



Written by [James Perloff](#) on December 4, 2008

## Pearl Harbor: Scapegoating Kimmel and Short

President Franklin D. Roosevelt said he would appoint an investigatory commission. Supreme Court Justice Owen Roberts — a pro-British internationalist friendly with FDR — was selected to head it. Also appointed to the group: Major General Frank McCoy, General George Marshall's close friend for 30 years; Brigadier General Joseph McNarney, who was on Marshall's staff and chosen on his recommendation; retired Rear Admiral Joseph Reeves, whom FDR had given a job in lend-lease; and Admiral William Standley, a former fleet commander. Only the last seemed to have no obvious fraternity with the Washington set.

The commission conducted only two to three days of hearings in Washington. Admiral Standley, arriving late, was startled by the inquiry's chummy atmosphere. Admiral Harold Stark and General Marshall were asked no difficult or embarrassing questions. Furthermore, all testimony was taken unsworn and unrecorded — an irregularity that, at Standley's urging, was corrected.



The commission then flew to Hawaii, where it remained 19 days. When Admiral Husband Kimmel was summoned, he brought a fellow officer to act as counsel. Justice Roberts disallowed this on grounds that the investigation was not a trial, and the admiral not a defendant. Because Kimmel and General Walter Short (pictured) were not formally "on trial," they were also denied all traditional rights of defendants: to ask questions and cross-examine witnesses. Kimmel was also shocked that the proceeding's stenographers — one a teenager, the other with almost no court experience — omitted much of his testimony and left other parts badly garbled. Permission to correct the errors — other than adding footnotes to the end of the commission's report — was refused.

The Roberts Commission laid the blame for Pearl Harbor on the Hawaiian commanders. They had underestimated the import of the November 27th warning; they had not taken sufficient defensive or surveillance actions; they were guilty of "dereliction of duty." On the other hand, it said, Stark and Marshall had discharged their duties in exemplary fashion. Incredibly, the report's section declaring this was first submitted to Stark and Marshall for revisions and approval. Admiral Standley dissented with the findings but did not write a minority opinion after being told that doing so might jeopardize the war effort by lowering the nation's confidence in its leaders. Standley would later call Roberts' handling of the investigation "as crooked as a snake." Admiral J.O. Richardson, Kimmel's predecessor as Pacific Fleet commander, said of the report: "It is the most unfair, unjust, and deceptively dishonest document



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ever printed by the Government Printing Office.” Admiral William “Bull” Halsey, one of World War II’s foremost heroes, wrote, “I have always considered Admiral Kimmel and General Short to be splendid officers who were thrown to the wolves as scapegoats for something over which they had no control.”

Roberts brought a final copy of the report to FDR. The president read it and delightedly tossed it to a secretary, saying, “Give that in full to the papers for their Sunday editions.” America’s outrage now fell on Kimmel and Short. They were traitors, it was said; they should be shot! The two were inundated with hate mail and death threats. The press, with its ageless capacity to manufacture villains, stretched the commission’s slurs. Even the wives of the commanders were subject to vicious canards.

There was great outcry for court-martials. The Roosevelt administration, of course, did not desire that — in an orthodox courtroom, a sharp defense attorney might start digging into Washington’s secrets. They contemplated simply retiring Kimmel and Short — but to a gallows-hungry public, that, ironically, would look like they were covering for them. So the issue was sidestepped by again invoking security concerns due to the war effort. It was announced that court-martials would be held — but postponed “until such time as the public interest and safety would permit.”

Sufficient delay would also cause the three-year statute of limitations that applied in such cases to elapse. But that was the last thing Kimmel and Short wanted; court-martial was the only means of clearing themselves. Thus they voluntarily waived the statute of limitations.

### **Their Day in Court**

By 1944, the Allies were clearly winning, and national security would no longer wash as a barrier to trials. A congressional act mandated the court-martials. At last, the former Hawaiian commanders would have their day in court.

In August, the Naval Court of Inquiry opened. A source inside the Navy Department had already tipped Kimmel and his attorneys about the scores of Magic intercepts kept from the admiral in 1941. One of the attorneys, a former Navy captain, managed to get at the Department’s files, and authenticated the existence of many. Obtaining their release was another matter. Obstruction after obstruction appeared — until Kimmel tried a ploy. Walking out of the courtroom, he bellowed to his lawyer that they would have to tell the press that important evidence was being withheld.

By the next day, the requested intercepts had been delivered — 43 in all. The admirals on the Court listened to them being read with looks of horror and disbelief. Two of the admirals flung their pencils down. More than 2,000 died at Pearl Harbor because those messages had been withheld. Navy Department officers gave additional testimony. After nearly three months, the inquiry finished. The verdict of the Roberts Commission was overturned. Admiral Kimmel was exonerated on all charges. Admiral Stark — who had rejected pleas of juniors to notify Hawaii on the morning of the attack — was severely censured.

News of the intercepts leaked to the Army Pearl Harbor Board, convening at the same time. The Board secured copies of Magic from War Department files. The Board’s conclusions still expressed modest criticism of General Short, but found overwhelming guilt in General Marshall and his Chief of War Plans, General Gerow. Its report ended with this statement: “Up to the morning of December 7, 1941, everything that the Japanese were planning to do was known to the United States except [Tokyo’s final diplomatic message] the very hour and minute when bombs were falling on Pearl Harbor.”

Criticism of the president, incidentally, was forbidden to the proceedings as beyond their jurisdiction. But FDR held ultimate responsibility for Pearl Harbor, and the warnings he had received — some of



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which have only recently come to light — far exceeded anything they might have dreamed.

Naturally, the inquiry findings wrought dismay in the administration and Pentagon. But a solution was swiftly concocted. It was announced that, in the interest of national security, the court-martial results would not become public until the war's end. (This would give Washington time to conduct "new" investigations.) Navy Secretary Knox told the press that the Naval Court of Inquiry had marked its conclusions "secret," and therefore nothing could be published. A stunned Admiral Orin Murfin, who had presided over the Court, protested to the Secretary. It was true that the breaking of Japan's diplomatic code was not for public knowledge — but, he pointed out, the Court had only marked part of its determinations secret. Charles Rugg, Kimmel's attorney, telegrammed Knox demanding to know how the "innocent" verdict granted the admiral could be deemed classified. Nevertheless, the reports were suppressed.

### **More Staged Shows**

Washington now explained that it would conduct additional inquiries supplementing the court-martials. Henry Stimson picked Lieutenant Colonel Henry Clausen — known to disagree with the Army Board findings — to carry out the War Department's investigation. The Navy Secretary appointed Admiral W. Kent Hewitt. Hewitt's role, however, was largely titular; most of the operation was carried out by John Sonnett, a special assistant to the Navy Secretary.

The game rules were reminiscent of those of the Roberts Commission. Kimmel and his attorneys were refused permission to attend the Hewitt Inquiry, which operated under this directive:

Except that the testimony you take should be taken under oath so as to be on equal status in this respect with the testimony previously taken, you will conduct your examination in an informal manner and without regard to legal or formal requirements.

Not surprisingly, witnesses who testified against Washington during the court-martials now reversed themselves. Colonel Rufus Bratton had informed the Army Pearl Harbor Board that on December 6, 1941, he had delivered the first 13 parts of Japan's terminative message to General Marshall via his secretary, and to General Gerow. Now in Germany, Bratton was flagged down on the Autobahn by Clausen, who handed him affidavits from Marshall, his secretary, and Gerow denying the deliveries were ever made. Confronted with denial by the Army Chief of Staff himself, Bratton recanted.

Other officers, their memories similarly "refreshed," retracted their statements about seeing the "winds" message; now, it seemed, the message never existed! All of these individuals faced a dilemma. They were career military men. They knew telling the truth would pit them against the Army Chief of Staff and end all hope of promotion.

But one man wouldn't bend — Captain Laurance Safford, father of naval cryptography. Safford had overseen that branch of naval intelligence for many years. He personally invented some 20 cryptographic devices, including the most advanced used by our armed forces. For his work, he was ultimately awarded the Legion of Merit.

Safford, who had testified before the Naval Inquiry that he had seen the "winds" message, was confronted by Sonnett. Safford wrote of this meeting: "His purpose seemed to be to refute testimony (before earlier investigations) that was unfavorable to anyone in Washington, to beguile 'hostile' witnesses into changing their stories...." In a memorandum written immediately after the encounter, Safford recorded some of Sonnett's verbal prods, such as: "It is very doubtful that there ever was a Winds Execute [message]"; "It is no reflection on your veracity to change your testimony"; and, "It is no



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reflection on your mentality to have your memory play you tricks — after such a long period.” Safford realized a colossal cover-up was underway, but was not surprised. He had already discovered that all copies of the “winds” message in Navy files, along with other important Pearl Harbor memos, had been destroyed. Indeed, just four days after Pearl Harbor, Rear Admiral Leigh Noyes, director of naval communications, told his subordinates: “Destroy all notes or anything in writing.” This was an illegal order — naval memoranda belong to the American people and cannot be destroyed except by congressional authority. Stories circulated of a similar information purge in the War Department. Some files, however, escaped destruction.

The Clausen and Hewitt inquiries pleased Washington. Armed with fresh sophistries, the administration now publicized highly revamped versions of the court-martial findings. The dual Army/Navy announcement came on August 29, 1945 – the very day American troops arrived in Japan, when a rejoicing public was unlikely to care about Pearl Harbor’s origins. The War Secretary’s report shifted the blame back to Short, while saying of General Marshall that “throughout this matter he acted with his usual great skill, energy and efficiency.” It admitted the Army Board had criticized Marshall, but said this was completely unjustified. The Navy Secretary’s statement again imputed guilt to Kimmel, while asserting that Washington had not been negligent in keeping him informed. It did acknowledge that Admiral Stark had failed to exercise “superior judgement.”

Consequently, Americans never really understood what the court-martials had determined. Of course, anyone wanting to learn for himself could do so when the government released the official record of the hearings connected with Pearl Harbor — if he didn’t mind wading through 40 volumes!

### **Congress Enters the Act**

Only one obstacle now remained to burying Pearl Harbor. Congress had long made noises about conducting its own investigation; with the war over, it was sure to do so.

To nip any threat in the bud, the administration sent a bill to both the House and Senate forbidding disclosure of coded materials. It was promptly passed by the Senate, whose members had never heard of Magic and had no idea that the bill would hamstring their forthcoming investigation.

Admiral Kimmel read about the bill in the papers. He and his attorneys notified the press and congressmen about the measure’s implications. As a result, the House voted it down and the Senate rescinded it.

Capitol Hill’s Pearl Harbor probe began in November 1945, when the Joint Congressional Committee assembled. It comprised six Democrats and four Republicans. A split along party lines quickly emerged. The Democrats knew that, even though Roosevelt had recently died, a Pearl Harbor scandal could devastate them at the ballot box. But so long as all six Democrats maintained unswerving party loyalty, a majority decision favoring the administration was inevitable.

The Democrats used their edge to jockey things their way. The counsel chosen for the committee was a Democrat who previously served with Henry Stimson; his assistant was a former New Dealer working for the law firm of Dean Acheson, the undersecretary of State. A majority vote determined what evidence the committee would review. Several witnesses Kimmel wanted introduced were never called.

Coercion prevented others from testifying. Major Warren J. Clear, who had warned the War Department in early 1941 that the Japanese were planning to attack a series of islands including Hawaii, was ordered not to appear before the committee. So was Chief Warrant Officer Ralph T. Briggs, the man who had originally intercepted the “winds” message at a United States monitoring station. He was



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summoned before his commanding officer, who forbade him to testify. "Perhaps someday you'll understand the reason for this," he was told. Briggs had a blind wife to support. He did not come forward as a witness.

The treatment of Lieutenant Commander Alwin Kramer was cruder. Kramer, who had been in charge of the Navy Department's Translation Section at the time of Pearl Harbor, and had once testified to having seen the "winds" message, was thrown into a psychiatric ward at Bethesda Naval Hospital. Representative Frank Keefe, a committee Republican, learned of this and vigorously protested. Kramer was told that his testimony had better change or he'd be in the ward for the rest of his life. The officer went before the committee, but gave a confusing narrative that essentially denied existence of the "winds" message.

Captain Laurance Safford, however, remained fearless in his revelations. A campaign to "nail" him was soon evidenced among committee Democrats. Congressman John Murphy, a former assistant DA, put him through a wringer of cross-examination. Safford's personal mail was read aloud before the committee in an effort to humiliate him. Artful polemics made the captain — naval cryptography's most eminent man — look forgetful on one hand, vindictive toward superiors on the other.

Safford was accused of being the only one to believe in the "winds" message. In fact, no less than seven officers had acknowledged seeing it before having their memories "helped." Perhaps the browbeating of Safford helped inspire Colonel Otis Sadtler of the Signal Corps. During the Clausen investigation, Sadtler had recanted his testimony about the message. Now he came forward and corroborated Safford. (Any doubts about the "winds" affair have since been dispelled. As historian John Toland reports, both Japanese assistant naval attachés posted at the Washington embassy in 1941 have verified that the message was transmitted on December 4th, exactly as Safford said.)

The congressional investigation battled on for over six months. In the end, all six Democrats held to the party. A majority decision was handed down on Pearl Harbor assigning most of the blame to the Hawaiian commanders, some blame to the War and Navy departments, and none at all to Roosevelt and his civilian administration.

That was the last major official inquiry into Japan's surprise attack. The lie of Kimmel and Short's fault was perpetuated and Washington's secrets sealed. Congress did conduct a "mini-probe" in 1995, at the urging of the families of General Short (died 1949) and Admiral Kimmel (died 1968). The families hoped to restore the ranks of their libeled, demoted fathers. The 1995 probe requested that the Pentagon reinvestigate Pearl Harbor in light of the new information. However, on December 1, 1995, Undersecretary of Defense Edwin Dorn concluded his own investigation with these comments: "I cannot conclude that Admiral Kimmel and General Short were victims of unfair official actions and thus cannot conclude that the remedy of advancement on the retired list is in order."

However, on May 25, 1999, the U.S. Senate approved a resolution that Kimmel and Short had performed their duties "competently and professionally" and that our losses at Pearl Harbor were "not the result of dereliction of duty." "They were denied vital intelligence that was available in Washington," said Senator William V. Roth Jr. (R-Del.). Strom Thurmond (R-S.C.) called Kimmel and Short "the two final victims of Pearl Harbor."

*This article originally appeared in the June 4, 2001 issue of The New American.*

*For more information about Pearl Harbor, see the following articles from The New American:*

[Pearl Harbor: Hawaii Was Surprised; FDR Was Not](#)



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[\*Pearl Harbor: Motives Behind the Betrayal\*](#)

*Photo: of General Short: AP Images*





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