

WILLIAM V. ROTH, JR.
United States Senator

JOSEPH R. BIDEN, JR.
United States Senator

United States Senate

FOR IMMEDIATE RELEASE

Oct. 14, 1999

CONTACT: Jim Courtney (Roth)
(202) 224-3190

Chris Madison (Biden)
(202) 224-0133

SENATORS WRITE TO PRESIDENT ON BEHALF OF KIMMEL AND SHORT Roth and Biden urge Clinton to honor May 25th Senate vote

WASHINGTON -- Senators William V. Roth, Jr., Joseph R. Biden, Jr. and 10 of their Senate colleagues today sent a letter to President Clinton, urging him to honor a Senate vote calling for the restorations of the reputations of Admiral Husband Kimmel and General Walter Short.

Kimmel and Short commanded United States forces in Hawaii at the time of the Japanese attack on Pearl Harbor in December 1941. Both were charged with dereliction of duty, and were unfairly blamed for the disaster. After World War II ended, this scapegoating was given permanence when Kimmel and Short became the only two flag rank officers excluded from advancement on the military's retired list to their highest grade of wartime command. This, despite the fact that numerous investigative panels cleared them of the dereliction charge and of singular responsibility.

On May 25, 1999 the Senate affirmed the conclusion that these two officers performed their duties competently.

"The Senate's May 25th vote was an historic step. It officially recognizes the injustice suffered by Admiral Kimmel and General Short. The fact that these officers remain the sole officials sanctioned for their role in that fateful day contradicts the US government's conclusion that responsibility for the Pearl Harbor disaster 'must be broadly shared,'" the Senators' letter states. "Mr. President, we urge you to advance Kimmel and Short on the retired lists to their highest wartime ranks, as was done for all their peers over the Officer Personnel Act of 1947. After 58 years, this correction is long overdue."

The Senators' letter coincides with one written by a group of high-ranking retired military officers -- three former Chairmen, Joint Chiefs of Staff and three former Chiefs of Naval Operations among them -- requesting a White House meeting on behalf of Kimmel and Short. In the meantime, a measure calling for the advancement of Kimmel and Short has been introduced in the House of Representatives by Congressmen John Spratt (D-SC), Chairman Floyd Spence (R-SC) and Ranking Minority Member Ike Skelton (D-MO) of the House Armed Services Committee.

A copy of the Senators' letter is attached (3 pages).

United States Senate

WASHINGTON, DC 20510

October 14, 1999

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

On May 25th of this year, after careful and studied consideration, including two days of debate, the Senate took an historic step and voted to request the advancement of the late Rear Admiral Husband E. Kimmel to the grade of admiral on the retired list of the Navy and the advancement of the late Major General Walter C. Short to the grade of lieutenant general on the retired list of the Army.

Admiral Kimmel and General Short commanded US forces in Hawaii at the time of the disastrous December 1941 attack on Pearl Harbor. The Senate's May 25th vote asserted the Senate's conclusion that these two officers performed their duties competently and professionally and were unfairly scapegoated as singularly responsible for the success of that attack -- an injustice that was given the stamp of permanence because they were the only two eligible officers under the Officer Personnel Act of 1947 to be denied retirement at their highest grades of wartime command. (Admiral Kimmel, a two star admiral, served in a four star post as Commander of the US Fleet and the US Pacific Fleet. General Short, a two star general served in a three star post as Commander of the Hawaiian Department.)

We urge you to correct this longstanding wrong by advancing Admiral Kimmel and General Short to their highest grades of command in World War II, as was done for all their peers who were called upon to serve in positions above their regular grade.

The scapegoating of Kimmel and Short has its roots in the hastily prepared, yet high profile January 1942 report of the Roberts Commission. Less than seven weeks after the Pearl Harbor attack, the Commission issued its report accusing Kimmel and Short of being "derelict in their duty" and "solely responsible" for the success of that attack. Yet these accusations, which set the stage for the unfair treatment of Kimmel and Short under the Officer Personnel Act of 1947, were found untrue by numerous wartime and post-war military, governmental, and Congressional investigations. These reports, which span over fifty years, all yielded clear evidence that these two commanders were scapegoated for errors committed by higher officials in Washington. These reports include:

Naval Court of Inquiry ('44)
Congressional Inquiry ('46)
Dorn Report (Dept. of Defense, '95)

Army Pearl Harbor Board ('44)
Board for the Correction of Mil. Records ('91)

These investigations reached the following conclusions:

- The Hawaiian commanders were not provided vital intelligence that they needed, and that was available prior to the attack on Pearl Harbor. Their senior commanders had better information about Japanese intentions, plans, and actions, but neither passed this on nor

attempted to correct the disposition of forces under Kimmel's and Short's commands.

- Based on the information available to the Hawaiian commanders, the forces under their command at Pearl Harbor were properly disposed.
- The handling of intelligence in Washington was characterized by "ineptitude...limited coordination...ambiguous language, and lack of clarification and follow-up," among other serious faults. (Dept. of Defense, 1995)
- "Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short; it should be broadly shared." (Department of Defense, 1995)

The 1944 conclusions of the Naval Court of Inquiry and the Army Pearl Harbor Board cleared Kimmel and Short of the dereliction of duty charge, found the forces under their respective commands to have been properly disposed according to information they had received, and found that their superiors had not shared with them vital intelligence. These findings were kept secret on the grounds that it was detrimental to the war effort. The 1991 Army Board for the Correction of Military Records actually recommended General Short's advancement to his highest grade of wartime command.

Our conclusion that U.S. government actions and inactions have unfairly scapegoated Admiral Kimmel and General Short is one shared by many, including numerous retired officers of the highest rank and a number of public organizations, the latter including: the Veterans of Foreign Wars, the Naval Academy Alumni Association, the Pearl Harbor Commemorative Committee, the Admiral Nimitz Foundation, and the Pearl Harbor Survivors Association.

The Senate's May 25th vote was an historic step. It officially recognizes the injustice suffered by Admiral Kimmel and General Short. The fact that these officers remain the sole officials sanctioned for their role in that fateful day contradicts the U.S. government's conclusion that responsibility for the Pearl Harbor disaster "must be broadly shared" -- a contradiction that continues the unfair scapegoating of Kimmel and Short.

Mr. President, we urge you to take the steps necessary to correct this injustice. To reverse this wrong would be consistent with this nation's sense of military honor, its reputation for fairness, and its cherished tradition of justice. To provide these two officers with the dignity and honor they deserve is to ensure that justice and fairness fully permeate the memory and lessons learned from the catastrophe at Pearl Harbor.

Mr. President, we urge you to advance Kimmel and Short on the retired lists to their highest wartime ranks, as was done for all their peers under the Officer Personnel Act of 1947. After 58 years, this correction is long overdue.

William V. Roth, Jr.

Sincerely,

Joseph R. Biden, Jr.

Strom Thurmond

Edward M. Kennedy

Jesse Helms

Jesse Helms

John F. Kerry

John F. Kerry

Pete V. Domenici

Pete V. Domenici

Thad Cochran

Thad Cochran

Ernest F. Hollings

Ernest F. Hollings

Richard J. Durbin

Richard J. Durbin

Frank H. Murkowski

Frank H. Murkowski

George V. Voinovich

George V. Voinovich

S. 1059: The Defense Authorization Bill for FY 2000

SEC. 582. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL (RETIRED) HUSBAND E. KIMMEL AND MAJOR GENERAL (RETIRED) WALTER C. SHORT ON RETIRED LISTS.

(a) FINDINGS- Congress makes the following findings:

(1) The late Rear Admiral (retired) Husband E. Kimmel , formerly serving in the grade of admiral as the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor.

(2) The late Major General (retired) Walter C. Short, formerly serving in the grade of lieutenant general as the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that then Admiral Kimmel and then Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6-7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the Investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of 'dereliction of duty' only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that 'these two officers were martyred' and 'if they had been brought to trial, both would have been cleared of the charge'.

(6) On October 19, 1944, a Naval Court of Inquiry--

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper 'by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor';

(B) criticized the higher command for not sharing with Admiral Kimmel 'during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation'; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel .

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that--

(A) Lieutenant General Short had not been kept 'fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war';

(B) detailed information and intelligence about Japanese intentions and war plans were available in 'abundance', but were not shared with Lieutenant General Short's Hawaii command; and

(C) Lieutenant General Short was not provided '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'.

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral (retired) Kimmel and Major General (retired) Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(12) On April 27, 1954, the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(13) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that the late Major General (retired) Short 'was unjustly held responsible for the Pearl Harbor disaster' and that 'it would be equitable and just' to advance him to the rank of lieutenant general on the retired list'.

(14) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral (retired) Kimmel (by then deceased) and recommended that the case of Rear Admiral Kimmel be reopened.

(15) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of the late Rear Admiral (retired) Kimmel or the late Major General (retired) Short in grade, it did set forth as a conclusion of the study that 'responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared'.

(16) The Dorn Report found--

(A) that 'Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications...which provided crucial confirmation of the imminence of war';

(B) that 'the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels'; and

(C) that 'together, these characteristics resulted in failure...to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered'.

(17) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from then Admiral Kimmel and Lieutenant General Short.

(18) Rear Admiral (retired) Kimmel and Major General (retired) Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under that Act.

(19) This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General (retired) Walter Short died on September 23, 1949, and Rear Admiral (retired) Husband Kimmel died on May 14, 1968, without having been accorded the honor of being returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Commemorative Committee, and other associations and numerous

retired military officers have called for the rehabilitation of the reputations and honor of the late Rear Admiral (retired) Kimmel and the late Major General (retired) Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) REQUEST FOR ADVANCEMENT ON RETIRED LISTS- (1) The President is requested--

(A) to advance the late Rear Admiral (retired) Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General (retired) Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or otherwise modify the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) SENSE OF CONGRESS- It is the sense of Congress that--

(1) the late Rear Admiral (retired) Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel ; and

(2) the late Major General (retired) Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.