of the new cabinet "definitely places Japan in a camp hostile to the United States" and "forces America into a state of constant vigilance." It predicted Jap use of peace negotiations "as a means to delude and disarm her potential enemies." It predicted a major move would be made before the latter part of November "with a chance that the great break, if it comes, will not occur before spring." (Tr., 3689-3694)

On 5 November, the War Department G-2 wrote Short's G-2 that Hirota, head of the Black Dragon Society, had stated that

"* * * War with the United States would best begin in December or in February. * * * The new cabinet would likely start war within sixty days. * * *" (Tr., Bratton D. 289-291)

Colonel Bicknell, Short's Asst. G-2, testified that early in November in his Weekly Intelligence Summary the statement was made that

"* * * from all information which had been gathered in our office in Hawaii it looked as though hostilities could be expected either by the end of November or, if not, then not until spring." (Tr., Bicknell 1439-1440)

Captain Edwin T. Layton, Intelligence Officer of the Pacific Fleet, testified he believed he had informed Colonel Edwin Raley, G-2 of the Hawaiian Air Force and who had been assigned as liaison with the Navy, that Japanese troops, vessels, naval vessels, and transports were moving south. This information came from Naval observers in China, the naval attache in Tokyo, the naval attache in

Chungking, British and other sources. This intelligence indicated that the Japanese would invade the Kra Isthmus. Jap submarines about this time had been contacted in the vicinity of Oahu. (Tr., Layton 3030, 3031, 3040-3041)

[321] On 24 November 1941, the Chief of Naval Operations radioed the Commander-in-Chief, Pacific Fleet, that.

"There are very doubtful chances of a favorable outcome of negotiations with Japan. This situation coupled with statements of Nippon Government and movements of their naval and military forces indicate in our opinion that a surprise aggressive movement in any direction including an attack on the Philippines of Guam is a possibility. The Chief of Staff has seen this dispatch and concurs and requests action addresses (CINCAF, CINCAP, COMS 11, 12, 13, 14) inform senior army officers their respective areas. Utmost secrecy is necessary in order not to complicate an already tense situation or precipitate Jap action. Guam will be informed in a separate dispatch." (Tr., Gerow 4258; cf. Bloch 1503-C)

This message was presented to General Short by Captain Layton with his estimate. Not only did he deliver the message but he discussed it fully with Short. (Tr., Layton 3058-3059) Short said, "I do not think I ever got the message. * * * I might have seen it, * * * and I might have forgotten about it." (Tr., Short 414)

On 26 November 1941, the War Department radioed Short:

"It is desired following instructions be given pilots of two B-24's on special photo mission. Photograph Jaluit Island in the Carolina group while simultaneously making visual reconnaissance. Information is desired as to location and number of guns, aircraft, airfields, barracks, camps and navals vessels including submarines * * * before they depart Honolulu insure that both B-24's are fully supplied with ammunition for guns." (Tr., Gerow 4259)

The War Department sent Short three messages on 27 November, all of which arrived. The one signed "Marshall" read as follows:

"Negotiations with Japanese appear to be terminated to all practical purposes with only the barest possibilities that the Japanese Government might come back and offer to continue. Japanese future action unpredictable but hostile action possible at any moment. If hostilities cannot, repeat cannot, be avoided, United States desires that Japan commit the first overt act. This policy should not, repeat not, be construed as restricting you to a course of action that might jeopardize your defense. Prior to hostile Japanese action, you are directed to undertake such reconnaissance and other measures as you deem necessary but these measures should be carried out so as not, repeat not, to alarm the civil population or disclose intent. Report measures taken. Should hostilities occur you will carry out the tasks assigned in Rainbow 5 as far as they pertain to Japan. Limit dissemination of this highly secret information to minimum essential officers." (Tr., Gerow 4259-4260, Short 280-281)

[322] This same day, 27 November, G-2 of the War Department radioed Short's G-2 as follows:

"Advise only the Commanding Officer and the Chief of Staff that it appears that the conference with the Japanese has ended in an apparent deadlock. Acts of sabotage and espionage probable. *Also possible that hostilities may begin.*" (Tr., Gerow 4260) (Italics supplied)

The third message sent Short on 27 November 1941 was through the Navy Department, reading as follows:

"This dispatch is to be considered a war warning. Negotiations with Japan looking toward stabilization of conditions in the Pacific have ceased and an aggressive move by Japan is expected within the next few days. The number and equipment of Jap troops and the organization of naval task forces indicates an amphibious expedition against either the Philippines or the Kra Peninsula or possibly Borneo. Execute an appropriate defensive deployment preparatory to carrying out the task assigned in WPL 40X. Inform District and Army authorities. A similar warning is being sent by the War Department. Spanavo informed British. Continental district Guam Samoa directed to take appropriate measures against sabotage." (Tr., Gerow 4262)

Short admits he got this message. (Tr., Short 415, 416, 469)

The following day, 28 November, The Adjutant General sent Short a long radio stating that the critical situation demanded that all precautions be taken immediately against subversive activities and sabotage. (Tr., Arnold 170, Short 293, Scanlon 4176) Short stated he took this as tacit consent to his alert against sabotage only (Short, Ex. 1, p. 54) and as a reply to his radio report of 27

November. (Tr., Short 422) Short sent a long reply to this message giving the various precautions taken by him against subversive activities and sabotage (Tr., Short 294-296)

[323] There was a further message from the Chief of Naval Operations, dated 30 November, stating that Japan was about to launch an attack on the Kra Isthmus. (Roberts Report, p. 8) Short also received Admiral Kimmel's Fortnightly Summary of Current International Situations, dated December 1, 1941, which stated that deployment of Jap naval ships southward indicated clearly that extensive preparations were under way for hostilities and referred to naval and air activity in the Mandates. (Tr., Kimmel 1769-1770) An FBI or War Department report that the Jap Consuls in Honolulu were burning their codes and secret papers was given to Short's G-2 on 5 or 6 December 1941. (Tr., Fielder 2986, Bicknell 1413-1414) The Navy advised Kimmel on 3 December that Jap Consulates in Washington and London were destroying codes and burning secret documents. (Tr., Bloch 1512-1513) There were two Navy messages on 4 December 1941, the first an information copy to Kimmel of advice to certain naval commanders to destroy confidential documents (Tr., Bloch 1614), the second a similar radiogram advising "be prepared to destroy instantly in event of emergency all classified matter you retain." (Tr., Bloch 1514, Safford C. 187) Another Navy message of 6 December "directed that in view of the tense situation naval commanders in Western Pacific areas should be authorized to destroy confidential papers." (Tr., Safford C. 189, Bloch 1514)

In addition to all the above, G-2 of the War Department radioed Short's G-2 on 5 December 1941 to contact Commander Rochefort, in charge of naval cryptographic work in Pearl Harbor, relative to Jap weather broadcasts from Tokyo "that you must obtain" and stating categorically "contact him at once." This had reference to the important "Winds" intercept, to be discussed more fully later. (Tr., Bratton B. 62, D. 283) Also, Colonel Bicknell of Short's G-2 staff advised Short's entire staff on 5 December that the Jap Consulate was burning papers and that to him this meant war was imminent. (Tr., Bicknell 1413) Colonel Fielder, Short's G-2, confirmed the fact that Colonel Bicknell so reported. (Tr., Fielder 2986)

On 5 December 1941, Hawaii time, Colonel Van S. Merle-Smith, U. S. Military Attache in Melbourne, Australia, sent a cable to the Commanding General, Hawaiian Department, stating that the Netherlands Far Eastern Command had ordered the execution of Plan A-2 based on their intelligence report of Japanese naval movements in the vicinity of Palau. (Tr., O'Dell 4506-4507) Lieutenant Robert H. O'Dell who was then Assistant Military Attache in the American Legation, Melbourne, Australia, testified that Plan A-2 was integrated into the Rainbow Plan. (Tr., O'Dell 4511-4512) The message in question was supposed to be relayed to the War Department by the Commanding General, Hawaiian Department, for deciphering and repeat. (Tr., O'Dell 4509) The record does not show whether Short ever received this message. Other messages in the same code had been transmitted between the Commanding General, Hawaiian Department, and the American Legation in Australia. (Tr., O'Dell 4510) Colonel Merle-Smith had not sent the cable in question to Washington in the first instance in order that there should be no delay.

[324] Lastly, on 6 December 1941, Short's Assistant G-2, Colonel Bicknell, informed him that the FBI at Honolulu had intercepted a telephone conversation between one Dr. Mori, a Japanese agent in Honolulu, and a person in Tokyo who inquired as to the fleet, sailors, searchlights, aircraft, and "Hibiscus" and "poinsettias," (probably code words). This message evidently had "military significance" as Mr. Shivers, the FBI Agent in charge, and Colonel Bicknell testified. (Tr., Shivers 3205, Bicknell 1415-1416)

Short knew that the most dangerous form of attack on Pearl Harbor would be a surprise air attack at dawn. He had participated in plans and exercises against such a possibility. The fact is that on 31 March 1941 he signed the Martin-Bellinger Air Operations Agreement with the Navy, paragraph IV of which provided that daily patrols should be instituted to reduce the probability of "air surprise." (Tr., Short 387-388) Paragraphs (d) and (e) of this Agreement (quoted in Report on page 98; Roberts Record 556-D-F) state:

"(d) * * * It appears that the most likely and dangerous form of attack on Oahu would be an air attack. * * *

"(e) In a dawn air attack there is a high probability that it would be delivered as a complete surprise in spite of any patrols we might be using and that it might find us in a condition of readiness under which pursuit would be slow to start * * *."

General Short himself testified that he was fully aware of a possible surprise air attack. (Tr., Short 388)

General Hayes, Short's Chief of Staff up to the middle of October 1941, (Tr., Hayes 242) testified that he, General Martin, Short's air chief, and Admiral Bellinger, the naval air chief, considered a surprise air raid as the most probable enemy action and that this was the estimate of the Hawaiian Department in Short's time and also in the time of his predecessor General Herron. (Tr., Hayes 267-268) Colonel Donegan, Short's G-3 at the time of the attack (Tr., Donegan 1929), testified that the possibility of a surprise air raid had been discussed "many, many times." (Tr., Donegan 1961-1963) Short had at least one air defense exercise each week with the Navy from March (Tr., Short 293) and he conducted an air raid drill as late as 20 November 1941. (Tr., DeLany 1727)

General Short admitted that while the 27 November message instructed him to undertake reconnaissance, this only indicated to him that "whoever wrote that message was not familiar with the fact that the Navy had assumed the full responsibility for that long-distance reconnaissance * * *." (Tr., Short 4442)

[325] Thus, Short concluded that in drafting the message Washington did not understand the situation but that he, Short, did. It should be borne in mind that Short at no time called on Washington for clarification of any of these messages.

Short contended that both the War Department message of 16 October and that of 27 November stressed the necessity of avoiding provocative action against Japan (Short, Ex. 1, p. 14, 54; Tr. 279-281) and that when the 27 November message was sent there was still hope in the minds of the War Department that differences might be avoided. (Tr., Short 261) He likewise interpreted the 27 November message to mean that he must avoid any action which would alarm the Japanese population, which was confirmed by The Adjutant General's radio to him of 28 November. (Short, Ex. 1, p. 14, 54; Tr., 293-294) As Short testified:

"Everything indicated to me that the War Department did not believe that there was going to be anything more than sabotage * * *." (Tr., Short 437)

Short testified he was confirmed in this conclusion by the action of the War Department in sending the flight of B-17's to Hawaii without ammunition for defense. The planes arrived in this condition during the attack. (Short, Ex. 1, p. 21, 22, 55; Tr., 307, 471)

Asked about "the possibility of confusion" created by the messages from Washington and whether he did not think the situation demanded vigorous action on his part, Short replied "very definitely not, from the information I had." (Tr., Short 453)

The Board stated in its conclusions that the information furnished General Short was "incomplete and confusing." (Rep. 300)

Notwithstanding any information from Washington which Short regarded as conflicting or qualifying, the responsibility rested upon Short to be prepared for the most dangerous situation with which he could be confronted. This precaution on his part as the Commanding General was mandatory. Short was adequately advised of the imminent rupture in diplomatic relations between the United States and Japan, of the imminence of war, of the probable momentary outbreak of hostilities by Japan against the United States, and of the possibility of sabotage and espionage. The prime and unanswered question was when and where Japan would strike. As to this danger, the limitations and restrictions set forth in the messages were at all times subordinate to the principal instruction, namely that war was imminent and Short should be prepared for it. The instruction to this effect contained in the message of 27 November was as follows:

[326] " * * * This policy should not, repeat not be construed as restricting you to a course of action that might jeopardize your defenses. * * * " (Tr., Short 280-281)

Thus, a mere reading of the messages will show that Short should not have been misled as to their essential meaning, namely, that he must be on the alert against threats both from within and from without.

Short stresses greatly his reply to the 27 November message signed "Marshall." This reads:

"Department alerted to prevent sabotage. Liaison with the Navy." (Short, Ex. 1, p. 16; Tr. 286)

As previously pointed out, Short sent this brief reply within thirty minutes after receipt of the 27 November radio from Washington, and without consulting the Navy or the members of his staff. This decision and action by Short occurred

before Short's G-2 received the message which the War Department G-2 radioed to Short on 27 November, clearly indicating that both sabotage and hostilities might commence and be concurrent. (Tr., Short 282, 395, 520, Fielder 2962) Short claims his report to Washington, quoted above, was in effect a notice that he had only ordered an alert against sabotage, pursuant to the directive to report contained in the 27 November message signed "Marshall."

He testified:

"Everything indicated to me that the War Department did not believe there was going to be anything more than sabotage; and, as I have explained, we had a very serious training proposition with the Air Corps particularly, that if we went into Alert No. 2 or 3 instead of No. 1 at the time that we couldn't meet the requirements on the Philippine ferrying business. Also the fact that they told me to report the action taken unquestionably had an influence because when I reported action taken and there was no comment that my action was too little or too much I was a hundred per cent convinced that they agreed with it." (Tr., Short 437)

When, however, he was asked what that portion of his reply reading, "liaison with the Navy" meant, he replied:

"General SHORT. To my mind it meant very definitely keeping in touch with the Navy, knowing what information they had and what they were doing.

"General GRUNERT. Did it indicate in any way that you expected the Navy to carry out its part of that agreement for long-distance reconnaissance?

[327] "General SHORT. Yes. Without any question, whether I had sent that or not, it would have affected it, because they had signed a definite agreement which was approved by the Navy as well as our Chief of Staff." (Tr., Short 380)

Both the Army and Navy messages of 27 November 1941 pictured an emergency and called for action under the War Plan. The Navy message expressly stated:

"This dispatch is to be considered a war warning. . . . Execute an appropriate defensive deployment preparatory to carrying out the task assigned in WPL 46X. Inform District and Army authorities. A similar warning is being sent by the War Department. . . ." (Tr., Gerow 4262)

The symbols WPL 46X refer to the Rainbow Plan. (Tr., Bloch 1512)

On 27 November 1941, the Navy informed the Army authorities of the message. (Tr., Layton 3041, Kimmel 1779) Short admits he received this message. (Tr., Short 416, 469) The corresponding warning sent by the War Department was Radiogram No. 472, 27 November 1941. That message after stating "hostile action possible at any moment" goes on to say that after the outbreak of hostilities the tasks assigned in the Rainbow Plan will be carried out in so far as they pertain to Japan. The implementation of that portion of the Plan by means of reconnaissance refers to paragraph 18 (i) of the Plan which provides that the Navy shall undertake the distant reconnaissance. (Tr., Kimmel 1745)

Short is in a dilemma in contending that distant reconnaissance was a Navy responsibility, (Short, Ex. 1, p. 14, 15; Tr. 54, 281, 373, 377-380, 383, 393-394, 4443-4444) because it only becomes a Navy responsibility if and when the Joint Army and Navy Agreement was put into effect. Yet Short made no effort to put it into effect even in part. (Tr., Lawton 2675-2676. Short 4437, 4441)

General Gerow, Chief of War Plans Division at the time, testified:

". . . A threat of hostile attack was clearly stated in the War Plans message of November 27, and there was no reason for members of the War Plans Division to believe that the CG of the Hawaiian Department did not recognize that threat as imminent, and that he would not take action in accordance with the Joint Coastal Defense Plan of the Hawaiian Department and the Fourteenth Naval District." (Tr., Gerow, 4283-4284)

[328] General Gerow testified further that from Short's reply "liaison with the Navy" it was reasonable for General Gerow to assume further that

"General Short was working out reconnaissance and other defensive measures in coordination with the Navy. This would be normal procedure under the basic Plan. . . ." (Tr., Gerow 4289)

Thus, in reality, the reply of Short indicated to the War Department not only that he had taken precautions against sabotage but also that defense measures were being taken in accordance with the basic War Plan. There is nothing in the Plan to compel its being put into effect *in toto*. Paragraph 15 (c), (2) of the Plan provides:

"Such parts of this plan as are believed necessary will be put into effect prior to M-Day as ordered by the War and Navy Departments or as mutually agreed upon by local commanders." (Tr., Bellinger 1584)

It is therefore clear that even assuming that the Chief of the War Plans Division should have checked up more thoroughly on the inadequacy of the brief report by Short, nevertheless Short did not inform the War Department that he had merely alerted his command against sabotage. In any event, a military commander with a great responsibility cannot entirely divest himself of that responsibility with respect to 7 December 1941 by giving the War Department on 27 November 1941 the report that he did. Furthermore, during the time which intervened from 27 November to 7 December he received other messages, heretofore quoted, which called for his re-examination of his decision.

Reconnaissance; Means Available:

Short's reply did not fully or accurately inform the War Department of his action taken. For example, on 27 November, after receiving the message in question, he ordered the radar air raid warning service into operation but only from 4 to 7 a. m. (Tr., Short 297, 469-470) and primarily on a training basis. (Tr., Short 516, 4442) No mention of this was made in his reply. One of the most important means of reconnaissance was the radar air raid warning service. The 27 November message signed "Marshall" ordered Short "to undertake such reconnaissance and other measures as you deem necessary." An added reason for twenty-four hour operation of the radar is Short's claim that the Hawaiian Department did not have sufficient aircraft for 360 degree reconnaissance. It is clear that the radar air raid warning system was capable of twenty-four hour operation since this schedule was maintained immediately following the attack. (Tr., Short 470)

[329] Short assumed that the Navy was conducting long-distance reconnaissance by air and water to a measurable extent (Tr., Short 284, 385), but he also realized that such reconnaissance by the Navy was not perfect. (Tr., Short 375, 384) He even failed to ascertain from the Navy, in a business-like way, just what reconnaissance was in fact being conducted. (Cf. Roberts Report, p. 18, 19) The Navy conducted reconnaissance but this was only incidental to the maneuvers of the task forces of the fleet. These maneuvers were for training purposes and also to guard against Japanese submarines. (Tr., Short 359-360, 384; Bloch 1527; Bellinger 1600; DeLany 1725; Kimmel 1773, 1794-1796; 1802; McMorris 2885; cf. Roberts Report, p. 16)

According to Admiral Kimmel, the Navy "had plans for reconnaissance and could run reconnaissance of a sort, but in our estimate which had been submitted to Washington, * * * it was clearly stated that we had to know the time of the attack, within rather narrow limits, in order to have anything like an effective search, because we could not maintain a search except for a very few days. Then of course we were hoping to get more planes all the time * * *." (Tr., Kimmel 1806) (Italics supplied) Concerning the air force necessary for naval reconnaissance, Admiral Kimmel stated:

"* * * I think it is generally accepted that proper reconnaissance against aircraft attack requires that the patrol planes run out to about 800 miles from Oahu, around a 360 degree arc, if you want a full coverage, and this will take about 8 1/2 planes, assuming a 15 miles visibility, for one day. * * *" (Tr., Kimmel 1763) (Italics supplied)

How many planes were available? From Kimmel's own testimony it appears that the Navy had 81 patrol planes:

"* * * it was planned to utilize so many of the patrol planes of the fleet as might be available at any one time, augmented by such planes as the Army could supply to do that distant reconnaissance. *The number of patrol planes in the fleet was 81, all told.* Of these approximately between 50 and 60 were in the Island of Oahu and suitable for service on the 7th of December. * * * and they had to cover all the Hawaiian Islands and cover all actions of the Pacific Fleet * * *." (Tr., Kimmel 1739; cf. Bellinger 1598, 1630) (Italics supplied)

Testifying from hearsay only and not purporting to render an expert opinion, Admiral Bloch stated 170 aircraft and 350 pilots would be needed for such reconnaissance. (Tr., Bloch 1494)

[330] According to General Martin, 72 long-range bomber planes were needed for distant reconnaissance, "flying at an interval of five degrees." (Tr., Martin 1872)

"An additional 72 ships were required for the next day's reconnaissance mission, with 36 remaining on the ground as the striking force. * * * This brought the total of heavy bombardment to 180." (Tr., Martin 1873)

Short contended that perfect 360 degree reconnaissance would have required 180 B-17 Flying Fortresses. (Tr., Short 324, 374) But Short testified that he believed the naval task forces and planes from outlying islands were conducting reconnaissance equivalent to covering a 180 degree arc (Tr., Short 385; cf. Roberts Report, p. 16), and that the task force reconnaissance covered a strip 600 miles wide. (Tr., Short 4438) On Short's assumption only 90 B-17 Flying Fortresses would have been needed to cover the remaining 180 degree arc. (Tr., Short 324, 374) According to Kimmel 42 planes could have scouted that arc. (Tr., Kimmel 1763) The Navy had about 58 patrol planes available in Oahu (Tr., Bellinger 1598, 1630; Kimmel 1739), but how many of those could have been used for reconnaissance is debatable. Some at least were needed to scout ahead of the then operating task forces. The Army had available 6 B-17's, 10 A-20's, and 54 B-18's. (Tr., Short 281, 314, 479) These B-18's were not the best type of plane, but as General Martin says,

"* * * *They could be used for reconnaissance*, but * * * were always recognized as not being a combat ship." (Tr., Martin 1859) (Italics supplied)

General Martin was not asked whether for purposes of distant reconnaissance a B-18 or A-20 plane was substantially the equivalent of a Navy Flying Fortress.

Thus, there were 58 naval planes and 70 army planes, or a total of 128 planes in Oahu in late November and early December. How many of these planes were actually available for operations as distinguished from those undergoing repairs, is not clear from the record. It is clear, however, from the above that a substantial number of planes were available by which reconnaissance could have been undertaken to some extent. Hence, the testimony of both Kimmel and Short that the number of planes on hand was entirely insufficient for reconnaissance must be taken with some qualifications.

I agree with the following statement in the Roberts Report (paragraph XV, p. 12):

[331] "Under the joint coastal frontier defense plan, when the plan became effective the Navy was to conduct distinct air reconnaissance radiating from Oahu to a distance of from 700 to 800 miles. Prior to December 7, 1941, no distant reconnaissances were conducted, except during drills and maneuvers. The fleet from time to time had task forces operating in various areas off the island of Oahu and, in connection with such operations, carrier and patrol planes conducted reconnaissances of the operating areas. The sectors searched, however, constituted but small areas of the total arc of 360°, and rarely extended to a radius of 700 miles.

"Means were available for distant reconnaissance which would have afforded a measure of security against a surprise air attack.

"General Short assumed that the Navy was conducting distant reconnaissance, but after seeing the warning messages of October and November from the War and Navy Departments he made no inquiry with respect to the distant reconnaissance, if any, being conducted by the Navy."

Information Not Received By Short; In General:

Short claimed that the War Department had considerable important information prior to the attack which should have been but was not transmitted to him and the Board so found. (Top Secret Rep., p. 1) The Board held that under these circumstances, where vital information cannot be disclosed by the War Department to its field commanders it is incumbent upon the War Department to assume the responsibility for specific instructions to those commanders. (Top Secret Rep., p. 1) I do not feel that these are proper conclusions in the present case.

It should be made clear at the outset that so far as the present record or the Roberts Report shows, the War Department possessed no information definitely pointing to an attack on Pearl Harbor and no advance information as to the date of an attack anywhere. This is contrary to many past and current newspaper stories. Indeed, aside from the Top Secret information which will now be considered, the Dutch-British-United States agreement for joint action, which Short said would have made him "more conscious" war was practically unavoidable, (Tr., Short 499-450), and possibly Navy messages not presented to the Board, there was no substantial information in the War Department which was not transmitted to Short. Short, as Commanding General, must be charged with having all the important information sent to his G-2. It is a fact also that Short received important information from his G-2 of which the War Department was not informed.

[332] An examination of the Top Secret Report of the Board indicates that it is mainly a collection of conclusions by the Board which cite as a basis references to Top Secret transcripts and exhibits. These references in turn indicate that the testimony given by the witnesses consists largely of their conclusions or evaluations of certain intercepts. The testimony of some of these witnesses is undefined and inconclusive. Moreover, the quantum of the information thus received by the War Department and not sent to Short has been magnified out of all proportions to its reasonable evaluation as each message was received from day to day. This is all the more apparent when fundamental military concepts are borne in mind as to the responsibilities of the commander of the Hawaiian Department. The Board considered that the most damning indictment of the War Department was that it had possession of information which indicated war at a time certain (Top Secret Rep., p. 3) and that this information was exclusively in the possession of the War Department and did not go to Short. (Top Secret Rep., p. 4) The basis for this conclusion by the Board, however, is that the War Department was advised that the Japanese in London, Washington, and elsewhere were burning their consular records, and destroying their codes and confidential papers. (Top Secret Rep., p. 4) But Short's G-2, Colonel Fielder, and his Asst. G-2, Colonel Bicknell, had information before 7 December that the Japanese Consulate in Honolulu was likewise destroying its codes and burning its secret papers, which information in the opinion of Colonel Bicknell meant war. (Tr., Fielder 2985-2986; Bicknell 1413-1417) Furthermore, Colonel Fielder testified that he believed the source of his information was the War Department. (Tr., Fielder 2986) It must be presumed that Short was informed of his own G-2's information. Colonel Bicknell testified definitely that he told Short's staff he had such information and that to him this meant war. (Tr., Bicknell 1413-1414) Colonel Phillips, Short's Chief of Staff, testified Short was given this information. (Tr., Phillips 1242-1243) Moreover, the Navy at Hawaii had received information of the burning of codes by Japanese Consular agents in London and Washington (Tr., Bloch 1512-1513) which information, according to Short's G-2 would come to him in the natural course. (Top Secret Tr., Bratton D. 292-293)

The principal information of the character above described is contained in Top Secret Exhibit "B", a series of forty-seven intercepted radiograms principally between Washington and Tokyo and the so-called "Winds" message. In order to compare the information Washington had and what it sent Short it is necessary briefly to recite the contents of these various messages:

24 September, translated 9 October. Tokyo to Honolulu. Requesting reports on vessels in Pearl Harbor and dividing Pearl Harbor into various subdivisions for that purpose.

14 October, translated 16 October. Ambassador Nomura, Washington to Tokyo. Giving interview with Rear Admiral Turner; Turner suggesting Japan abandon her obligations under the Three-Power Alliance and gradually withdraw Jap troops from China.

[333] 16 October, translated presumably 17 October, Toyoda, Foreign Minister, Tokyo to Washington. Stating war between Germany and U. S. might result in Japan joining, fulfilling its obligations under Three-Power agreement. At the same time, Japan wished to make a success of the Japanese-American negotiations, hence Japan was warning the U. S. of the above.

22 October, translated 23 October. Nomura, Washington to Tokyo. Advises Tokyo of his lack of success in negotiations and asks to be relieved.

5 November, translated 5 November. Tokyo to Washington, of utmost secrecy. Setting 25 November as deadline for signing agreement and urging renewed effort.

14 November, translated 26 November. Tokyo to Hongkong. Stating that should U. S.-Jap negotiations collapse Japan will destroy British and American power in China.

15 November, translated 3 December. Foreign Minister Togo to Honolulu stating:

"As relations between Japan and the United States are most critical, make your 'ships in harbor report' irregular, but at a rate of twice a week."

16 November, translated 17 November, Tokyo to Washington. Referring to impossibility to change deadline of 25 November and to press negotiations with the U. S.

18 November, translated 6 December. Kita, Honolulu to Tokyo. Bringing Tokyo up to date as to war ships in Pearl Harbor and giving course of eight destroyers entering harbor.

19 November, translated 20 November. Tokyo to Washington. Advises to present "the proposal" and that "if the U. S. consent to this cannot be secured, the negotiations will have to be broken off."

19 November, translated 26 November. Tokyo to Washington. Giving three code words to be added at end of Jap intelligence broadcasts if Jap-U. S.-Russian-British relations should become dangerous.

22 November, translated 22 November. Tokyo to Washington. Extends time for signing agreement from 25 November to 29 November. Latter is absolute deadline. "After that things are automatically going to happen."

[334] 26 November, translated 28 November. Ambassador Nomura and Kurnsu to Tokyo. Advising hardly any possibility of U. S. considering "the proposal" *in toto*, that if situation remains tense as it is negotiations will inevitably be ruptured, if indeed they may not already be called so. "Our failure and humiliation are complete." Suggest that rupture of present negotiations does not necessarily mean war between Japan and U. S. but would be followed by U. S. and English military occupations of Netherlands Indies, which would make war inevitable.

26 November, translated 26 November. Tokyo to Washington. Stating "the situation is momentarily becoming more tense and telegrams take too long." Contains code for future telephone conversations.

26 November, translated 26 November. Conversation between Kurusu and Yamamoto, Kurusu stating U. S. will not yield, that he could make no progress.

26 November, translated 29 November. Nomura to Tokyo. Stating great danger responsibility for rupture of negotiations will be cast upon Japan and suggesting plan to avoid this.

28 November, translated 28 November. Tokyo to Washington. Stating that in spite of Ambassadors super-human efforts, U. S. has "presented a humiliating proposal and Japan cannot use it as basis for negotiations"; therefore answer will be sent Ambassadors in two or three days after which negotiations will be de facto ruptured. Ambassadors are told not to give impression negotiations are broken off.

29 November, translated 5 December. Tokyo to Honolulu. "We have been receiving reports from you on ship movements, but in the future will you also report even when there are no movements."

29 November, translated 30 November. Tokyo to Washington. Instructing Ambassadors to make one more attempt and giving line of approach.

30 November, translated 1 December. Tokyo to Berlin. Advising Japan's adherence to Tri-Partite Alliance and that U. S. on 26th made insulting proposal, in effect demanding Japan not give assistance to Germany and Italy in accordance with alliance. "This clause alone, let alone others, makes it impossible to find any basis in the American proposal for negotiations" and that United States in collusion with the allied nations "has decided to regard Japan, along with Germany and Italy, as an enemy."

[335] 30 November, translated 1 December, Tokyo to Berlin. Stating negotiations with Washington "now stand ruptured—broken" and to give Hitler and Ribbentrop a summary of the developments; that England and the United States have taken a provocative attitude, were planning to move forces into East Asia which would require counter measures by Japan, that there was extreme danger that war might suddenly break out and that "the time of the breaking out of this war may come quicker than anyone dreams." This message was to be sent to Rome and to be held "in the most absolute secrecy."

30 November, translated 30 November. Telephone conversation between Kurusu, Washington, and Yamamoto. Discussion as to stretching out negotiations and effect of return of President Roosevelt.

1 December, translated 5 December. Tokyo to London. Directing destruction of code machine and to confirm this by cable.

1 December, translated 1 December. Tokyo to Washington. Date set in deadline message has gone by. To prevent U. S. becoming unduly suspicious press has been advised negotiations are continuing. States note will not be presented to U. S. Ambassador in Tokyo as suggested, but in Washington only.

1 December, translated 1 December. Tokyo to Washington. Advising when faced with necessity of destroying codes to use chemicals on hand for that purpose.

1 December, translated 4 December. Washington to Tokyo. Advising continuation of negotiations and meeting leaders, if not top leaders then those lower down.

1 December, translated 4 December. Tokyo to Hsinking. Advising that it was Jap policy to have Manchuria participate in war and that British and American Consular rights would not be recognized.

2 December, translated 3 December. Washington to Tokyo. Reciting conversation between Jap Ambassadors and Under Secretary Welles wherein Japs complain against pyramiding U. S. economic pressure upon Japan and expressing doubt as to whether Japan could consider again proposals of 26th. Japs convinced U. S. would like to bring about a speedy settlement which fact Foreign Office should consider in making reply to new American proposals.

2 December, translated 3 December. Tokyo to Washington. (Strictly Secret) Destroy all codes except one, destroy one code machine unit and destroy all secret documents.

[336] 3 December, translated 5 December. Washington to Tokyo. Stating that in event of occupation of Thailand joint military action by Great Britain and U. S. with or without declaration of war was a certainty.

4 December, translated 5 December. Berlin to Tokyo asking for certain members of London staff in event Jap Embassy in London was evacuated.

5 December, translated 6 December. Washington to Tokyo. Reports destruction of codes and states that since negotiations are still continuing request delay in destruction of one code machine.

6 December, translated 6 December. Tokyo to Washington. Gives advance notice of memorandum for U. S. to be sent in fourteen parts and to prepare to present it when directed.

6 December, translated 7 December. Washington to Tokyo, urgent. Stating that in addition to negotiating with Hull Japs had worked with other Cabinet Members some of whom had dined with President and advised against Jap-American war.

7 December, translated 7 December. Tokyo to Washington, extremely urgent. Advising that after deciphering fourteenth part of final memorandum, Japan to U. S., to destroy at once remaining cipher machine and all machine codes, also all secret documents.

7 December, translated 7 December. Budapest to Tokyo stating: "On the 6th, the American Minister presented to the Government of this country a British Government communique to the effect that a state of war would break out on the 7th."

The final message, outside the "Winds" message which will be noticed in detail later was the diplomatic note of the Japanese Government to the United States Government sent from Tokyo to Washington 6 December 1941 in fourteen parts, thirteen of which arrived and were translated on 6 December and the fourteenth part the morning of 7 December. (Top Secret Ex. "B"; Tr., Safford C. 154) The Japanese note in general is a review of the Japanese-American negotiations and the Japanese position, complaining in effect of an insult and breaking off the negotiations. A radio from Tokyo to Washington 7 December, translated the same day, marked "urgent, very important," instructs the Ambassador to present this note to the United States at 1:00 p. m., 7 December. (Top Secret Ex. "B")

[337] *The Winds Message:*

The Federal Communications Commission, around 20 November 1941, intercepted a message from Tokyo to Japanese diplomatic representatives to the effect that "in case of emergency (danger of cutting off our diplomatic relations)" a warning message would be given in the middle and the end of the Japanese daily short-wave news broadcasts as follows:

"(1) In case of a Japan-U. S. relations in danger:

HIGASHI NO KAZEAME (EAST WIND RAIN)

"(2) Japan-U. S. S. R. relations:

KITANOKAZE KUMORI (NORTH WIND CLOUDY)

"(3) Japan-British relations:

NISHINO KAZE KARE (WEST WIND CLEAR)"

When this signal was heard, all codes and papers were to be destroyed. (Exhibit "B", 19 Nov., S. I. S. 25432; Tr., Marshall A. 35; Sadtler D. 250; Safford C. 125-126)

A radio from Tokyo to Washington, dated 19 November and translated 26 November, was to the same effect. (Top Secret Ex. "B", S. I. S. 25432) The Army, Navy, and Federal Communications intercept stations immediately commenced a close watch for the second or implementing "Winds" message. On 5 December, Admiral Noyes, Chief of Navy Communications, phoned Colonel Sadtler, in charge of Army codes and ciphers, saying, "The message is in." Asked which one it was, Admiral Noyes stated he did not know but believed it meant war between Japan and Great Britain. (Tr., Sadtler D. 251) Sadtler immediately went to General Miles, A. C. of S., G-2, where he was joined by Colonel Bratton of G-2. Discussing Admiral Noyes' uncertainty as to which message it was, General Miles stated: "Do you think you can verify that word? This may be a false alarm." Colonel Bratton telephoned Admiral Noyes, who was on his way to a meeting and had no time to discuss the matter except to say that he could not verify it at that time but would telephone later. Sadtler returned to General Miles, who told him to keep on the lookout. (Tr., Sadtler D. 252-253) Colonel Sadtler then advised General Gerow of the message and suggested that the various overseas stations including Hawaii should be notified. General Gerow replied, "I think they have had plenty of notification," and the matter dropped. Sadtler then informed Colonel (now Lieutenant General) Bedell Smith, Secretary of the General Staff, of the message and that he had talked to G-2 and War Plans, and Colonel Smith did not wish to discuss it further. (Tr., Sadtler D. 253-254)

It will be noted from the above that the activating or second "Winds" message apparently indicated a breach in diplomatic relations with Great Britain. Colonel Sadtler testified he told General Miles and Colonel Bratton that Admiral Noyes was positive that it did not indicate a breach in Japanese-American relations. (Tr., Sadtler D. 252) According to [338] Colonel Bratton no one in G-2 ever received a message of this latter character. (Tr., Bratton B. 59, 66-67; see also Marshall A. 36-38) The present record fails to show whether Colonel Sadtler or Colonel Bratton ever ascertained the exact meaning of the Navy activating "Winds" message. Colonel Sadtler apparently made no further inquiry of Admiral Noyes nor did the Board examine him further on the subject. On this general subject there is the testimony of General Marshall who stated: "I find that no officer of the Navy advised General Miles or Colonel Bratton that any message implementing the 'Winds' code (indicating with whom relations would be ruptured) had been received by the Navy." (Tr., Marshall A. 38-39) It seems clear that no Japanese message using the "Winds" code was intercepted by the FCC or by the Army Signal Corps until after Pearl Harbor. (Tr., Marshall A. 37) Colonel Sadtler testified that he discussed with General Miles and Colonel Bratton the Navy activating "Winds" message, indicating to him, war with Great Britain. (Tr., Sadtler D. 251-252) Apparently, therefore, the source of the activating or second "Winds" message was the Navy.

The Navy story as to the "Winds" message is as follows: Captain Safford, head of the Navy Communications Security Division, stated that on 4 December the activating "Winds" message came in and was sent to him in teletype. Lieutenant Commander Kramer, the senior language officer, wrote on the bottom of it, "War with England, War with America, Peace with Russia." The message was different in wording from what had been expected but, according to Captain Safford, its meaning was clear. It was given immediately to Admiral Noyes. (Tr., Safford C. 131-132) According to Captain Safford two copies were sent to the War Department. (Tr., Safford C. 133) Colonel Gibson of War Department G-2 testified that there is no record that G-2 of the War Department or the Army Signal Intelligence ever received any implementing message from the Navy. (Tr., Gibson D. 273) Neither the original nor copies of the message can now be found in the files of either the War or Navy Departments according to Captain Safford. The message was distributed to various high officials of the Navy Department and copies were sent to the State Department and White House. (Tr., Safford C. 133, 136-138, 172) The proof that it got to the White House seems to be that this was routine distribution (Tr., Safford C. 136-138); the same is true as to its getting to the Secretary of State. (Tr., Safford C. 138)

Captain Safford also testified that the Navy had roughly around sixty intercepted Japanese messages pertaining to this period which were in the possession of the Navy Court of Inquiry. (Tr., Safford C. 139-140, 152) Whether these include the forty-seven messages submitted in evidence by Colonel Bratton (Top

Secret Ex. "B") is not known as they do not appear in the present record. Captain Safford testified that Commander Kramer told him in 1943 that when he submitted S. I. S. 25850, the message to the Jap Ambassadors to present the Japanese reply at 1:00 p. m., to Secretary Knox, he sent a note along with it saying in effect, "This means a sunrise attack on Pearl Harbor today and possibly a midnight attack on Manila." (Tr., Safford C. 167)

[339] Captain Safford testified that coupling the "Winds" activating message with the messages instructing destruction of codes and secret papers, he became worried and telephoned Commander McCollum and asked him whether Naval Intelligence was doing anything to get a warning out to the Pacific Fleet. McCollum said they were and as a result McCollum finally succeeded in having sent a message to the Pacific naval commanders, including the Commandant of the 14th Naval District, Honolulu, to the effect that the Japanese had been instructed to destroy their codes. (Tr., Safford C. 182-184) Safford stated he also arranged for four additional messages to be sent out to various naval attaches in the Far East advising destruction of our own secret papers. (Tr., Safford C. 184-185) This message was sent 4 December. A message to the same effect was also sent to Guam, (Tr., Safford C. 186-187) with an information copy to the Commandant of the 14th Naval District in Honolulu. (Tr., Safford C. 187) An additional message was sent to the Commander-in-Chief, Pacific Fleet, covering destruction of papers on Wake Island. (Tr., Safford C. 188-190)

One of the members of the Board, General Russell, had in his possession a statement, unidentified as to source, but which he says "reached the Naval authorities and which it is alleged was sent over to the War Department." (Tr., Russell A. 30) This statement apparently was the testimony given by Captain Safford which was contained in a volume of the examination of various witnesses conducted by Admiral Thomas C. Hart, during April to June 1944, in accordance with directions of the Secretary of the Navy. (Tr., Safford C. 120, 123, 145, 152, 168) Examining General Marshall from this document, General Russell stated:

"This same naval source from which I have been quoting stated that:

"On the 4th of December, 1941, Commander McCollum drafted a long warning message to the Commanders-in-Chief of the Asiatic and Pacific Fleets, summarizing significant events up to that date, quoting the "Winds Message", and ending with the positive warning that war was imminent."

"Now, this is on the 4th day of December:

'Admiral Wilkinson approved this message'—

which I shall talk about in a minute more definitely,

—'and discussed it with Admiral Noyes in my presence. I was given the message to read after Admiral Noyes read it, and saw it about three p. m., Washington time, on December 4, 1941. Admiral Wilkinson asked, "What do you think of the message?" Admiral Noyes replied, "I think it is an insult to the intelligence of the Commander-in-Chief." Admiral Wilkinson stated, "I do not agree with you. Admiral Kimmel is a very busy man."

and so forth." (Tr., Russell A. 33-34)

[340] Colonel Gibson referred to the above incident, stating that "Admiral Noyes said they had been alerted enough" and disapproved sending it. (Tr., Gibson D. 276-277)

Colonel Bratton testified that on receipt of the 2 December message translated 4 December, from Tokyo to Washington, ordering destruction of codes and code machines, he took a copy of this message to General Miles and General Gerow and discussed it with them at some length. Bratton advocated sending further warnings or alerts to our overseas commanders. General Gerow felt that sufficient warning had already been given. General Miles felt that he could not go over General Gerow's decision. Bratton, however, continued to feel uneasy about the matter and went over to the Navy Department where he had a conference with Commander McCollum who felt as he did that further warnings should be sent out. McCollum stated that Commander Rochefort in Honolulu had gotten the first "Winds" message and was listening for the implementing message. He suggested that as a way out of their difficulty a wire be sent to the Army G-2 in Hawaii to see Rochefort at once. (Tr., Bratton D. 283-284) Bratton stated he managed to get General Miles to OK this message which was sent 5 December to Short's G-2 and read as follows:

"Commander Rochefort, who can be located through the 14th Naval District, has some information on Japanese broadcasts in which weather reports are mentioned that you must obtain. Contact him at once." (Tr., Bratton D. 283)

In addition to the "Winds" message, the sheaf of forty-seven intercepts, Top Secret Exhibit "B", contains a somewhat similar message from Tokyo, dated 19 November 1941, reading as follows:

"When diplomatic relations are becoming dangerous we will add the following at the beginning and end of our general *intelligence* broadcasts:

"(1) If it is Japan U. S. relations

'HIGASHI'

"(2) Japan Russia relations

'KITA'

"(3) Japan British relations; (including Thai, Malaya, and NEI) 'NISHI' "

(Top Secret Ex. "B", S. I. S. 25392)

There is a conflict as to the meaning of the "Winds" message, namely, as to whether it meant war or only a breach of diplomatic relations. (Tr., [341] Bratton B. 60-71; Safford C. 126-130; Sadtler D. 250; See also Top Secret Ex. "B", S. I. S. 25392 and 25432, both 19 November 1941) This conflict is not significant, however, as it was common knowledge that Japan might begin war prior to terminating diplomatic relations. Even Short realized this. (Tr., Short 456-457; see also Stimson 4061)

There is no clear showing in the record as to what higher officers in the War Department got either the original "Winds" message, in whatever version, or the activating message, or got the brief message of 19 November as to the single code word to be inserted in the intelligence broadcasts when diplomatic relations became dangerous. (Top Secret Ex. "B", S. I. S. 25392)

Colonel Bratton, apparently testifying from Top Secret Exhibit "B", a sheaf of forty-seven messages, stated:

"All the information that we had was presented in one form or another to the policy making and planning agencies of the Government. . . . The officials to whom I refer include the President, the Secretary of State, the Secretary of War, the Chief of Staff, and the Chief of the War Plans Division." (Tr., Bratton D. 297)

Assuming this refers to the 47 intercepts, there is no testimony that any one of these specifically got to the various officials mentioned, or if so, when. Nor, assuming some or all of these intercepts got to these officials, is there any showing of the form in which they received them. Such general testimony as that of Colonel Bratton's, above quoted—relying, as it apparently does, entirely on a practice, without specific recollection of specific occasions—cannot be regarded as fairly bringing home to any of the individuals concerned knowledge of any specific intercept. This is certainly so where the record contains a specific denial, such as in the case of General Marshall, of any recollection of having seen some of these documents. (Tr., Marshall A 30-31, 33-40, 209-211)

Discussion of Foregoing Information:

It is obvious that those Top Secret intercepts show a gradual deterioration in Japanese-American relations and the probability of war. Short, however, was specifically advised of the possibility of the outbreak of hostilities at any time and in this respect these intercepts are merely cumulative. Some of them, however, are very pointed; for example, the radio of 24 September, translated 9 October, from Tokyo to Honolulu, requesting reports on vessels in Pearl Harbor and dividing Pearl Harbor into subdivisions for that purpose; the radio of 15 November, translated 3 December, from Togo to Honolulu, requesting that the "ships in harbor" [342] report be made twice a week in view of the critical Jap-U. S. relations; the radio of 18 November, translated 6 December, from Honolulu to Tokyo, bringing Tokyo up to date as to war ships in Pearl Harbor and giving the course of eight destroyers entering the harbor; the radio of 24 November, translated 5 December, from Tokyo to Honolulu, asking for a "ships in harbor" report even where there were no movements. The above appear to point to some specific action against Pearl Harbor. However, this inference is in the light of after-events; at that time these radios, to an unimaginative person, were consistent with routine Japanese effort to keep themselves advised as to our naval strength in the Pacific or possible sabotage attacks on ships in Pearl Harbor by native Jap fishing boats. Similarly, the radio of 5 November, translated the same day, from Tokyo to Washington, setting of 25 November as the deadline for signing the agreement; the radio of 16 November,

translated 17 November, reiterating the impossibility of changing the deadline; the radio of 22 November, translated the same day, extending the deadline from 25 November to 29 November, and stating "after that things are automatically going to happen" indicate in the light of information we now have, but which was not available prior to the attack, that steps were being taken for an early attack. But at that time these dates had no such significance. As General Marshall testified, November 29 came and passed and nothing happened. (Tr., Marshall A, 4-5) As to the "Winds" message, according to War Department witnesses this meant war between Japan and Great Britain, not war with the United States. The most significant messages were the radios of 1 December, translated the same day; 2 December, translated 3 December; 5 December, translated 6 December, directing the destruction of codes, code machines, and secret papers. There is also the reference to destroying codes in the "Winds" message. These messages, to Colonel Bratton, meant war. But General Short had already been warned that war was imminent and hostilities might commence at any moment. Whether, had General Short received these messages, he would have altered his view that there was no threat from without is problematical. One message clearly suggested an attack on Pearl Harbor, namely, the radio of 2 December from Tokyo to Honolulu, inquiring as to the war ships there, whether there were barrage balloons above Pearl Harbor, and whether the war ships there were provided with anti-mine nets. But this message was not received until 23 December and not translated until 30 December 1941. (Top Secret Ex "B", S. I. S. 27065)

It is a fair conclusion from the testimony that the Navy interpretation of the "Winds" message was that it meant war with the United States. Also, there is the testimony of Captain Safford that Commander Kramer told him in 1943 that when he handed Secretary Knox S. I. S. 25350 instructing the Jap Ambassadors to present the Japanese reply at 1:00 p. m., he sent along a [343] note stating "This means a sunrise attack at Pearl Harbor today." (Tr., Safford of C. 167). Action upon this information if believed credible, was a Navy responsibility. There is no testimony it was communicated to the War Department.

The most that can be said relative to the Top Secret information available in Washington is that a keener and more incisive analysis by the intelligence sections of either service of the over-all picture presented by these intercepts, along the line of Commander Kramer's deductions (Tr., Safford C. 167), might have led to an anticipation of the possibility, at least, of an attack on Pearl Harbor at or about the time it actually occurred. The danger in attempting to make such an estimate is, however, the fact that unconsciously we do so in the light of after-occurring events and read into each message a significance which was not obvious at the time of receipt. It must also be borne in mind that substantially all the definite information received as to Jap naval movements pointed to activity in the Philippines or in Southeast Asia.

As to whether if Short had gotten the Top Secret information above referred to he would have made a different estimate of the situation and placed in operation a different alert, we are in the realm of conjecture. The fact that Short regarded as unimportant the information he got on 3 December 1941 that the Japanese Consuls in Honolulu were destroying their codes and secret papers (which meant war to Short's Asst. G-2) is very significant in postulating what Short would have done if he had gotten all the information he complains he did not get.

As I have previously stated, while there was more information in Washington than Short had, Short had enough information to indicate to any responsible commander that there was an outside threat against which he should make preparations. To the same effect was the testimony of General Marshall (Tr., Marshall A. 14-15), General Gerow (Tr., Gerow 4300, Sadtler D. 253; Bratton D. 283), General Bedell Smith (Tr., Sadtler D. 253), General Miles (Tr., Miles 127-128, 128-129; Sadtler D. 253-254; Bratton D. 283), Admiral Stark (Tr., Marshall A. 7-8, 14; Bratton B. 78), and Admiral Noyes (Tr., Gibson D. 276-277; Russell A. 34). This was the opinion of the Roberts Board. (Roberts Rep. pp. 18-21)

Comment on Short's Defenses:

The fundamental fact to bear in mind and from which there can be no escape is that Short was the sole responsible Army commander charged with the mission of defending Pearl Harbor. Knowing as he did that there were threats both from within and from without and that the most dangerous form of attack which he could expect was a surprise air attack, he cannot now

[344] be heard to say that he was led into becoming sabotage-minded to the exclusion of all else by War Department messages stressing sabotage. It is obvious that General Marshall's radio of 27 November was not intended to change the official War Department estimate, solidly imbedded in elaborate war plans and stressed continuously from Short's assumption of command 7 February 1941 into the fall of 1941, that a surprise air attack was a primary threat. It is equally obvious that Short's reply to General Marshall's radio of 27 November did not amount to a communication by Short to the War Department that he had arrived at a new and entirely different estimate of the situation which excluded a surprise air attack as a then present basic threat.

As to Short's defense that he was not given sufficient information, or, as held by the Board, that the information which he had was "incomplete and confusing" (though the Board held it sufficient), it is clear that the information given Short continually stressed the possible outbreak of war which necessarily implied a threat from without. But, as seen, Short's Alert No. 1 expressly excluded the idea of a threat from without. Unless it can be said that Short would have interpreted the Top Secret intercepts as indicating a specific attack on Pearl Harbor, an unreasonable assumption, they merely stress the inevitability of war. But this would not necessarily have led Short to establish Alert No. 3, bearing in mind the Navy view that there was no chance of an air attack on Pearl Harbor and Short's claim that in any event he could rely upon the Navy for warning in ample time of the whereabouts of the Jap fleet. Short's defense that Alert No. 3 would have interfered with training and that Alert No. 3 would have disclosed his intent and alarmed the civilian population, is refuted by the statement in General Marshall's radio to him of 27 November that the policy of avoiding the first overt act should not be construed as restricting him to a course of action that might jeopardize his defense. But they are also answered by the fact that Alert No. 2, at least, would not have disclosed his intent or alarmed the civilian population. It should be borne in mind that Short's problem was two-fold, both to guard against an outside attack and at the same time to do so without alarming the civil population. This should not have been beyond the capabilities of an experienced commander.

I am of the opinion therefore that the Board's conclusion (Rep. 300) that Short failed in his duties (a) to place his command in a state of readiness for war, in the face of a war warning, appears justified except in so far as it holds the information which Short had was incomplete and confusing.

I likewise agree that the Board's conclusion (b) that Short failed in his duties in not reaching an agreement with the naval authorities in Hawaii for joint Army and Navy action under the various plans, is supported by the record. I also concur in the opinion of the Board (c) that Short failed in his duties in not informing himself of the effectiveness of the long-distance reconnaissance being conducted by the Navy.

[345] The question whether Short's failure in the performance of these various duties constituted a neglect of duty in the sense of an offense under military law, will be discussed later. In my opinion Short's various failures were not so much the result of a neglect of duty as of serious errors of judgment. His first error of judgment was in the erroneous estimate of the situation which he made and which led him to the conclusion that the Japanese would not attack Pearl Harbor from the air. His second error was in failing to realize that it was his duty to be on the alert against even what might appear to him as the highly improbable. I believe, however, that these mistakes were honest ones, not the result of any conscious fault, and, having in mind all the circumstances, do not constitute a criminal neglect of duty.

Board's Conclusion (d) as to Short's Failure to Replace Inefficient Staff Officers:

The Board found that Short failed in his duty to replace inefficient staff officers. (Rep. 300) This conclusion is related to the statement in the body of the Report that "Phillips was recognized by the staff as without force and far too weak for a position of such importance." (Rep. 74)

A careful reading of the transcript citations upon which the Board relies for its findings as to Colonel Phillips shows that certain witnesses were asked as to their *opinion* of Phillips as Chief of Staff. Their replies varied from complete reluctance to answer (Tr., Donegan 1946) to positive expressions that the Colonel was unqualified. (Tr., Throckmorton 1408-1409) General Burgin considered Phillips "one of General Short's fair-haired boys," high-handed, not prone to confer with subordinates, not "extremely efficient, or otherwise—the average, run-of-the-mine." (Tr., Burgin 2625-2626) General Hayes, the preceding Chief

of Staff, very mildly stated that Phillips had a G-3 trend, and that he did not "feel that he had worked himself into the position of Chief of Staff by the time of the Pearl Harbor attack." (Tr., Hayes 265) Colonel Pratt merely added that he considered that Hayes had been a stronger Chief of Staff. (Tr., Pratt 1977-1978)

These scattered opinions, unsupported by a factual examination of Phillips' training, experience, and activities can hardly be thought to support the blanket conclusion of the Board about Short's staff. The Board adds, however, that Phillips' own testimony "as to his conception of his duty and what he did and failed to do in aiding Short to competent decisions in critical situations, is sufficient evidence of the matter." (Rep. 74) The testimony cited by the Board to support this finding is that Phillips and Short considered the inevitable interference with training which would occur if Alerts 2 or 3 were ordered, that all phases of the situation were discussed, the danger of a Jap landing, of an air attack, [346] what Phillips considered to be his duties as Chief of Staff, how Short ordered Alert No. 1 without a "specific recommendation" from Colonel Phillips, and a general discussion of activities in the Department after 27 November. (Tr., Phillips 1134-1144)

It is established, of course, that Phillips was inexperienced as a Chief of Staff, as he had not been appointed until 5 November 1941, (Tr., Phillips 1108) and that Short did not treat Phillips as a Chief of Staff, for example, in not having him present at important Navy Conferences. (Rep. 74) But there is no substantial evidence that Phillips was inefficient to a degree that would require his removal by Short, or that Short's failure to remove Phillips was in any way a proximate or concurrent cause of the Pearl Harbor disaster. The most that can be said is that there were indications that Short selected a man not fully qualified as Chief of Staff. These indications were not fully investigated by the Board, either as to their accuracy or as to their possible contribution to the disaster on 7 December 1941.

Aside from the above as to Colonel Phillips, there is no testimony in the record as to the efficiency or inefficiency of Short's G-1, G-3, or G-4. Short's G-2, Colonel Fielder, testified at length but there is no substantial testimony either from his own lips or from other witnesses from which the Board could hold Colonel Fielder inefficient. The worst that can be said against Fielder is that he failed to realize the importance of the Dr. Mori message and the fact that Japanese Consuls were destroying their codes and burning their papers. However, this viewpoint was shared by Short who was as fully informed as Fielder about these matters.

The Board also stated that

"While the various assistant Chiefs of Staff testified that harmony existed, the results are more important in their conclusive effect that there was a lack of requisite harmony and teamwork and it was quite evident to the Board that their testimony was colored by their very evident loyalty to General Short." (Rep. 74)

The only testimony on this score was the testimony of Colonel Throckmorton, Short's G-1 at the time of the attack, who testified there was complete harmony when General Hayes was Chief of Staff and that "such disharmony as existed under Phillips I do not think was of a serious enough nature to have affected what happened on December 7." (Tr., Throckmorton 1409) There is, therefore, no substantial testimony as to any significant disharmony among Short's staff.

It follows from the above that the Board's conclusion (Rep. 300) that Short failed in his duty to replace inefficient staff officers is not justified.

[347] *Board's Conclusions as to General Marshall*

The Board concludes that General Marshall failed in his relations with the Hawaiian Department in the following particulars:

"(a) To keep the Commanding General of the Hawaiian Department fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war, of which information he had an abundance and Short had little.

"(b) To send additional instructions to the Commanding General of the Hawaiian Department on November 28, 1941, when evidently he failed to realize the import of General Short's reply of November 27th, which indicated clearly that General Short had misunderstood and misconstrued the message of November 27 (472) and had not adequately alerted his command for war.

"(c) To get to General Short on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this.

"(d) To investigate and determine the state of readiness of the Hawaiian Command between November 27 and December 7, 1941, despite the impending threat of war." (Rep. 298-299)

Adequacy of General Marshall's 27 November Warning Message:

The Chief of Staff testified that the message of 27 November signed "Marshall" should be regarded as containing all the information concerning the Japanese and the instructions necessary for General Short to accomplish his mission. (Tr., Marshall A. 14, 15; C. 197)

The Board's statement that General Marshall failed "to keep the Commanding General of the Hawaiian Department fully advised of the growing tenseness of the Japanese situation" (Rep. 298) overlooks the fact that the 27 November message signed "Marshall" pictured the Japanese-United States situation accurately as it appeared from the information available to the War Department at that time and up until 7 December. The negotiations between the Japanese representatives in the United States and our State Department actually continued up to 7 December, and various intercepts suggests the possibility that they may have been conducted by the envoys in good faith and with evident hope of a peaceful settlement.

[348] Thus, on 29 November Tokyo radioed its representative in Washington to make one more attempt at settlement along certain lines and "in carrying out this instruction, please be careful that this does not lead to anything like a breaking off of negotiations." (Top Secret Ex. "B")

Mr. Kurusu, in talking to Tokyo on 30 November, spoke to Tojo's drastic statement, and urged that unless greater caution was exercised, the Japanese negotiators would be in a difficult position. Further, he stated they were doing their best and that negotiations were to continue. (Top Secret Ex. "B")

On 1 December Tokyo radioed its representatives in Washington, suggesting a possible approach for making some progress in negotiations. (Top Secret Ex. "B")

On 2 December a radio intercept from Washington to Tokyo stated:

"Judging from my interview with Secretary of State Hull on the 1st and my considerations of today, it is clear that the United States, too, is anxious to peacefully conclude the current difficult situation. I am convinced that they would like to bring about a speedy settlement. Therefore, please bear well in mind this fact in your considerations of our reply to the new American proposals and to my separate wire #1233." (Top Secret Ex. "B")

On 5 December a Japanese radio to Tokyo requested approval to delay destruction of one code machine as Japanese negotiations were still continuing. (Top Secret Ex. "B")

Former Ambassador Grew said with regard to the alleged inevitability of war:

"* * * If the whole problem had lain with the military authorities, I would have said without question that war was inevitable, but there were times when I believed the Japanese government was doing its best to prevent war for the reason that it realized much better than the military people did what might be the result of war. * * * Now the question at that time was whether they would be successful or not, and, as I say, I was not in a position to answer that question definitely and finally prior to the outbreak of war." (Tr., Grew 4213-4214)

When asked when it became evident that war with Japan was inevitable, Mr. Grew replied:

[349] "I could not put my finger on any particular date, General. My own position, there, was that I was going to fight up to the last possible minute to prevent war; and I did everything in my power to prevent it; and, not being a defeatist by nature, I was unwilling to admit that war was inevitable, up to the last minute. So that I cannot mention any particular date, prior to December 7, 1941, when I felt that war was definitely inevitable." (Tr., Grew 4199)

With reference to Japan's decision to go to war, he stated that there were "two Japans." The Army and Navy were practically independent and reported directly to the Emperor over the heads of the Cabinet and the Prime Minister.

"I think it is perfectly possible that the cabinet was not informed of the plans for attacking Pearl Harbor. My belief is—well, I won't say confirmed, but it is increased by the fact that I had a conversation with Mr. Togo, the foreign minister at half past twelve, half past midnight, on December 7, 1941. That was about three hours before Pearl Harbor. And I have always been convinced from the nature of that conversation that Mr. Togo did not at that moment know that

Pearl Harbor was about to break. I have other evidence, too, which convinces me personally that he didn't know. * * * (Tr., Grew 4214-4215)

When asked about the effect of the economic sanctions in forcing action by Japan, Mr. Grew stated:

"I do not mean to say, when you say something had to be done about it, that it had to be war, because there were other things to do about it besides war. The Japanese at that time could have taken steps to meet some of our views in connection with their expansion through the Far East. They could readily have done that, and if they had done that we might, for our part, have relaxed some of the economic pressure which we were placing on them. I think that that would have been a perfectly logical thing to have happened, but it didn't happen." (Tr., Grew 4218)

As to the 25 November deadline, later extended to 29 November, General Marshall stated that this had certain significance, but that the War Department was unable to tell just what it was. (Tr., Marshall A. 5) It was first thought that the 25 November deadline pertained to the anti-Comintern pact. When the time was extended to 29 November that possibility was removed. (Tr., Marshall A. 4) "November 29 arrived and passed, and we entered into December without anything happening other than the continuation of these movements, which we could follow fairly well, down the China coast and Indo-China and headed quite plainly towards Thailand and the Gulf of Siam." (Tr., Marshall A. 4-5)

[350] In the light of all information possessed by the War Department at that time the fact that the 14th part of the Japanese note breaking off negotiations, and the direction to the Japanese representatives to present the fourteen parts at 1:00 p. m. (Washington time) 7 December, was not available until that day, it is my opinion that the 27 November message signed "Marshall" was an accurate and adequate description of the Japanese situation at the time it was sent, and up until 7 December. Furthermore, this message should be read in the light of the other Army and Navy messages to Short.

General Marshall's Views on Warning:

The Chief of Staff emphasized that the so-called "Winds" message referred not to war but to the rupture of diplomatic relations and that "very remarkable things had been done under the rupture of diplomatic relations while still evading an actual act of war." (Tr. Marshall A. 45-46) With respect to other information of the Japanese activities which reached him from secret sources and influenced his thinking as to the imminence of war, the Chief of Staff testified that while it may have been practical and feasible to have sent this information to Short, nevertheless in his opinion at that time, it would have been unwise. (Tr., Marshall A. 46) The Chief of Staff conceded that "considering what has happened, * * * the situation might well have been helped by translating that information to them." (Tr., Marshall A. 46) Speaking of his decision at the time, however, he stated:

"In our own view, an alert of the character, particularly the character of the two that occurred at that time, the Naval alert and then the later Army Alert, (messages to Short from War Department and Navy Department) were sufficient for any Commander with a great responsibility; and in addition to that you must remember that we were pouring through Hawaii, on the way to the Philippines, convoys, rushing everybody. Everything was being pushed to the last extreme. Nobody could look at that without realizing that something very critical was in the wind. Our great problem was how to do these things, energized in the way we were—the shipments, and collecting the means and getting them out, particularly to the Philippines, which passed entirely through Hawaii—without giving such notice to the Japanese that it would have an unfortunate effect in our stalling off this affair.

"Undoubtedly they did obtain that view. I think they were rushed in their decision by the fact that if they didn't catch it, didn't act within a certain period of time, it would be too late; we would have gained the necessary strength to make it undesirable, to make it too dangerous for them to act.

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[351] "All of that was apparent to the Commanders in the place. Only the most critical necessities would have involved us in taking over all that commercial shipping, in taxing the Pacific Fleet's resources in providing convoys. Everything was involved there at the time, and I cannot see how—I never have quite understood how the change from a great fear, as expressed in all the previous

communications, of an air assault, suddenly seemed to lapse. I don't know what the explanation of it is, and I myself have never discussed it." (Tr., Marshall A. 46-47)

As already indicated, General Marshall had no information of any kind which indicated an immediate attack on Hawaii. (Tr., Marshall A. 27-28)

The Chief of Staff also believed that Short had adequate weapons, ammunition, and other means for the discharge of his mission to protect Pearl Harbor. (Tr., Marshall A. 27) He also was under the belief in late November and early December of 1941 that Short had adequate reconnaissance agencies to carry out the desired reconnaissance. In this regard, he testified:

"We had made every conceivable effort to deploy the radar out there ahead of other places. We had done everything we could to provide the means to carry out the air functions of that command, particularly as they were determined in the final agreement between General Short and Admiral Kimmel." (Tr., Marshall A. 27)

The Chief of Staff knew that this agreement called for distant reconnaissance by the Navy. (Tr., Marshall A. 26)

The Chief of Staff further testified that Hawaii was but one of several places on the Japanese front and that "it was by far the best prepared that we had." (Tr., Marshall A. 25) He stated:

"* * * if the Hawaiian state of preparation in men and matériel was 100, Panama was about 25 percent, and the Philippines about 10 percent, and Alaska and the Aleutians completely negligible." (Tr., Marshall A. 23)

The Chief of Staff continued:

"I think we all knew that we were poverty stricken, * * *" (Tr., Marshall A. 26)

To show the ramifications of the activities of the Chief of Staff and the over-all supervision which was required of him from a global perspective, the Chief of Staff testified concerning the Panama Canal Department:

[352] "* * * we had had very peculiar things there, and of course they could chop into us very badly there. We were open in a more vulnerable way in the Panama Canal than we were in Hawaii." (Tr., Marshall A. 13-14)

General Marshall's 7 December Message:

Concerning the Board's conclusion (c) (Rep. 298) that the Chief of Staff should have advised Short on the evening of 6 December or the early morning of 7 December of an almost immediate break with Japan, the Chief of Staff testified that he did not receive the intercept which indicated such a break until about 11 o'clock on 7 December. (Tr., Marshall A. 6) He then immediately conferred with appropriate members of his Staff and wrote a draft of a message to be transmitted to Short. (Tr., Marshall A. 7-8) He gave this message when completed to Colonel Bratton for transmittal by radio to the Western Defense Command, the Panama command, the Hawaiian command, and the Philippine command. (Tr., Marshall A. 8) The Chief of Staff knew that the time required for coding was "a very quick procedure. It is done on a machine as rapidly as the girl types." (Tr., Marshall A. 13) Colonel Bratton took the message to the Message Center and upon his return was asked by the Chief of Staff as to the procedure which would be followed and the time within which it could be expected the message would reach the recipients. The Chief of Staff did not understand the explanation by Colonel Bratton, so he with Colonel Bundy was sent back for additional information. (Tr., Marshall A. 9) Colonel Bundy was on duty in the War Plans Division of the General Staff in charge of matters pertaining to the Pacific. (Tr., Marshall A. 9-10) When Colonel Bratton and Colonel Bundy returned they informed the Chief of Staff in effect that the message would be in the hands of the recipients within thirty minutes from that moment. (Tr., Marshall A. 10) It being still not clear to the Chief of Staff as to what were the time elements, he sent Colonel Bratton and Colonel Bundy back for a third time to check again. When they returned their reply confirmed that the time for transmittal would be satisfactory. (Tr., Marshall A. 10)

The Chief of Staff believed that the message would reach the recipients before the one o'clock hour at which things might happen. (Tr., Marshall A. 14)

Actually, and unknown to the Chief of Staff, the Signal Corps sent the message to San Francisco by Western Union and from San Francisco to Hawaii via Radio Corporation of America. This was because the Army radio was not able to get through to Hawaii. (Tr., Marshall A. 10) A further delay, which was also unknown to the Chief of Staff was caused by the nonoperation of a teletype at Honolulu on 7 December. Thus when the message was received in Honolulu

it was given to a boy for delivery on a bicycle. The boy was caught in the bombing and did not deliver the message until after the attack. (Tr., Marshall A. 10)

[353] The telephone was not considered as means of transmission because, in the nature of things, it would have been too "time consuming." (Tr., Marshall A. 13) The Chief of Staff testified:

"* * * I would certainly have called MacArthur first, and then I would have called the Panama Canal second, * * *. And from our own experience, my own experience, even now our telephone is a long-time procedure. * * * we now find we do a little bit better by teletype than we do on the telephone." (Tr., Marshall A. 13-14)

Colonel Bratton testified that when the Chief of Staff gave him the message for delivery to the Message Center:

"I took the message to Colonel French, Signal Corps officer in charge of the message center, explained to him that it was General Marshall's desire that the message be transmitted to the addressees by the fastest possible safe means, * * *. I then returned to the Office of the Chief of Staff. The latter directed me to find out how long it would take for the delivery of the message to the addressees. I returned to the message center and talked the matter over with Colonel French, who informed me that the message would be encoded in about three minutes, on the air in about eight minutes, and in the hands of the addressees in about thirty minutes. I looked at my watch at this time and saw that it was 11:50 a. m." (Tr., Bratton B. 79-80) (This would be 6:20 a. m. Honolulu time)

Colonel French testified that:

"Colonel Bratton was at the code room, and he asked me how long it would take to get the message transmitted, and I told him it would take about 30 to 45 minutes to transmit the message to its destination." (Tr., French 196)

Concerning the question as to whether members of the General Staff, other than the Chief of Staff, should have transmitted to Short a warning without waiting for the arrival of the Chief of Staff on the morning of 7 December, the following testimony by the Chief of Staff is pertinent:

"General Russell. Was there anyone of the General Staff other than yourself with authority to have dispatched to the overseas departmental commanders a message which would have told them of these recent developments, and including the reply of the Japanese to our message of November 26, and particularly as to the substance of this message of December [354] 7th relative to the delivery of the ultimatum and the destruction of the code machines?

"General Marshall. That would depend, I think, entirely on the officer concerned. There is no specific regulation about who, of those in charge of principal affairs, can do what in time of a great emergency. It depends on the judgment of the individual. If the Deputy Chief of Staff was here, if the head of the War Plans Division were here, if possible the Assistant Chief of Staff G-2 were aware of this and of the possibilities of delay, they might have acted. It is very hard to answer, because you are inevitably involved in hindsight regarding a great catastrophe, and I can only answer it in that way." (Tr., Marshall C. 211-212)

Comment on Board's Conclusions as to General Marshall:

As to the Board's conclusion (a) (Rep. 298) that General Marshall failed in his relations with the Hawaiian Department in failing to keep Short fully advised of the growing tenseness of the Japanese situation, "of which information he had an abundance and Short had little," I feel, as already indicated, that General Marshall's radio to Short of 27 November, considered along with the other messages to Short, accurately pictured the Japanese-American situation as it then existed and as it continued to exist until 7 December. Short as a military commander was required to take the information contained in this radio from his Chief of Staff as true and not in the critical spirit of awaiting further information or proof of what he was told. General Marshall was not in the position of carrying on a negotiation with a foreign plenipotentiary but was telling a subordinate what the situation was for his guidance. The Board's conclusion reduces itself to a holding that General Marshall should have given Short at length and in detail the factual basis for his succinct statement in his 27 November radio that there was only a bare possibility the Japanese might renew the negotiations, and that Japanese future action was unpredictable but hostile action was possible at any moment.

So far as the transmission of information by the Chief of Staff to Short is concerned, mentioned in subparagraphs (a), (b) and (c) of the Board's Conclusions, clearly the radiograms of 24 and 27 November adequately pictured

the emergency, the imminence of hostilities, and the necessity that Short be on the alert against threats from within and from without. The most that can be said is that the War Department did not transmit to Short the Top Secret messages, but these were cumulative. This is evident from a reading of the messages actually sent Short over a period of months, hereinbefore referred to. While the War Department was possessed of more information than Short received, he did receive enough to require that he be on the *qui vive*. That Hawaii had already been sufficiently alerted was [355] the opinion of Admiral Stark (Tr., Marshall A. 7, 14, 15; Bratton B. 78; Gibson D. 276-277), of Admiral Noyes (Tr., D. 276-277, Russell A. 34), of General Gerow (Tr., Sadtler D. 253, Bratton D. 283), of General Miles (Tr., Sadtler D. 253), and of General Bedell Smith (Tr., Sadtler D. 253).

Moreover, Short received various important naval messages. General Marshall testified it was SOP that the Navy give Short these messages. (Tr., Marshall 35, 36; Kimmel 1772) The Navy messages of 24 and 27 November specifically so provided. (Tr., Marshall 35, 36, D. 306; Short 358, 363) Captain Layton testified that he delivered to and discussed with General Short in person the message from the Chief of Naval Operations dated 24 November 1941. (Tr., Layton 3058-3059)

Thus, Short was fully advised of the tenseness of the Japanese situation, of the requirement that he act in accordance with the clear instructions from the Chief of Staff to prepare for both threats from within and from without, and for eventualities which could be momentarily expected.

As to the Board's conclusion (b) that General Marshall failed in his relations with the Hawaiian Department in failing to send additional instructions to Short when evidently he failed to realize the import of Short's 27 November reply, which indicated, the Board said, that Short had misunderstood General Marshall's radio and had not alerted his command for war, (Rep. 298) this statement is a *non sequitur*. But, in addition, there was no testimony before the Board that General Marshall ever saw Short's reply. He himself testified that he had no recollection of ever having seen it, though "the presumption would be that I had seen it." (Tr., Marshall 38-40; cf. Top Secret Tr., Marshall C. 201) It is significant that Short's radiogram to the Chief of Staff, though initialed "Noted" by the Secretary of War and General Gerow, is not initialed by the Chief of Staff, although the latter initialed the corresponding radio from General MacArthur. (Tr., Marshall 39) The reply itself was indicative that Short had taken precautions against sabotage and in stating "liaison with the Navy" was susceptible of the interpretation that Short had also ordered defense measures in accordance with the War Plan. That plan contemplated that distant reconnaissance would be conducted by the Navy. This was well known to General Marshall. Hence, the Chief of Staff, if he saw Short's reply, was entitled to believe that Short's use of the words "liaison with the Navy" in his reply meant the establishment of full reconnaissance. It must be remembered that Short was given a definite order in General Marshall's radio of 27 November to conduct reconnaissance. The Chief of Staff was entitled to believe that his order would be obeyed.

Short testified that "liaison with the Navy" meant to him "keeping in touch with the Navy, knowing what information they had and what they were doing." (Tr., Short 380) He also stated that this phrase indicated he expected the Navy to carry out its part of the agreement for long distance reconnaissance. (Tr., Short 380) General Gerow, head of War Plans Division for the Chief of Staff, testified that the portion of the reply stating "liaison with the Navy" led to the reasonable assumption that "General Short was working out reconnaissance and other defensive measures in coordination with the Navy. This would be normal procedure under the basic plan, * * *". (Tr., Gerow 4289) In other words, the Chief of Staff was not definitely advised by this reply of Short that Short had made no preparations against an outside threat.

[356] - In a consideration of this point it should also be remembered that while Short had received from the Chief of Staff many communications calling his attention to the danger of a surprise air attack Short at no time, so far as the record shows, questioned this estimate by a communication to the Chief of Staff.

The very brevity of the reply by Short would also indicate to the War Department that Short had taken all necessary defense measures. It would be a most anomalous situation if a theater commander could be heard to say that because he received warnings from the Chief of Staff and had replied with a fragmentary report that *ipso facto* he was relieved of his responsibilities and that these responsibilities were then fastened upon the Chief of Staff.

Also, since Short received numerous messages and information after 27 November, especially the naval messages, which the Chief of Staff testified it was SOP to exchange (Tr., Marshall 35, 36; Kimmel 1772), the silence of Short after the message of 28 November would indicate to a busy Chief of Staff that he was ready to meet all threats, both those from within and those from without.

It appears, therefore, that in his relations with the Hawaiian Department the Chief of Staff fulfilled his functions as Commander-in-Chief and, in point of truth, personally warned the Hawaiian Department, with prophetic accuracy, against the very type of attack which occurred.

Finally, it must be borne in mind that the functions of the Chief of Staff did not include the duty of personally directing and supervising the detailed administration of the various sections of the Office of the Chief of Staff. His primary duty was to advise the Secretary of War and the President, to plan and supervise the organization, equipment, and training of the Army, to make decisions and give advice concerning the over-all and vital problems of military strategy from the perspective of global war and the broad military problems which then confronted the United States. Moreover, it was a fundamental policy of the War Department, the wisdom of which has been demonstrated in the recent victories, not to interfere unduly with commanders in the field whose records justified the assumption of great responsibilities. Thus, the prime responsibility is on the theater commander. No duty could thus devolve upon the Chief of Staff to check personally on the Hawaiian Command other than as may be related to the stated fundamental policy. To have singled out the Hawaiian Department for any different attention would have been peculiar and repugnant to the policy and purposes of a General Staff. The very nature of an over-all supervision in preparation for a global war makes mandatory that the Chief of Staff be divorced from administrative details. In no sense, of course, does the Chief of Staff avoid his responsibility in the event his organization is ineffective. There is a distinction, however, between the personal performance of his especial duties and the performance of duties by members of his staff.

[357] It is my opinion that the Board's conclusion (b) (Rep. 298) that General Marshall should have sent additional instructions to Short upon receipt of Short's reply, is not justified.

As to Board's conclusion (c) that General Marshall failed to get to Short on the evening of 6 December or the early morning of 7 December the critical information indicating an almost immediate break with Japan "though there was ample time to have accomplished this" the record makes entirely clear that General Marshall personally did not receive this information until late in the morning of 7 December and that he did his best to get it to Short immediately but failed because of circumstances beyond his control.

As to the Board's conclusion (d) that General Marshall failed to investigate and determine the state of readiness of the Hawaiian Command between 27 November and 7 December, the record is silent as to whether this was the personal duty of the Chief of Staff. It has been already indicated that General Marshall was entitled to rely upon his subordinates, including Short, and to believe that elaborate preparations for the defense of Hawaii embodied in war plans formulated over a long period of time would be carried out by a theater commander in accordance with the traditional American military policy. General Marshall had seen General Short's tentative SOP dated 14 July 1941 which contained elaborate plans for execution in an emergency. (Tr., Marshall 29)

To sum up, I am of the opinion that none of the Board's conclusions as to General Marshall are justified. My views are confirmed by the Roberts Report (Roberts Report, p. 19-20).

Board's Conclusions as to General Gerow:

As to General Gerow the Board concluded that he failed in his duties as follows:

"(a) To keep the Commanding General, Hawaiian Department adequately informed on the impending war situation by making available to him the substance of the data being delivered to the War Plans Division by the Assistant Chief of Staff, G-2.

"(b) To send to the Commanding General of the Hawaiian Department on November 27, 1941, a clear, concise directive; on the contrary he approved the message of November 27, 1941 (472) which contained confusing statements.

"(c) To realize that the state of readiness reported in Short's reply to the November 27th message was not a state of readiness for war, and he failed to take corrective action.

"(d) To take the required steps to implement the existing joint plans and agreements between the Army and Navy to insure the functioning of the two services in the manner contemplated." (Rep. 299)

[358] General Gerow was recalled from France where he was Commanding General of the Fifth Corps which had fought its way from the Normandy beach-head to the Siegfried Line. He testified concerning his activities as Chief or Acting Chief of the War Plans Division under the Chief of Staff during the time in question. (Tr., Gerow 4225) This Division of the General Staff was charged with war plans and operations, and was under the general direction and supervision of the Chief of Staff.

From what has been hereinbefore stated it is apparent that General Short was given adequate information as to the rupture of diplomatic relations and the situation with the Japanese, the unpredictable nature of Japanese future action, the imminence of hostilities, and that under no circumstances should any limitations or qualifications expressed in the messages jeopardize his defense. He was also ordered to establish reconnaissance.

But since we know in retrospect that Short was not, apparently, fully alive to an imminent outside threat and since the War Plans Division had received substantial information from the Intelligence Section, G-2, the Board argues that had this additional information been transmitted to Short it might have convinced him not only that war was imminent but that there was a real possibility of a surprise air attack on Hawaii. In retrospect it is difficult to perceive any substantial reason for not sending Short this additional information or, in the alternative, checking to see whether Short was sufficiently alive to the danger. General Gerow did neither. In my opinion General Gerow showed a lack of imagination in failing to realize that had the Top Secret information been sent to Short it could not have had any other than a beneficial effect. General Gerow also showed lack of imagination in failing to make the proper deductions from the Japanese intercepts. For instance the message of 24 September from Tokyo to Honolulu requesting reports on vessels in Pearl Harbor and dividing Pearl Harbor into various subdivisions for that purpose coupled with the message of 15 November to Honolulu to make "the ships in harbor report" irregular, and the further message of 29 November to Honolulu asking for reports even when there were no ship movements. (Top Secret Ex. "B") might readily have suggested to an imaginative person a possible Jap design on Pearl Harbor. Failure to appreciate the significance of such messages shows a lack of the type of skill in anticipating and preparing against eventualities which we have a right to expect in an officer at the head of the War Plans Division. If this criticism seems harsh, it only illustrates the advisability of General Gerow transmitting the Top Secret information to Short.

The Board concludes (b) that General Gerow failed in his duty in sending Short the 27 November radiogram, which the Board held was not a clear and concise directive. In various places in the Report, the Board refers to this radiogram as containing confusing and conflicting statements. In my opinion this is an erroneous characterization of the message. I fail to take into account the very essence of the situation which then presented [359] itself. Those in authority in Washington, from the President down, were confronted at that moment with a most difficult and delicate situation. The diplomatic negotiations which had been taking place between the Secretary of State and the Japanese emissaries had practically reached the breaking point. They knew that the Japanese might resort to war at any moment. On the other hand, they knew that the United States was not prepared for war and that every week or month of delay would help the situation. In a memorandum dated that very day—27 November 1941—the Chief of Staff of the Army and the Chief of Operations of the Navy addressed a joint memorandum to the President of the United States, urging him to postpone any action that might precipitate war as long as possible because we were not ready. Confronted with this situation, those in authority in the War Department, including the Secretary of War, participated in the preparation of this radiogram and similar ones (Tr., Stimson 4055, 4056), which were sent to other department commanders, and undertook to express as accurately as possible the essential elements of this delicate situation, warning of the possibility of an attack at any moment and that nothing must be omitted to jeopardize our defense. At the same time they warned them of the importance of not doing anything that would precipitate war on our part. This naturally presented a delicate problem, but it was delicate because of the very nature of the facts and not because of any confusion of thought which was translated into the language. There was no other course except to present this problem just as

it was to the responsible theater commander. In any delicate situation conflicting factors are bound to exist. It is because it requires wisdom and judgment to deal with them that only men supposedly qualified are given posts of such responsibility. In any event, the Board overlooks the Navy radio of 27 November, beginning "This is a war warning", which General Gerow knew was being sent. (Tr., Gerow 4261-5262)

As to the Board's conclusion (c) that General Gerow failed to note Short's reply and to take corrective action, the Board is on firmer ground, General Gerow admitted that while it was physically impossible for him to check every message (Tr., Gerow 4288) and that he considered the War Department gave Short adequate warning (Tr., Gerow 4300), nevertheless he had erred by assuming that the reply of Short was to the sabotage radiogram from The Adjutant General of 27 November. (Tr., Gerow 4290-4291) This being so, it follows that he failed also to follow up on the demand in the radiogram of 27 November signed "Marshall", for a report from Short. As to this, General Gerow testified:

"The thought that he had not replied never occurred to me between the interval of November 27 and December 7. As I say, there were many other important problems coming up at the time, and I expected my staff to follow through." (Tr., Gerow 4290)

[360] In fairness to General Gerow it should also be mentioned that Colonel Bundy, now deceased, was directly under General Gerow in charge of the Planning and Operational Group and had been handling the Pacific matters. (Tr., Gerow 4288, 4291)

General Gerow, as head of the Division, must be held accountable for the failure of his Division to function with the efficiency that would have made impossible such an oversight. This is so even though the War Plans Division is concerned with the operation of many theaters and although its functions are not comparable to those of a commander of a theater who, like a sentinel on post, is charged with specific responsibilities.

As to the conclusion (d) that General Gerow failed to take the required steps to insure the functioning of the two services in Hawaii pursuant to their joint agreements, it has already been seen that these agreements for joint defensive action could be put into effect by the two commanders in Hawaii when they deemed it advisable. (Tr., Gerow 4284, Kimmel 1759-1760, Short 4440) General Gerow assumed and had the right to assume that, warned by the threat of hostile attack contained in the 27 November message, the two commanders would put into effect the Joint Coastal Frontier Defense Plan (Tr., Gerow 4289) or at least such portions thereof as would assure adequate reconnaissance.

On the whole, I feel that the Board's criticism (a) of General Gerow in failing to send Short the substance of the data delivered to him by G-2 is, in the light of after-events, to a degree justified. (Rep. 299) At least it was a precautionary measure which General Gerow could well have taken. I agree too with the Board's conclusion (c) in so far as it holds that General Gerow was culpable in failing to check on Short's reply to the November 27 message signed "Marshall." I disagree with the Board in its conclusion (b) that General Gerow in approving the 27 November message to Short failed to send a clear, concise directive. As already indicated, I feel that this radiogram accurately and adequately picture the situation as it existed and gave definite instructions. I also disagree with the Board's conclusion (d) that General Gerow failed to take the required steps to implement the existing Joint Army and Navy War Plan. General Gerow was entitled to believe that, warned as they were, the two commanders would themselves put these plans into effect.

Miscellaneous Statements of Board:

Certain conclusions of the Board, such as those relating to Secretary Hull, are not in my opinion relevant to the Board's inquiry. My failure to discuss such matters should not be regarded as indicating my agreement with these conclusions. Nor has it been necessary to consider such irrelevant matters in arriving at my conclusions.

[361] Unexplored Leads:

In the course of my examination of the Report and record certain further inquiries have suggested themselves to me which, in my opinion, might advantageously be pursued. The answers to these inquiries would not, in all probability, in my opinion, affect the result; at the same time in order to complete the picture and in fairness to certain personnel these leads should be further explored.

I do not mean to suggest that the Board should be reconvened for this purpose; the work could be done by an individual officer familiar with the matter.

In the event you approve of this suggestion I will discuss these matters in detail with the officer selected by you.

Recommendations:

As to General Marshall I have already expressed my opinion that the conclusions of the Board are unjustified and erroneous.

As to General Gerow I have stated my agreement with the conclusions of the Board (a) that he erred in not sending to Short more information than he did, and (c) in not checking on Short's reply to the 27 November message signed "Marshall." In my opinion these errors do not warrant disciplinary action against General Gerow. General Gerow admitted the error of his division in not checking Short's reply, for which he frankly took the blame. The nature of the errors and the fact that he has since demonstrated his great qualifications for field command indicate that his case is now far removed from disciplinary action.

As to Short I have concurred in the conclusions of the Board (Rep. 300) that Short failed in his duties (a) to place his command in a state of readiness for war in the face of a war warning by adopting an alert against sabotage only; (b) in failing to reach or attempt to reach an agreement with the naval authorities in Hawaii to put the Joint Army and Navy Plans for defense into operation; and (c) to inform himself on the effectiveness of the long distance reconnaissance being conducted by the Navy. As to whether Short's culpability in the above respects is of the type which constitutes a military offense suggesting trial by court-martial, I have already indicated as to (a) above that Short in failing to put into operation the proper alert was not so much guilty of a neglect of duty as of a serious error of judgment. It is difficult to visualize his mistake in the form of a neglect of duty when the evidence shows that he considered the various alternatives and came to the conclusion that Alert No. 1 was the proper alert. The fact that in arriving at this conclusion he failed to take into consideration certain factors such as that a surprise air attack was the primary threat, or that he failed to subordinate certain other factors such as possible alarm of the civil population does not remove the case from the category of a mistake of judgment. Those mistakes simply led up to the error of judgment in establishing the wrong alert. The fact also that he communicated to the War Department his decision to establish what was tantamount to Alert No. 1 is likewise inconsistent with the concept of a neglect of duty.

[362] As to whether (b) Short's failure to reach or attempt to reach an agreement with the naval authorities in Hawaii to put the Joint Army and Navy Defense Plans into operation is a neglect of duty in the nature of being a terrible offense, I am of the opinion that, on the testimony now of record, this question is answered by what has been said above. Short's failure stemmed from a mistake of judgment on his part.

As to the Board's conclusion (c) that Short failed in his duties in failing to inform himself of the effectiveness of the long distance reconnaissance being conducted by the Navy, Short's defense would be, as he indicated in the present proceedings, that such reconnaissance was a Navy function. Whether he was entitled to rely upon the fact that the Navy was conducting, to the best of its ability, such reconnaissance as it had means to conduct, seems doubtful. I do not feel that it can be made the basis of charges against General Short. I believe the truer picture to be that General Short had adopted wholeheartedly what was apparently the viewpoint of the Navy, namely, that there was literally no chance of a surprise air attack on Pearl Harbor.

Considering the matter of General Short's possible trial by court-martial at the present time, I have been informed that the Japanese are still using some of the code systems in which various intercepted messages were sent and that information of great military value continues to be obtained from present day intercepts sent in these code systems. A present trial would undoubtedly result in disclosing these facts. There is also the difficulty of assembling the necessary court of high ranking officers and securing the attendance of numerous witnesses who would be recalled from their various war-time duties all over the world. I feel therefore that trial of General Short in time of war is out of the question.

As to whether General Short should be tried at any time, a factor to be considered is what sentence, in the event of conviction, the Court would adjudge. As I have already indicated, upon any charge of neglect of duty, or of his

various duties, General Short would have the formidable defense that he responded to the request to report measures he had taken with a message, incomplete and ambiguous it may be, but which should have prompted doubt as to the sufficiency of the action taken. My experience with courts-martial leads me to the belief that a court would be reluctant to adjudge a severe sentence in a case of this kind where the general picture would be clouded by a claim that others were contributory causes. (Cf., Roberts Report, Conclusion 16, p. 21) There is also in cases like this the historic precedent of President Lincoln's refusal to rebuke Secretary of War Simon Cameron for a gross error of judgment. (Life of Abraham Lincoln by Nicolay & Hay, Vol. 5, p. 125-130) I am therefore forced to conclude that if General Short is tried and if such trial should result in his conviction there is considerable likelihood the Court would adjudge a sentence less than dismissal and might well adjudge nothing beyond a reprimand.

[363] As, on the whole, there is doubt whether a court would convict or if it convicted would adjudge a sentence in excess of reprimand, I am inclined to feel that some disposition of the matter other than by a trial should be made rather than to permit the case to linger on as a recurrent public irritation. I suggest therefore that a public statement be made by you giving a brief review of the Board's proceedings and pointing out that General Short was guilty of errors of judgment for which he was properly removed from command, and that this constitutes a sufficient disposition of the matter at this time. In the event further investigation should disclose a different situation the matter could later be reexamined in the light of such additional evidence.

MYRON C. CRAMER,
Major General, The Judge Advocate General.