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NOTES ON COURT-MARTIAL PROCEDURE

1. The coming trial is to be a vindication of Admiral Kimmel of any charges of negligence for the events at Pearl Harbor on Dec. 7, 1941.
2. The defense should be so conducted that there can be no doubt in the minds of the public and in the minds of historians as to where the responsibility rested.
3. The trial will be a national event. Every effort must be made to secure a favorable press.

Regardless of the verdict of the Court, the main object of the defense should be to so conduct the case that Admiral Kimmel is vindicated in public opinion.

4. The best known case in the past is that of General Mitchell, who though convicted on the charges as drawn, became a public hero.
5. The trial must be in open court. As it is obvious that some of the basic evidence will not be released during the war, the trial will probably not be held until after the end of the war.
6. Admiral Kimmel's attitude should continue to be as it has been in the past, that he does not want the trial to interfere in the slightest with the war effort, but that he does intend to vindicate himself before an open court as soon as public interests permit, and that he is willing to waive any technical limitations as to immunity, in order to secure that end.
7. He should not consent to a trial in the near future unless -
 - (a) All pertinent evidence including secret documents are available in open court.
 - (b) All material witnesses must appear in person.
8. Since it is unlikely that the Navy Department will consent to those conditions during the continuance of the war, and under the present regime, the trial may not take place for two years or more.
9. It is not believed that Admiral Kimmel should consent to any suggested arrangement that might dispose of the case without trial. This is a possibility as there are some who would prefer that such a procedure be carried out.

10. The first point to be brought out is:

The faulty and dangerous disposition of the Pacific Fleet.

Who was responsible?

Witnesses:

Admiral Taussig who can qualify as an expert on strategy.

Admiral Richardson.

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11. The second point: - (Important)

The Navy Department was in possession of definite information that war was inevitable. *and imminent*

This information was never given Admiral Kimmel:

Intercepted dispatches.
Correspondence.
Witness: (List) Communications.

12. The third point:

What information did Admiral Kimmel have as to the imminence of war?

Did he not issue certain orders as to firing on submarines, etc. which were really beyond what the Navy Dept. had authorized.

12. The fourth point:

Relations between the Army and Navy in Hawaii.

Prove that relations were excellent. No friction.

Exchange of information.

Also: The defense of Pearl Harbor was directly under the Commanding General and Comdt. 14th Naval District.

13. Closing statement.

14. (a) Avoid any appearance of passing the buck. Accept full responsibility, but not in such a case as given in par. 12.
- (b) Stress the major issues.
- (c) Avoid as far as possible arguments over minor features on technical points.
- (d) Do not antagonize the court.

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Defense

I wish particularly to invite the attention of the Court to Fleet letter 2CL41 of 14 October 1941. This letter deals with the security of the Fleet in Pearl Harbor. It provides for all foreseeable contingencies. This, and other official documents, provided for the use of all available forces, both of the Army and the Navy in case of an attack on Pearl Harbor. As Commander-in-Chief of the Fleet I appreciated thoroughly the inadequate forces available to the Commanding General and to the Commandant of the 14th Naval District and by my orders all naval forces in port at the time of an attack were made available and allocated to add to the forces defending Pearl Harbor.

I had many difficult decisions to make but none which required more accurate timing than the decision as to when to drastically curtail training and to utilize all my forces by placing them in the highest form of alert status. The warnings I received prior to 7 December 1941, were of such a nature that I felt training could still continue. I felt that I was entitled and would receive further warnings before the actual outbreak of war. I am convinced now that my estimate was correct. Additional information was received by responsible officials in Washington which indicated clearly that war would break on or about December 7 and that the attack would take place at Pearl Harbor. I was denied this information.

has been

An attempt ~~is~~ made to read into the phrase "War Warning" a significance broader than the specific intelligence which the message contained. I submit that it should not be construed as a catch all for the contingencies hindsight may suggest. The specific intelligence in the message did not indicate that an attack on the Hawaiian area was imminent or probable. The rest of the dispatch after the phrase, "This is a war warning," at most states in substance that an attack is expected on the Phillipines and some foreign territory in a few days. The edge of this message, so far as it affected the Phillipines, was somewhat blunted by the passage of the few days without such an event and the apparent continuing of negotiations after the few days had passed.

In these circumstances I attempted to use the means at hand to take care of the most likely present dangers and the most probable future needs. I did not deem it wise for reasons, I have pointed out at length, to expend at that time the limited number of patrol planes available in partial and ineffective distant reconnaissance. An attack in the localities indicated in the dispatch would require practically all types except submarines and I therefore directed extreme vigilance against submarine attack in the Hawaiian area. The promptness

with which the ships opened fire the morning of the Seventh speaks volumes for the readiness of the fleet in part.

In brief, in the light of the intelligence I had, and the means at hand, I adopted the measures I did, not lightly, but in the exercise of my most considered judgment.