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Vol. 69

Congress of the United States

Report of Proceedings

Hearing held before

Joint Committee

on the

Investigation of the Pearl Harbor Attack

S. Con. Res. 27

April 11, 1946

Washington, D. C.

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Pages:.....

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VOLUME 69

C O N T E N T S

TESTIMONY OF

PAGE

STARK, Admiral Harold R. -- resumed

13,830

BEARDALL, Rear Admiral John R.

14,001

E X H I B I T S

NUMBER

PAGE

157, 158

13,829

159

13,830

160, 161

13,933

162

13,999

Reporters Note:

VOLUME 69-A HAVING REFERENCE TO AND
CONSISTING OF DOCUMENTARY MATTER WILL
FOLLOW.

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S. Con. Res. 27

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Thursday, April 11, 1946.

Congress of the United States,
Joint Committee on the Investigation
of the Pearl Harbor Attack,
Washington, D. C.

The joint committee met, pursuant to adjournment, at
11:00 o'clock a.m., in room 312 Senate Office Building;
Senator Alben W. Barkley (chairman) presiding.

Present: Senators Barkley (chairman), and Ferguson;

Representatives Cooper (vice chairman), Murphy,
Gearhart, and Keefe.

Also present: Seth W. Richardson, General Counsel;
Samuel H. Kaufman, Associate General Counsel, and John E.
Master, of counsel, for the joint committee.

WARD & PAUL, WASHINGTON, D. C.

1 The Chairman: The committee will please come to order.

2 Mr. Masten: Mr. Chairman, we have three exhibit numbers
3 that we would like to assign just before the examination pro-
4 ceeds.

5 The Chairman: All right.

6 Mr. Masten: At page 13,630 of the record the committee
7 decided that the reports, findings, and conclusions of the
8 various prior proceedings should be made an exhibit separate
9 from the transcript of testimony in those proceedings. We would
10 like to assign Exhibit 157 to a compilation of those reports
11 and findings.

12 The Chairman: Without objection, that will be done.

13 (The documents were marked as Exhibit 157.)

14 Mr. Masten: As Exhibit 158, we would like to offer the
15 documents released by the British Government, which have been
16 previously distributed to the committee and which were released
17 for publication yesterday. This exhibit will consist of 14
18 documents and attachments.

19 I would like to point out that Document No. 9 in this
20 exhibit relates primarily to Exhibits 16 and 47 but has
21 been included in Exhibit 158 due to the fact that the
22 printing of the prior exhibit has proceeded past Exhibits
23 16 and 47.

24 The Chairman: Without objection, that will be done.

25 (The documents were marked as Exhibit 58.)

1 witness stark

Questions by: senator Ferguson 13,830

2 Mr. Masten: As Exhibit 159, we would like to offer
3 the documents released by the Chinese Government, which also
4 have been distributed to the committee previously. This
5 exhibit will consist of five documents and enclosures.

6 The Chairman: Those will be filed as exhibits, according-
7 ly.

8 (The documents were marked as Exhibit 159.)

9 The Chairman: Admiral Stark, will you come around?

10 TESTIMONY OF ADMIRAL HAROLD R. STARK -- resumed

11 The Chairman: Senator Ferguson, I think you were examin-
12 ing Admiral Stark.

13 Senator Ferguson: I wish you would read that into the
14 record, and then I want to ask you some questions about it.
15 It is a message from OPNAV to CINCAF, is it not?

16 Admiral Stark: Yes.

17 Senator Ferguson: Before the attack, from OPNAV to
18 CINCAF, on Sunday, December 7; is not that correct?

19 Admiral Stark: Yes, 7 December, 71722, which is 5:22.
20 That is Greenwich Time, however.

21 Senator Ferguson: Yes.

22 Admiral Stark: "The State Department is informing the
23 Japanese Government the SS Madison is enroute Chingwingtao
24 to arrive about December 10 and depart for Manila 3 days
25 later and requesting that in view of arrangements made
for Tatuta Maru now enroute Los Angeles to evacuate

1 Witness Stark

Questions by: Senator Ferguson

2 Japanese citizens that Japan direct her sea and land
3 forces to allow Madison to proceed freely and without
4 hindrance and provide her necessary facilities at
5 Chingwingtao. Advise this office of any change in
6 the Madison's schedule."

7 Senator Ferguson: Now, had you know about that message
8 before it was sent?

9 Admiral Stark: I do not recall knowing about it before
10 it was sent. I remember the picture very conclusively on
11 the sending of that ship up there, so distinctly that I
12 wanted to verify my memory and I thought it would be well
13 to get the record on it, so I asked the Department to have
14 copies of dispatches in relation thereto, and they are now
15 available to the committee if they want them.

16 I think, before giving you my answer, which would be
17 based on those, I might read them, because the dispatches
18 in question, from the record, give a very good picture of
19 this whole affair.

20 Senator Ferguson: I would be glad to have you give
21 any information you have on that. My inquiry was going to
22 be as to why that was sent. You knew that war was coming
23 and you wanted to try to get an agreement on the safe passage
24 of two ships, one of ours and one of theirs.

25 Admiral Stark: It was sent for the reason that we were

Witness stark

Questions by: Senator Ferguson

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2 worried about that ship. We took a deliberate chance when we
3 told Admiral Hart, in response to a dispatch from him on 1
4 December, to send her up there. We had left in North China
5 approximately 200 Marines. We had received a dispatch from
6 the Embassy, or rather Admiral Hart sent us word that there
7 were about 6,000 Americans up there and he noted that a ship
8 could be made available to go up there. He recognized the
9 risk and put it up to the Department for decision.

10 Senator Ferguson: Now, when you say "the risk", you mean
11 that war would break out while it was enroute?

12 Admiral Stark: I mean that war might break out.

13 Senator Ferguson: Well, were you just considering it
14 a "might" then?

15 Admiral Stark: At that time, yes, sir. We felt reasonably
16 certain that war was coming but we could not tell when. It
17 was a matter of timing.

18 Senator Ferguson: But you were concerned with it and it
19 was a grave question, so grave that you were working on it on
20 Sunday?

21 Admiral Stark: Yes, sir. We had guaranteed the safety
22 of the Japanese ship which was then enroute to San Francisco,
23 and as I recall, it was to go from there down to the Canal
24 picking up Japanese nationals and taking them back.

25 Senator Ferguson: All right. Had the Japanese asked for

1 Witness Stark

Questions by: Senator Ferguson

2 a guarantee of a safe passage of their ship?

3 Admiral Stark: As I recall, they had asked that she
4 be given free passage, and we had granted it, and we were asking
5 for a similar treatment for the American ship.

6 Senator Ferguson: That would indicate that both countries,
7 at the time this request was made, were anticipating a war, and
8 that if war broke out in the meantime these two ships were to
9 have safe passage? Is not that a correct view?

10 Admiral Stark: Yes, sir.

11 Senator Ferguson: And that is what you arranged for
12 here (indicating dispatch)?

13 Admiral Stark: Yes, sir. And then --

14 Senator Ferguson: Just a moment. I do not want to cut
15 off any testimony you may have or any instruments that you
16 may want to refer to that can aid us along this line.

17 Admiral Stark: They are short, and I think the record
18 should be complete on this, and it would be well to put them
19 in here.

20 Senator Ferguson: Will you put them in?

21 Admiral Stark: I will read them if you would like to have
22 them.

23 The Chairman: Yes.

24 Admiral Stark: The first is a message from the Commander
25 in Chief of the Pacific, our forces in the Pacific, which was

1 Witness Stark

Questions by: Senator Ferguson

2 sent by him on 1 December, and which reads as follows -- Before
3 I read it, it was to CPNAV and it was for information to the
4 Commanding Officer, U. S. Marine Forces in North China.

5 "Embassy advises six one one five American nationals
6 in Peiping Tientsin area. Estimate civilian requirements
7 uncertain. President Madison now available for with-
8 drawal Marines from North China. Ship can arrive
9 Chingwingtao about December 10th and depart about three
10 days later. If Department thinks advisable accept
11 attendant risks and attempt this withdrawal request
12 authority to use this vessel. Advise."

13 Mr. Keefe: The date of that is December 1?

14 Admiral Stark: December 1, yes, sir.

15 Now, on the same day we have a dispatch from the Depart-
16 ment. We answered it immediately, and the message is from the
17 Secretary of the Navy, released by me. I remember the incident,
18 because we recognized the situation as grave at that time and
19 were taking it up with the Secretary for decision, and the
20 reply is to the Commander in Chief of the Asiatic, and
21 information of the U. S. Marine Forces in North China:

22 "Your 010300 approved."

23 That message is the message that I just previously read
24 from Admiral Hart.

25 "Authority granted charter President Madison

1 Witness Stark

Questions by: Senator Ferguson

2 at tariff rate for one trip Chingwangtao to Manila.

3 Inform State Department officials North China of
4 prospective schedule."

5 The next message is from Admiral Hart, dated 2 December,
6 to the Commanding General of the Marine Forces in North China,
7 and information of the Marine Corps and OPNAV in Washington.
8 This was on the second, and priority:

9 "Withdraw North China Marines via President
10 Harrison due arrive Chinwangtao December tenth expected
11 turn around. Nonmilitary property that cannot be evac-
12 uated to be sold or left Peiping. Notify consul Tientsin
13 and Embassy. APL authorized to book civilian passengers
14 in normal manner. Advise exact time of sailing when
15 determined."

16 Then, there is another dispatch from the Commander
17 in Chief Asiatic to OPNAV on 3 December.

18 Mr. Richardson: Just a minute, Admiral Stark. Is the
19 reference in the dispatch you just read to the President
20 Harrison an intentional change from Madison?

21 Admiral Stark: That is what got me looking up this
22 dispatch. The dispatch that Senator Ferguson gave me to
23 read said the Madison, and my remembrance is that it was the
24 Harrison. I started to check up on the Harrison and ran into
25 the rest of these dispatches. They used actually the Harrison

1 Witness Stark

Questions by: Senator Ferguson

2 and not the Madison.

3 "Fourth Marines 796 officers and men arrived
4 Olongapo 1 QM clerk 3 enlisted remain Shanghai
5 temporarily. President Harrison vice Madison
6 departing Manila 4 December for Chinwangtao evacuate
7 personnel and such equipment as reaches there by
8 arrival date. Luzon and Oahu well on way Manila
9 successful completion voyage expected."

10 I might add those were two gunboats which we had left in
11 China. We wanted to leave them until the last minute, and
12 they had arrived.

13 Senator Ferguson: You mean the last minute before the
14 war started?

15 Admiral Stark: I mean we had debated a good deal when
16 to bring them out. We were debating for some time on this.
17 We finally decided at this time it was time to get them out.

18 Senator Ferguson: That you were at about the last minute?

19 Admiral Stark: Well, it was getting close to it.

20 Senator Ferguson: Yes.

21 Admiral Stark: When I say the last minute, I have forgotten
22 just when --

23 Senator Ferguson: That is near the deadline?

24 Admiral Stark: I have forgotten just when the dispatch
25 directing Hart to bring those gunboats out was made but we

1 Witness Stark

Questions by: Senator Ferguson

2 thought it was time to get our nationals and our Marines out of
3 China.

4 Senator Ferguson: Do you remember -- if I may interrupt --
5 that we had a memorandum here from the British to our State
6 Department and on the end of it Mr. Hamilton said -- it was
7 about the third or fourth of December -- they wanted us to act
8 on a parallel course with them, as I remember the exhibit, if
9 we could get it. It would speak for itself. On the bottom
10 of that it said that that was a matter that would have to be
11 taken up with the President, that it would indicate we were
12 going to war and thereafter they could not pass on it. Do
13 you remember that document?

14 Admiral Stark: No, sir, I do not particularly at this
15 moment remember that particular document, but I do recall
16 that in evacuating our nationals and in evacuating our Marines
17 it was taken up with the White House. Of course, the State
18 Department was as much interested as anybody else in that
19 picture, and more so as regards nationals.

20 Senator Ferguson: Did you personally have any conversation
21 with the President or with the State Department -- I am talking
22 about prior to the 7th of December -- about the removal of our
23 nationals?

24 Admiral Stark: Oh, yes. Not only our nationals, but we
25 had talked about our Marines, and so forth, for some months. We

Witness stark questions by: Senator Ferguson
 1 had evacuated, for example, all naval families out of Manila
 2 a considerable period before this.

3 Senator Ferguson: What was the policy adopted by the
 4 President or the State Department, as far as you knew, about
 5 the nationals?

6 Admiral Stark: We were endeavoring to get them out.

7 Senator Ferguson: And that was because you anticipated
 8 war?

9 Admiral Stark: That was certainly because of the possibil-
 10 ity, and in the interest of safety to them. We gave them the
 11 opportunity to get out, and the State Department I believe
 12 chartered the ships which we sent over there.

13 Senator Ferguson: Do you know of anything that was done
 14 between the 27th of November and the 7th of December, about
 15 getting our nationals out?

16 Admiral Stark: This matter in hand is between that time.

17 Senator Ferguson: I mean outside of these, that were taken
 18 up directly with the President.

19 Admiral Stark: At the moment, I do not recall anything else.
 20 We had been getting them out for some time.

21 Mr. Murphy: Will the Senator yield?

22 Senator Ferguson: Yes.

23 Mr. Murphy: There is considerable information on the
 24 Japanese and what they did for some months before they started
 25 to get their ships here, and their nationals, too.

Witness Stark

Questions by: Senator Ferguson

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2 Senator Ferguson: Yes, I appreciate that.

3 Admiral, you may proceed, if you do not recall any of
4 the others now.

5 Admiral Stark: I recall the earlier incidents.

6 Senator Ferguson: Yes.

7 Admiral Stark: As to this ship, we took what we call
8 a calculated risk, in the interest of getting our people
9 out, balanced against the possibility of losing the ship.

10 Senator Ferguson: That is right.

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1 Witness Stark

Questions by: Senator Ferguson

2 Admiral Stark: If we got them out, fine; if we did not
3 get them out, we might lose the ship and would not be any
4 better off.

5 Senator Ferguson: And you were working for a safe voyage,
6 if possible, even though war had broken out; is not that true?

7 Admiral Stark: Yes, sir. We were asking for transit.

8 Senator Ferguson: For a safe voyage?

9 Admiral Stark: For a safe voyage. Whether that would
10 cover the contingency if war actually broke or not, I do not
11 know, because we cancelled the message after the war broke
12 out.

13 Senator Ferguson: You were endeavoring to do it?

14 Admiral Stark: Yes.

15 Senator Ferguson: And did we grant safe voyage to their
16 ship so it would apply after war started?

17 Admiral Stark: I don't remember any application after
18 war. They had asked us to facilitate this voyage, and we had
19 agreed to it. The details of that would probably better come
20 from the State Department.

21 Senator Ferguson: You are not familiar with it then?

22 Admiral Stark: Not on that point, not enough to make
23 a positive statement.

24 Senator Ferguson: Whether or not it applied in case
25 of war, the instruments will probably speak for themselves,

1 Witness Stark

Questions by: Senator Ferguson

2 when you get them all in.

3 Admiral Stark: I started reading that dispatch and I
4 guess I finished reading it.

5 The next dispatch is the one which you gave me yesterday.

6 "The State Department is informing the Japanese Govern-
7 ment the SS MADISON is enroute Chingwingtao due to arrive
8 about December 10 and depart for Manila 3 days later and re-
9 questing that in view of arrangements made for Tatuta Maru now
10 enroute Los Angeles to evacuate Japanese citizens that Japan
11 direct her sea and land forces to allow Madison to proceed
12 freely and without hindrance and provide her necessary facili-
13 ties at Chingwingtzo. Advise this office of any change in
14 the MADISON schedule."

15 Then, there was one to Admiral Hart, the text of which
16 was:

17 "Give appropriate instructions to MADISON. Cancel
18 my 071722."

19 Senator Ferguson: Now, Admiral, this message sent on the
20 morning of the 7th about the safe voyage, the safe course,
21 was sent after we had cancelled our codes, or destroyed our
22 machines in Tokyo, and we knew of their messages in relation
23 to their codes, and you had in your department the full 13
24 parts, and the 14th part, and one o'clock message, and all
25 of these other messages; isn't that true?

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1 Witness Stark

Questions by: Senator Ferguson

2 Admiral Stark: It was after the codes' destruction.

3 The time group on this is --

4 Senator Ferguson: Twelve-something, isn't it? Can you
5 figure it out from the Greenwich time?

6 Admiral Stark: Yes, it is 1722.

7 Senator Ferguson: Which would have been five hours and
8 a half?

9 Admiral Stark: Which would have been about 12 o'clock.

10 Senator Ferguson: About 12 o'clock noon on Sunday?

11 Admiral Stark: Yes, sir.

12 Mr. Murphy: Will the Senator yield?

13 Senator Ferguson: Yes.

14 Mr. Murphy: It is my impression that the codes were not
15 destroyed by 12 noon in Tokyo. Ambassador Grew said they
16 were not, did he not?17 Senator Ferguson: I am speaking more about ordering them
18 destroyed. The record will speak for itself.19 Admiral Stark: We had sent the message regarding the
20 destroying of their codes.

21 Senator Ferguson: Yes.

22 Admiral Stark: And we had authorized our people in the
23 outlying islands, and Guam and authorized Kimmel to direct
24 them to destroy what he considered necessary.

25 Senator Ferguson: That all being true, the language

Witness Stark

Questions by: Senator Ferguson

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used in this message that I had you read the other day, and question about this morning, would indicate, would it not, that we knew war was coming, and this was to take place after the war came.

Admiral Stark: We felt war was coming, yes, sir.

Senator Ferguson: The language indicates that the Armies and Navies of Japan were to allow this ship to have a free course, a safe passage.

Admiral Stark: Yes, sir. At the time when this was initiated, it was the first of December, and that was the first correspondence with reference to it, and it was, of course a matter of timing.

Senator Ferguson: Yes. Are there any other messages you have there now?

Admiral Stark: That is all I have on it, sir.

Senator Ferguson: May I inquire from counsel, if you have a memorandum to Mr. Hull from Admiral Shuirmann on 12/4/41 in relation to the Dutch?

Mr. Masten: We do not have it here, Senator. Do you want it? It is down in room 201.

Senator Ferguson: I would like to have it. I did not like to use a copy of it, I wanted to be exact on its language.

Mr. Murphy: As long as you are sending down there, will you be sure to have the notes of the President on the 7th here

Questions by: Senator Ferguson

Witness Stark

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1
2 too?3 Mr. Masten: They will be here this noon. They are being
4 mimeographed.5 Senator Ferguson: Until we get that, I will pass this
6 for the moment.7 Admiral, since you were on the stand, we have received
8 a memorandum that was sent from the Military Observer, Captain
9 Creighton, from Singapore to Admiral Hart. Are you familiar
10 with that message about von Pappen?11 Admiral Stark: I do not know just to what you refer
12 without looking at it.13 Senator Ferguson: It is the message from the military
14 observer in Singapore to Admiral Hart. You remember the
15 original memorandum in relation to Admiral Hart, that he sent
16 to your department, that we had agreed to give the British
17 support in three or four eventualities?

18 Admiral Stark: That he had heard that we had?

19 Senator Ferguson: That is right.

20 Admiral Stark: And he asked us about it?

21 Senator Ferguson: Yes.

22 Admiral Stark: Yes, I remember that message; yes, sir.

23 Senator Ferguson: Now, you are not familiar with the
24 other message that was sent from Captain Creighton, are you?

25 Admiral Stark: I do not recall it at the moment.

Questions by: Senator Ferguson

Witness Stark

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Senator Ferguson: Would you locate that?

Mr. Richardson: Yes, sir.

Senator Ferguson: Admiral, were you familiar with the fact that the Navy Department had a special file that they kept the communications between Britain and the President, that were sent through the Communications of the Navy, and that the file was kept in the Navy?

Admiral Stark: No.

Senator Ferguson: When the British, Mr. Churchill, and others in the Britise Government would cable or communicate with the President at times they used your facilities; that is, the Navy facilities, and that there was a special file kept in the Navy Department with those papers, or those coded messages, or decoded messages, but they retained them in the Navy Department.

Were you familiar with that fact?

Admiral Stark: I was not familiar with it, but I would say if that occurred, it would be a very normal procedure to keep the President's messages separate on a thing of that sort. We did in London.

Senator Ferguson: Did you know that the President had used your communications to communicate with the British? In relation to the Far East I am only talking about now.

Admiral Stark: Well, I know he used our communications.

Witness Stark

Questions by: Senator Ferguson

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2 Senator Ferguson: That being true, would you not keep
3 copies, or at least the papers in your files in relation to
4 those communications?

5 Admiral Stark; It would be a very natural thing to
6 keep one copy in a very secret status.

7 Senator Ferguson: Isn't it true that there was a very
8 secret file, which you now describe, kept under secret orders,
9 so that when Captain Lavender, who is one of the counsel here,
10 made an inquiry he could not even see it, and he has not seen
11 it? Did you know that?

12 Admiral Stark: No, sir.

13 Senator Ferguson: Would it be such that no one could see,
14 that it would be super-secret?

15 Admiral Stark: I do not know.

16 Mr. Murphy: Mr. Chairman.

17 Admiral Stark: That is a detail of filing which could
18 be obtained from the Department. So far as my knowledge goes,
19 I thought we could get anything we asked for. I did not
20 know until this minute that anything had been refused at this
21 time.

22 The Chairman: You do not know it now?

23 Admiral Stark: I do not know it now, no, sir.

24 Mr. Richardson: There has nothing been refused. It is
25 all in the record.

1 Witness Stark

Questions by: Senator Ferguson

2 Mr. Murphy: Mr. Chairman, in view of the Senator's
3 statement about Captain Lavender --

4 Senator Ferguson: I am asking questions now.

5 Mr. Murphy: I want to object to the Senator testifying
6 until such time as we know who Captain Lavender is. The
7 Senator stated something that is not in evidence. I think in
8 fairness to the record, and the other members of the committee,,
9 if that is true, we ought to find out who this Captain Lavender
10 is, and his connection with the case.

11 Senator Ferguson: I will find out now.

12 Do you know Captain Lavender?

13 Admiral Stark: I do, yes, sir.

14 Senator Ferguson: Has he been acting as counsel for
15 anyone in this case?

16 Admiral Stark: He has been associated with Admiral Kimmel.

17 Mr. Murphy: Is he in the room? May we have a look at
18 him?

19 Senator Ferguson: Is Captain Lavender in the room?

20 Admiral Stark: I might state that he was up here yester-
21 day, and I think he can be made available if you would like to
22 get him.

23 Senator Ferguson: Does not counsel have a letter in re-
24 lation to this file?

25 Mr. Richardson: All of it is in the Navy. It has been

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WARD & PAUL, WASHINGTON, D. C.

1 Witness Stark

Questions by: Senator Ferguson

2 furnished us by the Navy and it has been in evidence here.

3 Mr. Masten: We have a memorandum from Commander Baecher.
4 I think the memorandum was dated sometime in November or Decem-
5 ber of last year. It states that all of the messages from
6 the President, which were found in that file, are now in the
7 record.

8 My recollection is, Senator, that the only two messages
9 in it were the two messages to the Philippines.

10 Senator Ferguson: I just want to find out now about the
11 file. Your statement now is -- and I do not think this was
12 put in the record before -- that the only two messages in that
13 file are in the record. Are they in the record itself?

14 Mr. Masten: I think so, Senator. There is a memorandum
15 from Commander Baecher which I think is in the record. If
16 it is not, we will check this noon.

17 The Chairman: It is my recollection that memorandum
18 was put in the record at the time it was received.

19 Mr. Masten: At the time the messages were put in,
20 Senator.

21 Senator Ferguson: There isn't a question but that
22 Congress ought to know about this thing, because a letter
23 was written, and the request was refused.

24 Mr. Murphy: My only reason for interposing is if there
25 is some Captain Lavender, this is the first time that his

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WARD & PAUL, WASHINGTON, D. C.

1 Witness Stark

Questions by: Senator Ferguson

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2 name appears in this hearing, after 13,000 pages, and the
3 statement has been made that he has been refused something.

4 I do not think the record should go on without knowing
5 who he is.

6 Senator Ferguson: I think this requires putting the
7 President's letter in the record.

8 Would you, Mr. Masten, get a copy of the President's
9 letter in relation to this file?

10 Mr. Masten: There was no letter of the President, Senator,
11 that I recall.

12 Senator Ferguson: Did not the President write a letter
13 to someone, either Rugg or Kimmel, or Lavender?

14 Mr. Masten: I have no recollection of that. You mean
15 President Roosevelt?

16 Senator Ferguson: No, no. President Truman.

17 Mr. Masten: I have no recollection of that. I will have
18 to look through the file. All the letters that President
19 Truman wrote, or the memorandum, are in the record, that I
20 recall.

21 Senator Ferguson: The Congressman has made it appear
22 that the Senator from Michigan wanted the record to show that
23 there was a denial. I am trying to ask questions. I am
24 certain there was a letter written by the President of the
25 United States, but I cannot tell you to whom it was addressed.

Witness Stark
Witness Phelan

Questions by: Senator Ferguson

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2 The Chairman: There were letters written by the Presi-
3 dent to the heads of all of the departments.

4 Senator Ferguson: This is a special letter in relation
5 to this particular file that I was making inquire about. I
6 will try to ascertain it.

7 Is there anyone in the room who represents Admiral Kimmel?

8 Ensign Phelan: Yes, I am.

9 Senator Ferguson: Ensign Phelan, do you know of any
10 letter --

11 The Chairman: If he is going to testify, we had better
12 swear him.

13 (Ensign Phelan was duly sworn by the Chairman.)

14 Senator Ferguson: Better give your first name, now.

15 Ensign Phelan: John Phelan.

16 Senator Ferguson: Ensign, will you tell us as to whether
17 or not you had any knowledge in relation to a special file
18 of communications between the President of the United States
19 and the British Government, or any member of the British
20 Government that was kept in the Navy Department?

21 Ensign Phelan: I have no personal knowledge of that,
22 Senator.

23 Senator Ferguson: Do you know whether or not any letter
24 was written in relation to it, as far as Admiral Kimmel was
25 concerned?

Witness Stark
Witness Phelan

Questions by: Senator Ferguson

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2 Ensign Phelan: Yes, sir.

3 Senator Ferguson: Do you have a copy of that letter,
4 or do you know where we can get a copy of it?

5 Ensign Phelan: No, sir, I haven't a copy of it here.
6 I believe Admiral Kimmel has a copy of it.

7 Senator Ferguson: But you do know a letter was written
8 by the President?

9 Ensign Phelan: Yes, sir.

10 Senator Ferguson: To whom was it written?

11 Ensign Phelan: To Admiral Kimmel.

12 The Chairman: Which President?

13 Senator Ferguson: President Truman.

14 Ensign Phelan: President Truman.

15 Senator Ferguson: Yes. About when was that letter
16 written?

17 Ensign Phelan: Since these hearings have been in pro-
18 gress.

19 Senator Ferguson: Captain Lavender was one of the counsel,
20 was he not?

21 Ensign Phelan: That is right, sir.

22 Senator Ferguson: Do you know whether or not this file
23 was denied to him, and it had to be taken up directly with the
24 President, and a letter was written on it?

25 Ensign Phelan: I so understand, Senator.

Witness Stark
Witness Phelan

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2 Commander Baecher: I can explain it.

3 Senator Ferguson: All I want is an explanation.

4 Commander Baecher: I know all about it, yes, sir.

5 The Chairman: Let us get it all, so there will be no
6 mystery about it.

7 Commander Baecher: I hesitate to inject myself, but as
8 I understand it, Admiral Kimmel desired to get into this file,
9 which is the White House file of the Navy Department.

10 Under the direction of the President, as we interpreted
11 the directives, the committee alone had the right to go into
12 the departmental files, so Admiral Kimmel was not permitted
13 to do it, so he wrote a letter to the President as a Naval
14 officer, which went through Naval channels, and asked for
15 that permission, and the President answered and said under
16 his directives only this committee could have access to these
17 departmental files, and this committee could have anything it
18 wished, and this committee has.

19 That is the entire story.

20 Senator Ferguson: Was the request made by Captain
21 Lavender instead of Admiral Kimmel personally? I want to
22 get the record straight?

23 Commander Baecher: I do not know who acted physically,
24 but it was done in Admiral Kimmel's name.

25 Mr. Murphy: Will the Senator yield?

1 Witness Stark

2 Senator Ferguson: Yes.

3 Mr. Murphy: Why cannot we get the letters here?

4 Senator Ferguson: If we can get them, and make them
5 a part of the record, that is all right with me.

6 Mr. Murphy: Put them in. I would like to see what date
7 they were written, and when they started inquiring about this
8 file, in view of it being several months ago, in December,
9 and it just coming out now.

10 Mr. Richardson: Was there anything done with the file?

11 Commander Baecher: It was submitted to this committee.

12 Mr. Richardson: All of it?

13 Commander Baecher: There were two dispatches in it,
14 and copies of it have been submitted to this committee along
15 with the letter saying they are all there is.

16 Senator Ferguson: Could we get now from you, Commander,
17 what dispatches were in this super-secret file?

18 Commander Baecher: As I recall it -- and it is a hazy
19 recollection -- they were to the High Commissioner of the
20 Philippines.

21 Mr. Richardson: We can get them.

22 Senator Ferguson: They were to the High Commissioner of
23 the Philippines?

24 Commander Baecher: Yes.

25 Senator Ferguson: That would not be a message between

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WARD & PAUL, WASHINGTON, D. C.

1 Witness Stark

2 the British Government and the United States Government?

3 Commander Baecher: I understand there were none. The
4 record will speak better than I can now. It has been several
5 months. We submitted a box full of dispatches between the
6 Navy and the British Admiralty, which would be intergovernmental,
7 you might say.

8 Senator Ferguson: I wanted what the Admiral was talking
9 about. When the communications were made from the President,
10 the Navy's communications were used, and the copies ordinarily
11 would be kept in the file and that would be a super-secret
12 file.

13 Commander Baecher: We wrote a letter in answer to a
14 direct request on that, Senator, and it is here. That letter
15 states that we have submitted all of these dispatches that
16 were in the so-called White House file, and we submitted
17 them along with the letter.

18 There were no others.

19 Senator Ferguson: Do I understand there were only two
20 papers in this White House file, and they related to the
21 High Commissioner of the Philippines?

22 Commander Baecher: I think that is the purport of the
23 certification we made, although I prefer you see that certi-
24 fication before you conclude that issue.

25 Senator Ferguson: Do you have personal knowledge of this,

215

1 Witness Stark

2 Senator Ferguson: Were you satisfied in this case?

3 Commander Baecher: Yes, sir.

4 Senator Ferguson: I would like to, if possible, get
5 the letter now of President Truman. I think it ought to go
6 into this record, to make it clear.

7 The Chairman: I think Mr. Masten has gone down to get
8 that.

9 Mr. Richardson: I do not think we have the letter from
10 President Truman. I have not seen it.

11 Senator Ferguson: May I reserve the right to obtain
12 from Ensign or Lieutenant Phelan, a copy of that letter,
13 or the original, so it will be inserted in the record?

14 Mr. Murphy: Together with the letter from Admiral Kimmel.

15 Senator Ferguson: That is right.

WARD & PAUL, WASHINGTON, D. C.

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1 Witness Stark

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2 Commander, that when the file was obtained, there were only
3 two papers in it? Are you speaking from personal knowledge?

4 Commander Baecher: No, I am not. I did not go into
5 the raw material.

6 Senator Ferguson: It is what someone has told you?

7 Commander Baecher: Yes. Someone who is very responsible.

8 Senator Ferguson: Will you state who is very responsible?

9 Who told you?

10 Commander Baecher: The Director of Naval Communications.
11 The Officer in Charge has changed in the last several months.
12 Admiral Stone is in charge now, and before Admiral Stone, it
13 was some other Admiral.

14 Admiral Stark: Redman?

15 Commander Baecher: Redman, yes. It was either Stone or
16 Redman.

17 Mr. Richardson: When a request is made of you, you send
18 that on to the officer that has charge of the papers that you
19 are asked to produce?

20 Commander Baecher: Yes, sir.

21 Mr. Richardson: He produces that information and you
22 convey that information to us here? You do not yourself go
23 into the file and handle the papers physically yourself?

24 Commander Baecher: Very seldom; if I am not satisfied
25 with what I get on it.

1 Witness Stark

2 Senator Ferguson: Were you satisfied in this case?

3 Commander Baecher: Yes, sir.

4 Senator Ferguson: I would like to, if possible, get
5 the letter now of President Truman. I think it ought to go
6 into this record, to make it clear.

7 The Chairman: I think Mr. Masten has gone down to get
8 that.

9 Mr. Richardson: I do not think we have the letter from
10 President Truman. I have not seen it.

11 Senator Ferguson: May I reserve the right to obtain
12 from Ensign or Lieutenant Phelan, a copy of that letter,
13 or the original, so it will be inserted in the record?

14 Mr. Murphy: Together with the letter from Admiral Kimmel.

15 Senator Ferguson: That is right.

WARD & PAUL, WASHINGTON, D. C.

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WLC 1

1 Commander Baecher: I can furnish a copy of that letter.
2 I would not be surprised but that I may have the original
3 in my files.

4 Senator Ferguson: You will be able to get us copies?

5 Commander Baecher: Yes.

6 Mr. Richardson: We will get it for you, Senator.

7 Let us see what we have right here now.

8 (The documents were handed to Senator Ferguson.)

9 Mr. Masten: Senator, I think those all should be read
10 into the record, if they are not in.

11 Senator Ferguson: These are not the letters we are talk-
12 ing about.

13 Mr. Masten: They are the memorandum from Commander
14 Baecher with the two messages from the President. Those are
15 the only things we have had. The two messages are the two
16 messages that are in the record.

17 Senator Ferguson: The messages are already in the
18 record?

19 Mr. Masten: That is my recollection. I am not sure
20 whether the memorandum is.

21 The Chairman: Do you want these read into the record
22 or filed and printed in the record?

23 Senator Ferguson: They ought to be printed.

24 The Chairman: It seems to me they might as well be
25 printed at this point instead of read. They are photo-

WLC 2

1 static copies.

2 Mr. Richardson: Are they at all significant? It seems
3 to us they were entirely irrelevant.

4 Senator Ferguson: I do not claim they are, but I certainly
5 do not want to keep them out.

6 Mr. Richardson: The first one, Mr. Chairman, is with
7 reference to the Philippine matter and the second is with
8 reference to the Philippine matter. I have examined them
9 and thought they were entirely irrelevant as to our examina-
10 tion here. Unless somebody says they are, why should the
11 record be further encumbered?

12 Senator Ferguson: But the record still stands, I think.
13 I am not commenting on the evidence, except insofar as it
14 relates to what we may inquire about here.

15 The Chairman: The letters would at least show that it is
16 not claimed the President wrote to Churchill, and for that
17 purpose probably they might as well go in.

18 Mr. Richardson: All right.

19 (The matter referred to is as follows:)

WARD & PAUL, WASHINGTON, D. C.

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December 1, 1945

AH 1

MEMORANDUM TO ADMIRAL COLCLOUGH:

It is our understanding that there is in the office of the Director of Naval Communications a file designated "White House File", containing communications sent by President Roosevelt to England and other points through Navy communication channels. This is to request that we be furnished, as promptly as possible, copies of all messages contained in this file sent to or received by the President or other White House aides during the period October 1, 1941 to December 7, 1941, inclusive, with reference to Japan or matters pertaining to political or military developments in the Far East. It is probable that the request submitted by us under date of November 28th, emanating from Congressman Keefe, will include some of this material, and in this event it will be sufficient to furnish documents in response to that request.

 William D. Mitchell

cbn

DEPARTMENT OF THE NAVY
Office of the Secretary
Washington

10 December 1945

MEMORANDUM TO: Mr. William D. Mitchell.

1. There are forwarded to you herewith copies of two

dispatches as follows:

INSERT
 photo
 state AH 2
 9-3
 9-4
 9-5

(1) #261854 of 26 November 1941 from the President to the High Commissioner of the Philippine Islands.

(2) #280228 of 28 November 1941 from Cincap to the President.

2. These dispatches are delivered in response to your request of 1 December 1945 for copies of dispatches in the Navy Department's "White House file" during the period October 1, 1941 to December 7, 1941, inclusive, "with reference to Japan or matters pertaining to political or military development in the Far East".

3. No other dispatches responsive to your request have been discovered.

4. It is requested that you receipt for the above two copies of dispatches on a copy of this memorandum.

/s/ O. S. COLCLOUGH,
 O. S. COLCLOUGH,
 Rear Admiral, USN.

WARD & PAUL, WASHINGTON, D. C.

Sealed Secret.

NAVAL MESSAGE

NAVY DEPARTMENT

29

From: Admiral

To: CUC AF

'Phone Ext. No. 3122		Addressees	Message Precedence
From <u>The President.</u>	ACTION	To. <u>The High Commissioner Philippines</u>	Priority <i>PP</i>
Released by: <u>H. H. Stark</u>			Routine
Date <u>26 Nov. 1941</u>	INFO.		Deferred
TOR Code Room _____			Priority
Decoded by _____			Routine
Paraphrased by _____			Deferred

Indicate by asterisk addressees for which mail delivery is satisfactory

261854

Unless otherwise designated this dispatch will be transmitted with DEFERRED precedence.

Originator fill in date and time for DEFERRED and MAIL DELIVERY. FROM THE PRESIDENT X FOR THE HIGH COMMISSIONER PHILIPPINES X

TEXT Admiral HART WILL DELIVER TO YOU A COPY OF A DESPATCH WHICH WITH MY APPROVAL THE CNO AND THE COS ADDRESSED TO THE SENIOR ARMY AND NAVY COMMANDERS IN THE PHILIPPINES X IN ADDITION YOU ARE ADVISED THAT THE JAPANESE ARE STRONGLY REENFORCING THEIR GARRISONS AND NAVAL FORCES IN THE MANDATES IN A MANNER WHICH INDICATES THEY ARE PREPARING THIS REGION AS QUICKLY AS POSSIBLE AGAINST A POSSIBLE ATTACK ON THEM BY US FORCES X HOWEVER I AM MORE PARTICULARLY CONCERNED OVER INCREASING OPPOSITION OF JAPANESE LEADERS AND BY CURRENT SOUTHWARD TROOP MOVEMENTS FROM SHANGHAI AND JAPAN TO THE FORMOSA AREA X PREPARATIONS ARE BECOMING APPARENT IN CHINA FORMOSA AND INDO CHINA FOR AN EARLY AGGRESSIVE MOVEMENT OF SOME CHARACTER ALTHOUGH AS YET THERE ARE NO CLEAR INDICATIONS AS TO ITS STRENGTH OR WHETHER IT WILL BE DIRECTED AGAINST THE BURMA ROAD THAILAND MALAY PENINSULA NETHERLANDS EAST INDIES OR THE PHILIPPINES X ADVISOR AGAINST THAILAND SEEMS THE MOST PROBABLE X I CONSIDER IT POSSIBLE

SECRET

Make only one copy of this message to be retained in the file of the person to whom it is addressed. (See Art. 70 (d), Navy Regulations.)

13547

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13547

NAVAL MESSAGE

NAVY DEPARTMENT

(29)

Phone Ext. No.		Addressees		Message Precedence
From _____	ACTION	To.	.	Priority
Released by: _____				Routine
Date _____				Deferred
TOR Code Room _____	INFO.			Priority
Decoded by _____				Routine
Paraphased by _____				Deferred

Indicate by asterisk addressees for which mail delivery is satisfactory

Unless otherwise designated this dispatch will be transmitted with DEFERRED precedence.

Originator fill in date and time for DEFERRED and MAIL DELIVERY.

Date	Time	GCT
------	------	-----

TEXT

PAGE TWO

THAT THIS NEXT JAPANESE AGGRESSION MIGHT CEUSE AN OUTBREAK OF HOSTILITIES BETWEEN THE US AND JAPAN XX I DESIRE THAT AFTER FURTHER INFORMING YOURSELF AS TO THE SITUATION AND THE GENERAL OUTLINES OF NAVAL AND MILITARY PLANS THROUGH CONSULTATION WITH ADMIRAL HART AND GENERAL MACARTHUR YOU SHALL IN GREAT CONFIDENCE PRESENT MY VIEWS TO THE PRESIDENT OF THE PHILIPPINE COMMONWEALTH AND INFORM HIM THAT AS ALWAYS I AM RELYING UPON THE FULL COOPERATION OF HIS GOVERNMENT AND HIS PEOPLE X PLEASE I REPLY UPON HIM THE DESIRABILITY OF AVOIDING PUBLIC PRONOUNCEMENT OF ACTION SINCE THAT MIGHT MAKE THE SITUATION MORE DIFFICULT X ROOSEVELT XX DOWN

BLACK AND AKEY

SECRET

CP 2200

20000

BYRAB

EEM-35

Make one copy of this message for the Commanding Officer of the station in person. (See Art 70(A), Navy Regulations.) No other persons to receive copies

Copy to Op-12 War Plans Div. U.S. Army

13863

NAVAL MESSAGE

NAVY DEPARTMENT

PHONE EXTENSION NUMBER	ADDRESSEES	MESSAGE PRECEDENCE
FROM CINCAF	OPNAV	PRIORITY
RELEASED BY _____		ROUTINE RRR
DATE NOVEMBER 28, 1941	INFORMATION FOR ACTION	DEFERRED
TOR CODEROOM 0936		PRIORITY
DECODED BY MUTCHINSON		ROUTINE 3-0
PARAPHRASED BY ROBINSON		DEFERRED

INDICATE BY ASTERISK ADDRESSEES FOR WHICH MAIL DELIVERY IS SATISFACTORY
280228 CR 0748

UNLESS OTHERWISE DESIGNATED THIS DISPATCH WILL BE TRANSMITTED WITH DEFERRED PRECEDENCE.
ORIGINATOR FILL IN DATE AND TIME FOR DEFERRED AND MAIL DELIVERY

DATE	TIME	GCT
TEXT		

C.R. 0748.

FROM HIGH COMMISSIONER SAYRE PERSONAL FOR PRESIDENT ROOSEVELT.

YOUR MESSAGE OF NOVEMBER 26TH IS GREATLY APPRECIATED.

I HAVE BEEN ASKED BY PRESIDENT QUEZON TO INFORM YOU THAT YOU MAY BE ABSOLUTELY ASSURED THAT TO THE LAST MAN THE GOVERNMENT OF THE PHILIPPINE COMMONWEALTH, AND THE FILIPINO PEOPLE, WILL STAND BEHIND THE UNITED STATES OF AMERICA..

ACTION: WHITE HOUSE *X*..

SS FILE.....

SECRET

SEE ART 76(4)
NAV REGS

MAKE ORIGINAL ONLY, DELIVER TO COMMUNICATION WATCH OFFICER IN PERSON

62

Witness stark

13,864
Questions by: senator Ferguson

1 Senator Ferguson: It still remains, Admiral, that there
2 were communications,, using the Navy facilities between the
3 President and the British Government in relation to the Far
4 East; is not that a correct statement?

5 Admiral Stark: I think so, yes, sir.

6 Senator Ferguson: And the copies would be kept in a
7 super-secret file in the Navy Department?

8 Admiral Stark: I have no personal knowledge of that, but
9 that would be a perfectly plausible thing to assume.

10 Senator Ferguson: Yes. Now, did you find the message
11 or memorandum to Mr. Hull?

12 Mr. Masten: This is it, (handing document to Senator
13 Ferguson).

14 Senator Ferguson: Admiral, we have a memorandum for the
15 Secretary of State dated December 4, 1941.

16 Mr. Chairman, I would like to have the whole memorandum
17 put it, but I particularly want to question the Admiral about
18 the last several paragraphs.

19 The Vice Chairman: You want the whole memorandum inserted
20 in the record?

21 Senator Ferguson: I want the whole memorandum inserted in
22 the record.

23 The Chairman: Without objection, so ordered.

24 (The memorandum referred to is as follows:)
25

WLC3

WARD & PAUL, WASHINGTON, D. C.

AH 3

NAVY DEPARTMENT

SECRET

Washington

December 4, 1941.

Memorandum for Secretary of State.

November 22nd the Special Naval Observer London informed the Chief of Naval Operations that Vice Admiral Furstner, Minister of Marine of the Dutch Government in London and Commander in Chief of All Dutch Naval Forces had received information that the Japanese were concentrating an expeditionary force in the Pelew Islands and that the Dutch Government were considering what it should do in case a Japanese expeditionary force should cross the Davao-Waigee line or the equator east of that line, and that the Dutch Government were inclined to regard such a movement as a direct threat to the territories and interests of Great Britain and the United States, which should immediately be countered by force. The Dutch stated that before making up their minds they would like the views of the Chief of Naval Operations.

The Chief of Naval Operations replied that he discounted the information as to the assembly of an expeditionary force in the Pelews. That he was not in a position to offer advice as the question asked involved political questions, but authorized the Naval Observer London to express his views as to the importance of the Pelews for the protection of the Mandates and for an offense against the Philippines or the Netherland East Indies.

AH 4

December 3 the Special Naval Observer London reported that he has kept the British Admiralty informed of the above as the same subject has been discussed by the Dutch with the British. He suggested to the British Admiralty that it might be necessary for the Dutch to declare the area south of the Davao-Waigeo-Equator line an area dangerous to shipping, in order that Dutch forces might be free to take prompt action against suspicious vessels crossing from the North and from the East. The British Admiralty concurred that this would constitute a useful defense measure from the naval point of view. However it was essential for political reasons that the zone should be declared in as unprovocative a manner as possible and should be represented as a defense zone rather than as a dangerous zone.

The British Admiralty informed Furstner that they also doubted the accuracy of his information and suggested the Dutch take the matter up with the Foreign Office.

When the Dutch Foreign Minister visited Eden his proposal went beyond that of Furstner as it invited a joint declaration of a defense zone by the United States or Great Britain. After consulting the Admiralty, Eden replied to the Dutch Foreign Minister as follows: (A) That during the continuance of the present negotiations between Japan and the United States, it was undesirable that any declaration be made unless there was the plainest evidence that the Japanese were preparing an

WARD & PAUL, WASHINGTON, D. C.

expedition against the Netherlands East Indies, and that until

AH 5

WARD & PAUL, WASHINGTON, D. C.

1 more definite evidence becomes available that Japanese con-
2 centrations are threatening Dutch territory no declaration
3 should be made. (B) That Great Britain recognizes the military
4 value the declaration of a defense zone would have, but that it
5 considers it would be less provocative to Japan and less pre-
6 judicial to the Washington negotiations if it were confined to
7 a unilateral declaration by the Netherlands East Indies of a
8 zone manifestly designed as a defense measure for their own
9 shores. (C) That in similar circumstances His Majesty's Gov-
10 ernment had been compelled to make a unilateral declaration of
11 a defense zone on the open seas off the coast of Johore when
12 the Japanese concentrations on the border of Indo China began
13 to constitute a threat to Malaya; the declaration of this zone
14 in waters adjacent to British territory was plainly a measure
15 of defense and at the time was accepted as such by Japan without
16 serious criticism.

17 Mr. Eden therefore suggested that if a declaration should
18 prove necessary the Netherlands Government should declare that
19 certain military and naval defense measures have been taken in
20 the area south and west of the Davao-Waigeo-Equator line and
21 that accordingly all vessels intending to enter this zone must
22 notify the Netherlands Naval authorities of their intention
23 and call at specified ports for routing instructions. Such a
24 declaration would be analogous to that made by His Majesty's
25 Government off Johore and would not be likely to increase
26 existing tension.

AH 6

On December 4 the Chief of Naval Operations directed the Special Naval Observer in London to transmit to the Dutch and British Admiralties in London, the following views on the military aspect of this subject.

While the Chief of Naval Operations believes the November reports of a concentration in the Pelews were unfounded, the possibility of a Japanese attack from that region against the Philippines or Netherlands East Indies cannot be ruled out.

In regard to the Dutch project to declare areas south and west of the Davao-Waigeo-Equator line dangerous to shipping in order that Dutch Forces may attack suspicious vessels entering from the North and East, if this were done it would apply to all merchant shipping regardless of nationality and to British and United States Naval vessels as well as those of Japan. It is doubtful if the Dutch could establish promptly a control system which would not cause excessive delay to shipping important to the United States particularly to the shipping carrying reinforcements to the Philippines as all United States shipping between the United States and the Far East is routed via Torres Straits.

The declaration of this large area as a defense zone would hardly be analogous to the British declaration of the Johore area, as the latter area is a small one. The declaration of a large area of the high seas as a defense zone would create a precedent for Japan to close the Okhotsk Sea, Sea of Japan,

AH 6

1 On December 4 the Chief of Naval Operations directed the
2 Special Naval Observer in London to transmit to the Dutch and
3 British Admiralties in London, the following views on the
4 military aspect of this subject.

5 While the Chief of Naval Operations believes the November
6 reports of a concentration in the Pelews were unfounded,
7 the possibility of a Japanese attack from that region against
8 the Philippines or Netherlands East Indies cannot be ruled out.

9 In regard to the Dutch project to declare areas south and
10 west of the Davao-Waigeo-Equator line dangerous to shipping in
11 order that Dutch Forces may attack suspicious vessels entering
12 from the North and East, if this were done it would apply to
13 all merchant shipping regardless of nationality and to British
14 and United States Naval vessels as well as those of Japan.

15 It is doubtful if the Dutch could establish promptly a control
16 system which would not cause excessive delay to shipping im-
17 portant to the United States particularly to the shipping car-
18 rying reinforcements to the Philippines as all United States
19 shipping between the United States and the Far East is routed
20 via Torres Straits.

21 The declaration of this large area as a defense zone would
22 hardly be analogous to the British declaration of the Johore
23 area, as the latter area is a small one. The declaration of a
24 large area of the high seas as a defense zone would create a
25 precedent for Japan to close the Okhotsk Sea, Sea of Japan,

AH 7

1 the western part of the South China Sea, and the Gulf of Siam.
2 If the United States acquiesced in the Dutch declaration, it
3 would be difficult to object to similar declarations by the
4 Japanese.

5 At present aid to Russia is being shipped via the Okhotsk
6 Sea and Sea of Japan. The Dutch, British and United States
7 are taking reconnaissance measures to cover areas considered
8 dangerous. Shipments to Siberia and patrol measures should
9 continue. The Chief of Naval Operations is convinced that the
10 closing of the area west and south of the Davao-Waigeo-Equator
11 area by the Dutch would be prejudicial to the naval and military
12 interests of all three powers.

13 If the Dutch desire to give a warning to the Japanese the
14 Chief of Naval Operations believes it should be in the form of
15 a declaration to Japan, that if during the current situation
16 Japanese Naval vessels or expeditionary forces cross the Davao-
17 Waigeo line it would be considered a hostile act and the forces
18 crossing this line would be attacked.

19 Ambassadors Winant and Biddle have been informed by the
20 Special Naval Observer London of the contents of the memorandum.

21 /s/ R. E. Schuirman

22 By Direction
23
24
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WLC
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1 Witness Stark

2 Senator Ferguson: I never believed we should take isolated
3 paragraphs out without putting the whole memorandum in. It is
4 a memorandum by Admiral Schuirmann.

5 I will read you several items in it.

6 "On December 4 the Chief of Naval Operations" --
7 that would be you -- "directed the Special Naval
8 Observer in London to transmit to the Dutch and
9 British Admiralties in London, the following views
10 on the military aspect of this subject."

11 I am just taking one paragraph.

12 Mr. Gearhart: Will the Senator state the date?

13 Senator Ferguson: Yes. The 4th of December, 1941. It
14 is a memorandum for the Secretary of State from R. E. Schuirmann,
15 by direction. R. E. Schuirmann was an admiral, was he not,
16 or a captain?

17 Admiral Stark: He was a captain at that time. He is
18 a rear admiral now, sir.

19 Mr. Murphy: May I just ask one preliminary question?

20 Senator Ferguson: Yes, indeed.

21 Mr. Murphy: How long have we had the memorandum before the
22 committee?

23 Mr. Masten: That memorandum has been in the counsel's
24 office since last November and available to every member of
25 the committee. Yesterday, Mr. Greaves came down to look through

WLC5

1 Witness Stark

Questions by: Senator Ferguson

2 them and this question I imagine is based on the examination
3 yesterday.

4 Mr. Murphy: Fine.

5 Senator Ferguson: Now, the paragraph I want to read to
6 you, and it follows the paragraph I did read and is the second
7 from the last paragraph in this memorandum, is as follows:

8 "If the Dutch desire to give a warning to the
9 Japanese, the Chief of Naval Operations believes it
10 should be in the form of a declaration to Japan, that
11 if during the current situation Japanese naval vessels
12 or expeditionary forces cross the Davao-Waigeo line it
13 would be considered a hostile act and the forces crossing
14 this line would be attacked."

15 Now, this is a message from Captain Schuirmann to the
16 State Department, and it is on your direction, and I read
17 you that part:

18 "If the Dutch desire to give a warning to the
19 Japanese, the Chief of Naval Operations" -- that is
20 you -- "believes it should be in the form of a declara-
21 tion to Japan, that if during the current situation
22 Japanese naval vessels or expeditionary forces cross
23 the Davao-Waigeo line it would be considered a hostile
24 act and the forces crossing this line would be attacked."

25 Attacked by whom?

1 Witness Stark

Questions by: Senator Ferguson

2 Admiral Stark: Attacked by the Dutch.

3 Senator Ferguson: Why were you dictating the message that
4 the Dutch were to give to Japan?

5 Admiral Stark: I remember that. My remembrance is that
6 it came up before, but I am not certain, but we were undoubtedly
7 asked, and that was our opinion.

8 Senator Ferguson: Now, if you can give us the answer,
9 why were you consulted as to what kind of a message the Dutch
10 Government would give to the Japanese Government in a question
11 solely between the Dutch Government and the Japanese Government,
12 as to the Japanese Government moving troops or moving vessels
13 across a certain line?

14 Admiral Stark: Well, we were --

15 Senator Ferguson: Were you taking parallel action?

16 That is the question.

17 Admiral Stark: No, sir.

18 Mr. Murphy: Mr. Chairman, I think the witness ought to be
19 given an opportunity to answer the question. It seems like an
20 important question.

21 Senator Ferguson: It is a very important question.

22 Mr. Murphy: Then, let him answer.

23 Admiral Stark: No, we were not taking parallel action.
24 We could not take a parallel action.

25 Mr. Murphy: I submit the question has not been answered,

Questions by: Senator Ferguson

Witness stark

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2 Senator. The second question was just answered, but the
3 other question has not been answered.

4 Senator Ferguson: Read the question, please, Mr. Reporter.

5 (The question was read by the reporter.)

6 Admiral Stark: My remembrance of that is that the Dutch
7 asked us for an opinion and we gave it to them. There is much
8 in the record showing an interdependent interest more or less
9 in this whole area.

10 Senator Ferguson: All right.

11 Now, I will ask you upon what you based your opinion that
12 you had a right to tell the Dutch that they should give a
13 message to the Japanese Government that if this line was
14 crossed by the Japanese it would be considered a hostile
15 act and the forces crossing this line would be attacked, that
16 you believed that the Dutch should say that if the Japanese
17 crossed that line the Dutch should attack? What did you
18 base that on?

19 Admiral Stark: I based that on the fact that if they
20 did, it looked like an attack on the N.E.I.,, on the Netherlands
21 East Indies, and they could consider it such, it was my opinion
22 an attack, and in that event to repel it. I might draw a
23 similar line -- perhaps, exaggerate it a little bit -- by
24 saying if they attempted to go into Manila Bay --

25 Senator Ferguson: That was in our territory?

Pearl Harbor Investigation

April 11, 1946

Please insert
in your
copy of the
transcript.

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WARD & PAUL, WASHINGTON, D. C.

Witness Stark

Questions by: Senator Ferguson

Admiral Stark: That was in our territory. But they asked me for an opinion, and that was my opinion.

Senator Ferguson: Did you contact the President before you gave this opinion? It is an important opinion, is it not?

Admiral Stark: Yes, sir.

Senator Ferguson: It might have meant war between the United States and Japan? This kind of advice, could it not mean war?

1 Witness Stark

Questions by: Senator Ferguson

2 Admiral Stark: It could have meant war between the Dutch
3 and the Japs. What the ultimate reaction to it would have been,
4 I do not know.

5 Mr. Murphy: Will the Senator yield?

6 Senator Ferguson: That is because you had written to
7 Admiral Kimmel that God alone would know what was going to
8 happen? Is that the reason you did not take it to mean war
9 between the United States and Japan?

10 Admiral Stark: Well, I could not tell whether it meant
11 war or not. Under our Constitution the Congress had to declare
12 war, and we could not take any independent action, so far as
13 hostilities were concerned.

14 Mr. Murphy: Now, Mr. Chairman, I want to object on the
15 ground that there is a "yes, sir" answer in there, and there
16 were two questions and the record does not show which question
17 the answer "yes, sir" is to. The first was: "Did you ask
18 the President?", and then there was another question asked
19 and the answer was "Yes, sir." The record does not show to
20 anyone reading it whether the "Yes, sir" is to the first
21 question or the second question.

22 Senator Ferguson: One question was: "It is an important
23 message, isn't it?"

24 What is your answer to that?

25 Admiral Stark: Yes, sir.

1 Witness Stark

questions by: Senator Ferguson

2 Senator Ferguson: Is your answer to the other question
3 the same, "Yes, sir"?

4 Admiral Stark: As to whether or not I consulted the
5 President?

6 Senator Ferguson: Yes, sir.

7 Admiral Stark: I do not recall definitely having consulted
8 the President on that point, but I would assume that any dis-
9 patch of that nature would have been taken up with the Secretary
10 and with the State Department, and probably with the President.
11 It was along a similar line of the line which we had drawn in
12 our memorandum of the 5th and the 27th.

13 Mr. Masten: Senator, may I suggest something there that
14 would be helpful to you?

15 Senator Ferguson: Yes.

16 Mr. Masten: The memorandum which you have is a memorandum
17 which describes the final message which appears in Exhibit 79
18 and which was introduced last December.

19 Senator Ferguson: Yes, I have that here.

20 Mr. Masten: This exhibit gives the entire background
21 of most of that material, I think.

22 Senator Ferguson: But it is dated subsequent, is the
23 only thing?

24 Mr. Masten: It appears that that is the telegram referred
25 to in the memorandum, because the language is practically

1 Witness Stark

Questions by: Senator Ferguson

2 identical with the descriptive language in the memorandum.

3 Mr. Murphy: For the record, when you said "this memorandum",
4 you had one in your hand?

5 Mr. Masten: This is Exhibit 79.

6 Admiral Stark: You say you have just taken a paragraph
7 out. I would like to see the dispatch and see the correspondence,
8 what is in it.

9 Mr. Marsten: This is the final dispatch in Exhibit 79,
10 Admiral.

11 Admiral Stark: I do recall that myself.

12 Senator Ferguson: Now, you will notice what you are
13 reading, Admiral, is dated the 5th, which is the day following,
14 and I cannot quite get the record straight in my own mind, how
15 you can rely upon something that came subsequent to the time
16 that you directed this advice to be given. Can you straighten
17 that out?

18 Mr. Murphy: Now, will the Senator yield?

19 Admiral Stark: What I would like to see is where we start
20 on this and who asked what.

21 Mr. Murphy: The record shows the 5th where? The 5th here
22 or the 5th with the Dutch?

23 Mr. Marsten: The final telegram in Exhibit 79 bears the
24 date December 5, whereas the memorandum that Senator Ferguson is
25 using is dated December 4. But the fact is that the language of

1 Witness Stark

Questions by: Senator Ferguson

2 the memorandum and of the telegram are practically identical,
3 so it would seem to be clear that the memorandum is referring
4 to the telegram.

5 Admiral Stark: This is the memorandum where they started?

6 Mr. Marsten: That is the memorandum under discussion.

7 Admiral Stark: May I take the time to read it, sir?

8 Senator Ferguson: Yes, certainly.

9 Mr. Murphy: I think, Mr. Chairman, the record should also
10 show the memorandum of the 5th is addressed to our own naval
11 attache at London.

12 Senator Ferguson: Yes.

13 Mr. Murphy: Is there anything here showing any dispatch
14 directly to the Dutch?

15 Mr. Marsten: The memorandum refers to the memorandum of
16 the 4th. There is a discrepancy on the dates.

17 Mr. Murphy: Will the Senator yield while the Admiral is
18 reading?

19 Senator Ferguson: Yes.

20 Mr. Murphy: I think, Mr. Chairman, the record should
21 show that Exhibit 79 consists of 10 dispatches. Exhibit 79
22 was admitted in the record some months ago, and the part on
23 which the Admiral is being questioned now, as to what the
24 Chief of Naval Operations said, is in the dispatch of December
25 5. It has been in the record for some months.

1 Witness Stark

Questions by: Senator Ferguson

2 Senator Ferguson: Yes, but the record did not show
3 before that this was all under the direction of the Chief of
4 Naval Operations, which is the witness.

5 Mr. Murphy: Yes, it does show it. It says, "If Dutch
6 authorities consider some warning should be given Japan CNO
7 believes it should take the form of a declaration to Japan
8 that in view of the current situation Japanese naval vessels,
9 or expeditionary forces crossing the Davao-Waigeo line would
10 be considered hostile and would be attacked. Communicate
11 these views to the Admiralty and the Dutch Naval Command in
12 London."

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1 Witness Stark

Questions by: Senator Ferguson

2 Senator Ferguson: It does not cover what I am inquiring
3 about now.

4 Admiral Stark: I have read these, and to make it clear
5 I would suggest, if they are not already in the record in con-
6 nection with this questioning, that it would be well to put
7 them in, or refer to them at this point.

8 Senator Ferguson: They will be referred to now, because
9 through the counsel's statement, the exhibit number has been
10 put in.

11 Admiral Stark: That shows the entire discussion. This
12 memorandum was a memorandum by Schuirmann at my direction to
13 the Secretary of State, with whom these things had been con-
14 sidered, and then I said if the Dutch were doing to do some-
15 thing, I suggested the following.

16 Now, I may state with regard to this picture in general,
17 that it had been suggested at times that we rule out certain
18 parts of the sea and call them defensive sea areas, that nothing
19 could come in there.

20 Senator Ferguson: When you say "we," whom are you speaking
21 about?

22 Admiral Stark: We had to consider the same thing in the
23 Southern Philippine waters.

24 Senator Ferguson: Do you mean you as the Navy, or the
25 President, the Secretary of War and the Secretary of the Navy?

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WARD & PAUL, WASHINGTON, D. C.

Questions by: Senator Ferguson

Witness Stark

Admiral Stark: The Navy Department.

Senator Ferguson: The Navy Department?

Admiral Stark: Yes, sir.

As I recollect, we had had some correspondence with Admiral Hart about it, about making a defensive sea area which would prohibit vessels coming in there except they asked permission to come in, so that we would know what was going through that area.

As noted here, the British had declared one such area. I recollect clearly when the question first came up, as opposing it, because if we did, we could have no complaint of the Japs, perhaps, closing the Sea of Japan, or closing the northern waters where we were sending vessels into Russia.

That is mentioned here, and that was our thought on the subject.

It is all in these dispatches.

Then, we went on to say finally, "If the Dutch desire to give a warning to the Japanese, the Chief of Naval Operations believes it should be in the form of a declaration to Japan, that if during the current situation, Japanese naval vessels or expeditionary forces cross the Davao-Waigo line it would be considered a hostile act, and the forces crossing this line would be attacked."

h2

WARD & PAUL, WASHINGTON, D. C.

1 Witness Stark

Questions by: Senator Ferguson

h3 2 That is very much the same thing as the defensive sea
3 area. They cannot get into what they consider vital waters
4 to them without asking permission, or being attacked.

5 Senator Ferguson: Would you read just the next para-
6 graph?

7 Admiral Stark: May I go on just a little further?

8 Senator Ferguson: Yes.

9 Admiral Stark: Those questions had been discussed in
10 the Navy Department and in the State Department. This first
11 memorandum is to the State Department, and I think we were all
12 pretty much of one mind with regard to it.

13 Now as to your question, as to whether this was taken
14 up with the President, I do not recall. The last paragraph
15 that you suggest I read is:

16 "Ambassadors Winant and Biddle have been informed by the
17 Special Naval Observer, London, of the contents of the memo-
18 randum."

19 Senator Ferguson: Do you think today that you described
20 this important matter as to advising the Dutch to do this
21 without taking it up with the President of the United States?

22 Admiral Stark: No, I do not think I would. I certainly
23 would not do it without taking it up with the Secretary of the
24 Navy, and without a complete interchange with the State De-
25 partment.

Witness Stark

Questions by: Senator Ferguson

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As I remember the first instance, when we were talking about the southern Philippine waters, of discussing it with the President, but I just cannot say absolutely that I took up that particular paragraph with the President.

I am under the impression I did, but I hesitate, when he is not here, to state positively that I did, when it is not perfectly clear to my mind that I did.

Senator Ferguson: Unless it is your memory that it is perfectly clear, I would not want you to.

Admiral Stark: On things of that sort, we just could not go along by ourselves. It had to involve the State Department, and things of that sort were always taken up with the President, and we were very close to him.

Senator Ferguson: What I want to get at is, in your opinion now, if they had moved across this line, and the Dutch had attacked, would you have said that that meant war also with the United States?

Admiral Stark: No, I would not.

Senator Ferguson: Then I want to read you out of Mr. Stimson's memorandum.

Mr. Murphy: Will the Senator yield before you proceed?

Senator Ferguson: Yes.

Mr. Murphy: How does this Davao-Vaigo line compare with the line set forth in the areas described in the memorandum

1 Witness Stark

Questions by: Senator Ferguson

h5

2 of November 5?

3 Senator Ferguson: It was over in the Netherlands East
4 Indies area, and, as I recall, would have put an amphibious
5 Japanese force right on the doorstep.

6 Admiral Stark: Of the NEI.

7 Senator Ferguson: Of the NEI?

8 Admiral Stark: Yes, sir.

9 Senator Ferguson: But it had nothing to do with the
10 line that you had General Marshall establish in your memoran-
11 dum of the 5th and 27th of November?

12 Admiral Stark: That is a different line.

13 Mr. Murphy: Is not there a paragraph in the November 5
14 memorandum as to what the recommendations of our military
15 authorities were if the NEI were attacked?

16 Senator Ferguson: Yes.

17 Admiral Stark: Yes.

18 Senator Ferguson: That is what I want to bring up next.

19 Admiral Stark: I think so.

20 Senator Ferguson: "Friday, November 7, 1941." This is
21 out of Secretary Stimson's diary.

22 "Cabinet meeting this afternoon. The President opened
23 with telling the story of Lincoln and his Cabinet -- how he
24 polled the Cabinet and found them all polling "no," and then
25 he said 'The eyes have it.' With that, he started to have

Witness Stark

Questions by: Senator Ferguson

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2 what he said was the first general poll of his Cabinet, and
3 it was on the question of the Far East -- whether the people
4 would back us up in case we struck at Japan down there, and
5 what the tactics should be."

6
7 Now, he has got a note there, and the note is:

8 "See statement, page 11, as to this Cabinet meeting."

9 Now, continuing reading from the memorandum:

10 "It was a very interesting talk - the best Cabinet
11 meeting I think we have ever had since I have been there. He
12 went around the table - first Hull and then myself, and then
13 around through the whole number, and it was unanimous in
14 feeling the country would support us."

15 Mr. Murphy: Will the Senator yield?

16 Don't you think the Admiral ought to have a copy so he
17 can follow you?

18 Admiral Stark: I brought that up with me.

19 Senator Ferguson: It is on page 42, Admiral.

20 Admiral Stark: Thank you.

21 Senator Ferguson: About half way down.

22 "He said that this time the vote is unanimous, he feeling
23 the same way. Hull made a good presentation of the general
24 situation. I told them I rather narrowed it down into a
25 following up the steps which had been done to show what needed
to be done in the future. The thing would have been much

Questions by: Senator Ferguson

Witness Stark

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stronger if the Cabinet had known - and they did not know
except in the case of Hull and the President - what the
Army is doing with the big bombers and how ready we are to
pitch in."

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Now, that is the end of the memorandum.

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Mr. Murphy: At that point, Senator, don't you think it
is unusual that he did not include Secretary Knox? Certainly
he would know too.

Senator Ferguson: I can only read from the diary of
the Secretary of War. I am not putting any language in it.
It may seem strange.

Admiral Stark: I may state Colonel Knox did know.

Senator Ferguson: You say Colonel Knox did know?

Admiral Stark: Yes, sir, he knew everything I did,
and I was perfectly familiar with that program.

Senator Ferguson: And you were familiar with what is
contained in the diary of the Secretary of War?

Admiral Stark: I did not recall that vote. It may have
been I was told, but I do not recall.

Senator Ferguson: Now, I will go to pages 11 and 12, be-
cause it refers to that, and I will keep this record straight.

"On Friday, November 7, we had the usual weekly Cabinet
meeting. The Far Eastern situation was uppermost in many of
our minds. Mr. Hull informed us that relations had become

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WARD & PAUL, WASHINGTON, D. C.

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1 Witness Stark

Questions by: Senator Ferguson

h8

2 extremely critical and that we should be on the outlook for
3 an attack by Japan at any time."

4 Now, this is November 7.

5 "Our Military advisers" - and you would be one of those
6 would you not, Admiral?

7 Admiral Stark: Yes, sir.

8 Senator Ferguson: Reading on:

9 " -- while desirous of delay, had urged military action
10 if Japan attacked territory whose security was vital to us,
11 and in this connection specified American, British, or Dutch
12 territory."

13 Now, I will ask you whether or not the Dutch territory
14 was the same territory that was described in the memorandum
15 of Schuirmann on your direction?

16 Admiral Stark: In effect, yes, sir.

17 Senator Ferguson: It was?

18 Admiral Stark: Yes, sir.

19 Senator Ferguson: So that you had given the opinion to
20 apparently the President, and apparently to the other members
21 of the War Cabinet, that we should attack if this territory
22 south of this particular -- what is the name of it? Davao-
23 Waigeo?

24 Admiral Stark: Davao-Vaigeo.

25 Senator Ferguson: " -- south of this particular Davao

1 Witness Stark

Questions by: Senator Ferguson

h9

2 Waigeo line,"isn't that true? That was your opinion as
3 early as the 7th?

4 Admiral Stark: Yes, sir, and on that same 7th, I wrote
5 that war might be delayed a month longer, but I did not see
6 how it could go beyond that.

7 I might say with regard to that -- and I have a remem-
8 brance that in my previous testimony I said that -- what I was
9 afraid of was one at a time, and then a squeeze play, and I
10 think I am on the record as saying under certain conditions
11 we would have to fight for our own safety.

12 Senator Ferguson: Coming back to my question, here on
13 the 7th of November, you are of the opinion, and have advised
14 the President and the War Cabinet, as one of our military
15 advisers, that if Japan attacked the territory of the Dutch,
16 which includes the very territory that you are now telling
17 the Dutch to give this warning about, and that they are to
18 attack, you would say then that it did mean war, in your
19 opinion; is that not a correct statement?

20 Admiral Stark: No, it is not. There is a distinction
21 there.

22 Senator Ferguson: Will you tell us what it is?

23 Admiral Stark: It is this, that while it would mean
24 that Marshall and I, these advisers -- which is a matter of
25 record -- had advised this, we could not say that our advice

Witness Stark

Questions by: Senator Ferguson

h10

1 would be followed.

2
3 What the Congress would do if this was put up to them,
4 I had no means of knowing. That is why I say it did not mean
5 war, because we thought it ought to.

6 Senator Ferguson: Admiral Stark, did you ever consider
7 on this question of whether or not we would start war with
8 Japan, whether there would be shots from the Japanese side,
9 and therefore we would be in war, whether that question would
10 ever be submitted to the Congress of the United States?

11 Admiral Stark: Our instructions were very clear on
12 not to commit an overt act. So far as I was concerned, I
13 could do nothing in that line without authority higher up.

14 Unless something had occurred, such as did occur, the
15 normal procedure was for a declaration by Congress, in accord-
16 ance with our Constitution.

17 Senator Ferguson: Well, did not you know that Colonel
18 Knox advised the President of three alternatives, and he
19 advised as the last that we should attack?

20 Mr. Keefe: You mean Colonel Stimson?

21 Senator Ferguson: Colonel Stimson.

22 Admiral Stark: That paragraph which is in here --

23 Senator Ferguson: It is on page 53.

24 Admiral Stark: In view of the rest of the paragraphs in
25 here where Colonel Stimson states --

Witness Stark

Questions by: Senator Ferguson

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2 Senator Ferguson: It is on page 53, if it will help
3 you.

4 Admiral Stark: I want to finish that sentence.

5 Senator Ferguson: Yes.

6 Admiral Stark: Where Colonel Stimson states, on page
7 55 of this memorandum, and I quote:

8 "It further became a consensus of views that rather than
9 strike at the force as it went by without any warning on the
10 one hand, which we didn't think we could do; or sitting still
11 and allowing it to go on," and so forth.

12 There Colonel Stimson puts himself on record as stating
13 that he could not strike without warning.

14 Now, I think that there is another paragraph here that
15 bears on that same thing, if I may look for it, while this
16 talk is on this matter.

17 Senator Ferguson: All right.

18 Mr. Richardson: Look on page 56.

19 Admiral Stark: I will come right back to it.

20 On page 28, Colonel Stimson further states:

21 "On the other hand we also decided that we could not
22 attack without a further warning to Japan, and we discussed
23 what form that warning should take. The President suggested
24 a special telegram from himself to the Emperor of Japan.
25 After some discussion, it was decided that he would send such

Witness Stark

Questions by: Senator Ferguson

h12

2 a letter to the Emperor, which would not be made public,
3 and that at the same time he would deliver a special message
4 to Congress reporting on the danger and reporting what we
5 would have to do if the danger happened."

6 Now, Colonel Stimson, I think, in those two statements,
7 which I have quoted, and there may be others here -- clearly
8 states, in my opinion, that he could not go ahead and make an
9 attack without first warning, and he suggests that the Presi-
10 dent should go to Congress.

11 Senator Ferguson: Did not he also advise the President
12 that he believed the message of the 17th of August -- he calls
13 it the 19th, but apparently that is wrong --

14 Admiral Stark: Yes, that is an error.

15 Senator Ferguson: -- that the message of the 17th of
16 August was such a warning, that if they crossed that line,
17 we would be justified in attacking without Congressional
18 action?

19 Admiral Stark: I do not gather that he considers that.
20 That message of the 17th of August -- and while I have not
21 refreshed my memory on it for a long time, as I recall wound
22 up with some statement to the effect that if the Japs en-
23 croached further in Southeast Asia, we reserved to ourselves
24 the right to take any action which we saw fit in our national
25 interest.

Witness Stark

Questions by: Senator Ferguson

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2 Senator Ferguson: Now, would not one of those actions
3 be that we would attack if we would take any action?

4 Admiral Stark: I would not say it would be to attack
5 without warning. I feel so strongly on that, that my only
6 suggestion is -- you are asking me to interpret Colonel
7 Stimson's thoughts. He is available to answer that question.

8 Senator Ferguson: I will come back to in.

9 Did you expect this war to start by the Japanese doing
10 the first shooting, after Congress had declared war upon
11 Japan? Is not that contrary to all of the philosophy of
12 Japan, that they would allow us, if they were going to make
13 war, to declare war first?

14 Admiral Stark: Again I would like to state this with
15 regard to that: My thought was that the Japs would strike
16 without warning. That was their history.

17 Senator Ferguson: That is right.

18 Admiral Stark: Now, as to the second part of your ques-
19 tion --

20 Senator Ferguson: I think you testified to that before.

21 Admiral Stark: Yes, sir.

22 As to the second part of your question, as to our striking
23 after declaration of war on our part, if the situation became
24 intolerable to us, and our national safety, if the Japs had
25 not struck and we thought then that our safety was imperiled,

Witness Stark

Questions by: Senator Ferguson

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2 if we did not fight, I think it would have been done in a
3 constitutional manner.

4 Senator Ferguson: Now, Admiral, you expected Japan to
5 attack without warning?

6 Admiral Stark: I did.

7 Senator Ferguson: And that would be before we declared
8 war?

9 Admiral Stark: At that time, yes, sir.

10 Senator Ferguson: Yes.

11 Therefore, the war would start before Congress declared
12 war, because we would not allow Japan to attack us and not
13 even shoot back, would we?

14 Admiral Stark: Well, I think your question is just stat-
15 ing what has happened.

16 Senator Ferguson: Is that what you anticipated? My
17 original question was prefaced, and I am carrying out the
18 idea, by what happened prior to the 7th.

19 It is exactly what happened, but I want to know whether
20 that is what you anticipated would happen.

21 Admiral Stark: I did.

22 I did anticipate an attack without warning. I said so
23 in personal letters for over a year. I stated so unequivocally
24 in dispatches in the latter part of November.

25 Senator Ferguson: Isn't it true that that was taken up

1 Witness Stark

Questions by: Senator Ferguson

h15

2 at the War Cabinet meeting, as related in the Stimson state-
3 ment?

4 Admiral Stark: If you will give me the page, I will
5 follow you, Senator.

6 Senator Ferguson: Look at page 47.

7 "Then, at 12 o'clock, we (viz. General Marshall and I)
8 went to the White House, where we were until nearly half-
9 past one. At the meeting were Hull, Knox, Marshall, Stark,
10 and myself. There the President, instead of bringing up the
11 Victory Parade, brought up entirely the relations with the
12 Japanese. He brought up the event that we were likely to
13 be attacked perhaps (as soon as) next Monday, for the Japanese
14 are notorious for making an attack without warning, and the
15 question was what we should do. The question was how we
16 should maneuver them into the position of firing the first
17 shot without allowing too much danger to ourselves.

18 "It was a difficult proposition."

19 Now, is that not exactly what the whole War Cabinet
20 expected, that there would be an attack by the Japanese before
21 anything would be submitted to Congress and have America de-
22 clare war upon Japan?

23 Admiral Stark: We thought action by Japan attacking us
24 was about to start, and we said so.

25 Senator Ferguson: Yes.

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Witness Stark

questions by: Senator Ferguson

h16

1 Now, I come to the question here:

2 Wasn't it also true that you expected that attack before
3 Congress would declare war upon Japan?
4

5 Admiral Stark: Yes, because I thought it was in the
6 immediate offing.

7 Senator Ferguson: Yes.

8 Admiral Stark: But I do again make the statement, and
9 I want it clear on the record, so far as my thoughts are con-
10 cerned, that if Japan had not attacked, and if conditions had
11 become intolerable to our national safety because of what she
12 was doing, it is then my opinion that there would have been
13 only one road for us to take, and that would have been through
14 the Congress.

15 It did not have to be, because she attacked.

16 Senator Ferguson: And you expected she would attack,
17 and the President expected she would attack?

18 Admiral Stark: Yes, at that time there was not any ques-
19 tion about it in our minds. I said so at that time, on the
20 25th.

21 Senator Ferguson: You did not change your mind, and as
22 far as you know, the President did not change his, at least
23 saying so to you, up to the 7th of December?

24 Admiral Stark: No one changed their minds, so far as
25 I know. You will recall on the 6th we sent a dispatch

Questions by: Senator Ferguson

Witness Stark

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2 about codes, to hold on to the last minute. That showed
3 we were still expecting that minute to happen at any time.

4 Senator Ferguson: Now, he states, "The question was
5 how we should maneuver them" - I take it that means the
6 Japanese -- "into the position of firing the first shot
7 without allowing too much danger to ourselves."

8 Now, did you discuss with the President and those present
9 at that meeting how you would maneuver the Japanese into
10 shooting the first shot?

11 Admiral Stark: I have no recollection of that. My recol-
12 lection of that meeting, on which I testified before -- and
13 which the record, the written record shows -- is that I wrote
14 Kimmel about both the President and Mr. Hull stating that they
15 would not be surprised at a surprise attack.

16 But as to our maneuvering them, if you take the language
17 baldly, just what it says, that it was trying to get them to
18 shoot at us, I do not recall any such conversation.

19 I do recall the meat of the thing, and which meant what
20 Colonel Stimson meant, that we should not commit the first
21 overt act, and I heard Marshall's testimony yesterday when
22 he said he thought this was to keep the record clear, and
23 that it was to be political. Maybe that was it; I don't
24 know.

25 Senator Ferguson: Did he say, "political" or "diplomatic"?

Witness Stark

Questions by: Senator Ferguson

Admiral Stark: Diplomatic, perhaps it was.

Senator Ferguson: In other words, is that your own opinion, that we were to keep the diplomatic record in shape so that Japan would shoot the first shot rather than America declaring war?

Admiral Stark: I do not recollect that having gone through my mind at that time. As I said, I did not recollect discussing this, just as it is here, except that we would not commit the first overt act.

I do know, however, that there was a desire to keep the record straight on our offers, for example.

To go back a little bit, I think it was back in July when I was present with Nomura, and with Welles in the White House, when Nomura brought up the subject that what they were concerned with raw materials, and particularly food, rice, and the President then offered, so far as he possibly could, to guarantee that they would get these things if Japan would stop her aggression.

I remember her remark afterwards, that she probably would not stop her aggression. But that was to keep the record straight, and they were continually trying to prevent war in the Pacific.

I think the record is clean on it.

Senator Ferguson: Now, as I understand it, you do not

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WARD & PAUL, WASHINGTON, D. C.

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Witness Stark

Questions by: Senator Ferguson

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2 remember this being taken up at that meeting, and you do not
3 remember that the "maneuver" meant diplomatic maneuver. You
4 do not remember either?

5 Admiral Stark: No, I do not, Senator Ferguson.

6 Mr. Murphy: Will the Senator yield?

7 Senator Ferguson: Yes.

8 Mr. Murphy: Was Admiral Stark at this cabinet meeting?

9 Admiral Stark: Yes, I was.

10 Senator Ferguson: It was the war cabinet meeting.

11 Mr. Murphy: All right.

12 Senator Ferguson: You were present?

13 Admiral Stark: I was present at that meeting, yes, sir.

14 Senator Ferguson: I think you wrote to Kimmel advising
15 him that the President had expected the war by Japan attack-
16 ing by -- what was it? Monday?

17 Mr. Keefe: The following Monday, December 1st.

18 Admiral Stark: That is what the President said. If you
19 recall, when you questioned me about this before, I said I
20 thought we went into all phases of it, but my memory was not
21 clear as to just what we had discussed in detail, but that I
22 had written Kimmel of the President's and Mr. Hull's belief
23 that a surprise attack might come any time, and as early as
24 "next Monday."

25 There are things in here, of course, from Mr. Stimson's

1 Witness Stark

Questions by: Senator Ferguson
Mr. Keefe

2 diary. I kept none.

3 Senator Ferguson: I think that is all.

4 The Vice Chairman: Does Mr. Keefe desire to inquire?

5 Mr. Keefe: May I have the diary?

6 The Vice Chairman: Mr. Keefe of Wisconsin will inquire.

7 Mr. Keefe: I would like to have it perfectly clear, if
8 I can -- and I listened attentively to the questions and answers
9 that have been propounded by Senator Ferguson, and that you
10 have given, Admiral Stark --

11 Admiral Stark: Yes, sir.

12 Mr. Keefe: But according to Secretary Stimson's diary,
13 under date of November 7, 1941, in which he described the
14 Cabinet meeting held that afternoon, Friday afternoon, where
15 the President polled the Cabinet on the question "whether the
16 people would back us up in case we struck at Japan down there
17 and what the tactics should be," whether the fact that such
18 a vote was taken by the full Cabinet, and they had voted "aye,"
19 expressing their respective opinions that the people would
20 back them up if they struck at Japan, whether that was known
21 to you when you attended the meeting of the War Cabinet on
22 Tuesday, November 25?

23 Admiral Stark: I do not think it was. I do not recall
24 Colonel Knox having given me that information.

25 Obviously I would not have gotten it from anyone else

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1 Witness Stark

Questions by: Mr. Keefe

2 unless Marshall had gotten it from Stimson and told me.

3 I have no recollection of it.

4 Mr. Keefe: It is obvious from the memorandum prepared
5 by Secretary Stimson and appearing in his diary that that
6 whole question was gone over by the Cabinet.

7 Admiral Stark: Yes, sir, I think there is no question
8 of that. It states so, from his notes made at the time.

9 Mr. Keefe: But you, as Chief of Naval Operations, state
10 to us now that you had no knowledge that that question was
11 discussed at that Cabinet meeting of November 7th?

12 Admiral Stark: I have no recollection of it.

13 Mr. Keefe: Then, am I to understand that it is a mere
14 lapse of memory that you do not have a recollection, that it
15 may have been discussed and you have forgotten it?

16 Admiral Stark: It is possible that I might have. In
17 my opinion, I did not know.

18 After all, that is going on five years, and there was an
19 awful lot going on. But I have no recollection of that vote,
20 until I read it here, and I think I did not get it.

21 Mr. Keefe: Well, the reason I am asking that, Admiral
22 Stark, is because it impressed me, when I read it, that it
23 was a very important matter, reflecting itself on subsequent
24 actions, perhaps, of the Cabinet and subsequent action of
25 the so-called War Cabinet, but your final judgment before

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1 Witness Stark

Questions by: Mr. Keefe

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2 this committee today is that when you met with the war cabinet
3 on the 25th of November, or at any other time, that the war
4 cabinet met subsequent to November 7, you do not have any
5 present recollection of ever having known of its meeting
6 and its determination and vote on the 7th of November?

7 Admiral Stark: That is correct.

8 If I had had it, I do not know that it would have affected
9 my independent judgment.

10 Mr. Keefe: The thing that impressed me about this
11 memorandum of the former Secretary Stimson is the fact that
12 they apparently were concerned about the imminence of war,
13 and how we were to meet it without being put in the position
14 of having it said that we had fired the first shot, or com-
15 mitted the first overt act.

16 You were concerned about that too, as Chief of Naval
17 Operations, were you not?

18 Admiral Stark: I was concerned with the imminence of
19 war, and surprise attack by the Japs which we were expecting
20 at any moment at that time.

21 I say "at that time", my message of the 24th put it down
22 as a possibility; my message of the 27th was positive, and
23 you recall the subsequent messages to the 27th about the
24 codes and so forth. We were expecting such an attack.

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25 Mr. Keefe: Well, I understand that clearly, but I

Witness Stark

Questions by: Mr. Keefe

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2 gained the impression from reading Secretary Stimson's state-
3 ment to this committee, together with the excerpts from his
4 diary which he has submitted to the committee that there was
5 a question in the minds of the Cabinet officers as to whether
6 or not there was such a division among the people of this
7 country with respect to the possibility of war in the Pacific,
8 or whether or not the country was so solidified on that ques-
9 tion that they would back up the President and the Cabinet
10 if they did actually, in view of the circumstances, strike at
11 Japan and commit the first overt act, and the Cabinet, when
12 polled on that question, said they thought the country would
13 back them up.

14 Did you share that belief at that time?

15 Admiral Stark: Well, I certainly would not have had
16 any such unanimity with regard to the country backing them
17 up as was indicated there by the Cabinet poll.

18 I had recalled when I thought we would get the draft
19 without any question, we got it by one vote, after a good
20 deal of contest, and the sentiment of the country, which is
21 portrayed here by Colonel Stimson -- for example, may I
22 quote here, speaking of the officers and what the military
23 was working on at that time, Colonel Stimson said, "Yet they
24 were surrounded, outside of their offices and almost through-
25 out the country by a spirit of isolationism and disbelief

1 Witness Stark

Questions by: Mr. Keefe

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2 and danger which now seems incredible."

3 Mr. Keefe: You felt that way too, did you not, because
4 you wrote Admiral Hart on that same thing, did you not?

5 Admiral Stark: I wrote I did not know what we would
6 do and there has been a good deal of comment on that in articles
7 one way or the other, as though it might seem strange that
8 the Chief of Naval Operations did not know what to do under
9 certain conditions.

10 Mr. Keefe: You would have good --

11 Admiral Stark: May I finish?

12 Mr. Keefe: Yes.

13 Admiral Stark: It would have taken a brave man right
14 here in Congress at that time to have predicted what would
15 have to be done, if it was put up to Congress.

16 Mr. Keefe: I recall a letter which you wrote, which
17 is in the record here, but I cannot quote it exactly, but I
18 do recall a letter which you wrote to Admiral Hart in which
19 you said to him, in substance, that you could not understand
20 the attitude of the people of this country, and especially
21 the people up on the Hill that were debating the question
22 of arming the ships and so on, that they apparently did not
23 realize that the country was already at war, that we were
24 at war in the Atlantic, and you said to him, "You and I know
25 it."

Witness Stark

Questions by: Mr. Keefe

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1 Do you have that letter?

2
3 Admiral Stark: I remember very distinctly a letter in
4 which I stated, "Although the country does not realize, we
5 are in war in the Atlantic".

6 Mr. Keefe: Yes.

7 Admiral Stark: We covered that in the previous testimony.

8 Mr. Keefe: You, as Chief of Naval Operations, knew it,
9 but you expressed the opinion at that time, that the people
10 of the country and the Congress itself did not seem to under-
11 stand and know the facts.

12 Admiral Stark: That is correct.

13 You remember the testimony, I think, to the effect that
14 we did not have belligerent rights, and so forth, that went
15 with the full declaration of war. There were a lot of things
16 we could not do, but technically, in certain areas, we had
17 given an order to shoot at any Axis craft we saw, and the
18 public had been fully informed on that by the President.

19 Mr. Murphy: In the speech of September 11, wasn't it?

20 Admiral Stark: September 11, yes, sir, I think that was
21 the speech.

22 It has all been covered.

23 Mr. Keefe: Well, now, in answer to the questions of
24 Senator Ferguson, you indicated that you have very little
25 present recollection of what actually took place at this

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Witness Stark

Questions by: Mr. Keefe

1 meeting of the War Cabinet on the 25th, as described here
2
3 by Secretary Stimson.

4 Admiral Stark: Yes, sir. I searched my memory just as
5 carefully as I could. I kept no diary. I have the written
6 record of Kimmel on that, in which I referred to that meeting.
7 The only thing additionally that I want to bring up, and was
8 refreshed on in Colonel Stimson's memorandum was what I knew
9 at the time, that we were not to commit the first overt act.
10 That could be one interpretation of the statement which he
11 makes there, and also the President and Mr. Hull stating un-
12 equivocally that they would not be surprised if the Japs
13 attacked us without warning.

14 I immediately transmitted that to Admiral Kimmel.

15 Mr. Keefe: The attack which was in your mind, and the
16 possibility of attack which was in your mind, and in the minds
17 of all the others, as far as you knew it, was an attack down
18 in the Far East, wasn't it?

19 Admiral Stark: That is where we were looking for it,
20 yes, sir.

21 We knew the other was a possibility. For example, the
22 dispatches we sent made both the Commanders in the Pacific
23 action addressees; it made King in the Atlantic information,
24 but we expected the attack in the Southeast Pacific, and we
25 were surprised when they struck at the time they did in

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Witness Stark

Questions by: Mr. Keefe

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2 Hawaii.

3 Mr. Keefe: Now, Admiral, I understood you to say when
4 you were here the last time, a couple of days ago, that you
5 had since located an engagement book, or something of that
6 kind.

7 Admiral Stark: That was Mrs. Stark's engagement book,
8 in which everything of a social nature, or in going out, was
9 kept.

10 Mr. Keefe: Is it here?

11 Admiral Stark: No, I haven't got it here, but I would
12 be glad to give it to you, if you want to see it. I will
13 tell you, there was nothing there regarding that Saturday
14 night, at least we could not find that.

15 Mr. Keefe: When you first testified, you testified you
16 could not find it, it was not available, and you have since
17 located it, since the last hearing?

18 Admiral Stark: Yes, sir, and I so stated in my testimony
19 here.

20 Mr. Keefe: Is it available so you can bring it to the
21 committee?

22 Admiral Stark: Yes, sir.

23 Mr. Keefe: I would like to see it.

24 Admiral Stark: Aye, aye, sir. I will give it to
25 Baecher.

1 Witness Stark

Questions by: Mr. Keefe

h28

2 Mr. Keefe: You told us there was absolutely no entry
3 for Saturday, the 6th of December, did you not?

4 Admiral Stark: None for Saturday evening, the 6th of
5 December.

6 Mr. Keefe: Is there anything for Saturday afternoon?

7 Admiral Stark: Yes, there is for Saturday afternoon,
8 about the Canadian party.

9 Mr. Keefe: Then, that refreshes your recollection that
10 you were present at that Canadian party, does it?

11 Admiral Stark: It does not.

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Witness Stark

Questions by: Mr. Keefe

Mr. Keefe: That simply was an entry?

Admiral Stark: It simply was an entry. Those parties usually were put down, and our answers to them always were if anything was required I would go if I could, but actually I practically never went. I was too busy. I did not have time to go to cocktail parties.

Mr. Keefe: Do you have any present recollection as to whether you did go to this cocktail party on December 6th?

Admiral Stark: My recollection is I did not go, and Mrs. Stark said she did not go. Often, particularly where friends were concerned, I would ask her to go, just as a matter of good will, to represent me. I did not have time.

Mr. Keefe: Your testimony is you did not attend that cocktail party on that afternoon, December 6, is that right?

Admiral Stark: Yes, sir.

Mr. Keefe: And that the newspaper statement is simply a list of the guests that were there, and it was just perhaps taken from those that were invited, and so far as you are concerned, you were not at that party?

Admiral Stark: Yes, sir.

Mr. Keefe: Do you have any recollection as to where you were that afternoon?

Admiral Stark: Well, my recollection, the only recollection I would have of that business or anything else is in the office.

WLC2

Witness Stark

Questions by: Mr. Keefe

1 That is where I usually spend it.

2 Mr. Keefe: Do you have any recollection as to where you
3 spent the evening?

4 Admiral Stark: Well, I can only assume that I was at
5 the National Theater.

6 Mr. Keefe: Now, Admiral, I am not asking you assume
7 anything, I am asking you whether you have any present
8 recollection as to where you were.

9 Admiral Stark: No, I do not, sir.

10 Mr. Keefe: Now, from where do you obtain the assumption
11 that you were at the National Theater?

12 Admiral Stark: Commander Schulz' testimony.

13 Mr. Keefe: Do you have any present recollection as to
14 where you were at all Saturday evening?

15 Admiral Stark: No, I do not. I had been under the impres-
16 sion, as I have previously testified, that I was at home,
17 because I have no other recollection of being anywhere else.
18 The testimony makes it rather clear, I would say, that I was
19 not, and that I was at the National Theater. As I have also
20 testified, I do recall having seen the revival of the Student
21 Prince, but I did not connect it up with that Saturday night,
22 and I still draw more or less of a blank on it, except I did
23 see a revival of the Student Prince.

24 Mr. Keefe: Do I understand your testimony to be that you
25

WLC3

Witness Stark

Questions by: Mr. Keefe

can state with positiveness and certainty that you did not go to the White House that night, December 6th?

Admiral Stark: I am absolutely certain of that.

Mr. Keefe: And are you also absolutely certain that you received no telephone calls from the White House that night?

Admiral Stark: I am certain the President did not call me that night.

Mr. Keefe: And you are also certain that you did not see the first 13-part of the Jap 14-part message that night?

Admiral Stark: I am, yes, sir, perfectly. I am perfectly certain of that.

Mr. Keefe: Did anyone tell you, or have you any present recollection of any one of your servants telling you that Captain Kramer had called and tried to locate you that night?

Admiral Stark: No, sir.

Mr. Keefe: Are you certain that you had no telephone message that night from Secretary Knox?

Admiral Stark: Well, I haven't the slightest recollection of it. Yes, I am certain that I heard nothing that Knox said that night.

Mr. Keefe: Did you have any telephone message from Admiral Wilkinson?

Admiral Stark: No, sir. I think Wilkinson has also testified to that same fact, and also Kramer.

WLC4

Witness Stark

Questions by: Mr. Keefe
Mr. Murphy

1
2 Mr. Keefe: Well, I might say, Admiral, it is rather
3 amazing to me that you have a pretty clear negative memory
4 that certain things did not happen, but you cannot recall
5 anything that you actually did that night.

6 Admiral Stark: That is the fact, Mr. Keefe. Whether it
7 seems strange to you or not, that is the fact.

8 Mr. Keefe: I understood your testimony, in response to
9 questions asked by Senator Ferguson, that your visit to your
10 office Sunday morning was just a normal, ordinary routine
11 matter and there was no meeting with an extraordinary show-up
12 of naval officers there that morning out of the ordinary.

13 Admiral Stark: That is correct.

14 Mr. Keefe: That is all.

15 Admiral Stark: Mr. Keefe, I will bring that book up to
16 you and show it to you personally.

17 Mr. Murphy: Mr. Chairman.

18 The Vice Chairman: Mr. Murphy.

19 Mr. Murphy: Admiral Stark, when you were questioned
20 previously about what you would have done, had you had known
21 that the President, in substance, uttered some words which the
22 witness interpreted as "This means war", referring to the 13-part
23 message, as I understand it you said you would have gone to your
24 office. Is that what you said you would have done?

25 Admiral Stark: If I had known that a message had been

WLC5

Witness Stark

Questions by: Mr. Murphy

3 received which caused the President to make any explanation
4 to the effect "This means war", of course I would have been
5 so interested that I might have picked up the telephone and
6 called him. I would not have hesitated to have called him or
7 seen him. My relations were such that I could have at the
8 time, or I would have called Ingersoll, or someone, and I
9 would have followed through on it until I had seen that message.
10 I have read Schulz' testimony since I was up here the other
11 day, and I am not convinced from it that the President did say
12 "This means war."

13 Mr. Murphy: The witness said that the President said some-
14 thing which, in substance, he interprets "This means war".

15 Admiral Stark: Yes, sir.

16 Senator Ferguson: Did he use the word "interprets"?

17 Mr. Murphy: Yes, sir. Let me get his exact words. I
18 will come back to that.

19 At any rate, if you had known that the President did say
20 something in substance "This means war", about the 13-part
21 message, was there anything you would have done that night
22 except to read the message? Is there anything you could now
23 tell us you would have done, in the way of backsight or hind-
24 sight that you would have done that you did not do?

25 Admiral Stark: It would not be backsight or hindsight,
because when I read it on Sunday morning I saw nothing in it to

WLC6

Witness Stark

Questions by: Mr. Murphy

cause me to take any further action on it.

Mr. Murphy: Now, the actual testimony, at page 4662, of Commander Schulz was, in the printed record:

"Commander Schulz: Mr. Hopkins then read the papers and handed them back to the President. The President then turned toward Mr. Hopkins and said in substance -- I am not sure of the exact words, but in substance -- 'This means war'. Mr. Hopkins agreed, and they discussed then, for perhaps five minutes, the situation of the Japanese forces, that is, their deployment and --"

Now, then, if you had known that the President said, in substance, that, you would no doubt have gone and read the 13-part message, would you not?

Admiral Stark: There isn't any doubt in my own mind but that I would have.

Mr. Murphy: Now, is there anything in Commander Schulz' testimony, you having read it, that would have given you the slightest indication that there was to be any attack specifically at Hawaii?

Admiral Stark: No, sir.

Mr. Murphy: Now, there has been some testimony about the Cabinet meeting of November 7. You were not at the Cabinet meeting where the vote of the Cabinet was taken?

Witness Stark

Questions by: Mr. Murphy

Admiral Stark: No, sir.

Mr. Murphy: As to the attitude of the American people, were you?

Admiral Stark: No, sir.

Mr. Murphy: Do you know anything of the plans that were made, either at that Cabinet meeting or immediately subsequent to the Cabinet meeting, to have the different members of the Government in high places address the American people on the war question?

Admiral Stark: No, not as a result of or tied up with that meeting. There were talks by -- I have forgotten just what the talks were.

Mr. Murphy: It was done by Sumner Welles on November 11, on Armistice Day; do you remember that?

Admiral Stark: I do not remember. I think he stated we might be in the war at anytime, or something to that effect.

Mr. Murphy: Subsequent to the Cabinet meeting there were some talks, I believe, by leading Americans on the possibility of a war coming.

Admiral Stark: Yes.

Mr. Murphy: You were not, as I understand it, at any meeting where the necessity of having those talks was discussed?

Admiral Stark: The only one that I remember with regard to action of that sort was the one -- and I am not sure just

Witness Stark

Questions by: Mr. Murphy

when it came up -- was the President's message to the Emperor.

Mr. Murphy: That is on the night of December 6th?

Admiral Stark: Yes, along about then. I am not sure.

Mr. Murphy: Now, then, in Colonel Stimson's diary there is a notation -- let me see that diary. The entry of November 27, this part about the question of firing the first shot. Was there ever at anytime any discussion by anyone in the Government that you know of where there ever was any intention on our part of avoiding doing everything possible to prevent war with the Japanese?

Admiral Stark: No.

Mr. Murphy: Was not that our intention right up to December 7, if it could be done without sacrificing American honor and principles?

Admiral Stark: Yes, sir, and we had been working for months on that, and the record is complete in regard to that.

Mr. Hull stated we tried to avoid war, in his testimony. As you recall, I recorded that over the period of months. I stated in my opinion there was always one stumbling block which we could not get around, and that was the Chinese-Japanese War.

Mr. Murphy: Now, then, about the so-called first shot, the fact is the Japanese had fired a great many shots previous to November, 1941, had not they?

Admiral Stark: Yes

Witness Stark

Questions by: ~~Mr. Gearhart~~ Mr. Murphy

1 Mr. Murphy: They had sunk the Panay, they had bombed our
2 missions in China, and they had also attacked another ship and
3 committed a great many acts which would be unfriendly to America,
4 had not they?

5 Admiral Stark: The Panay incident I remember very distinct-
6 ly. The bombing or the near bombing of our diplomatic residence
7 I also remember. I think there was a near attack or miss that
8 could not be called an attack on another gunboat. I forget
9 where it was.

10 Mr. Murphy: There were also attacks on American property
11 on a number of occasions?

12 Admiral Stark: That had been going on for a long time.

13 Mr. Murphy: Despite all those acts we were still continuing
14 in a state of peace with the Japanese up until December 7,
15 1941?

16 Admiral Stark: Yes, sir.

17 Mr. Murphy: That is all.

18 The Vice Chairman: Any further questions?

19 Mr. Gearhart: Mr. Chairman.

20 The Vice Chairman: Mr. Gearhart.

21 Mr. Gearhart: Admiral Stark, you recall rather definitely
22 what you were doing during the Sunday upon which the attack
23 occurred, do you not?

24 Admiral Stark: There are certain things, of course, that
25

Witness Stark

Questions by: Mr. Gearhart

1 stand out on that Sunday, the 7th, that I am very clear on.
2 One is in regard to the 1300 message and the conversation
3 almost exactly as it took place. The other was the message
4 that came in stating "This is no drill". That is when the
5 Japanese attacked. And the rest of it was of course messages
6 coming in during the afternoon. I was in the office from that
7 morning until about 2, as I recall, the next morning. We also
8 went to work immediately, in the late hours, shifting some
9 ships from the Atlantic back to the Pacific.
10

11 Mr. Gearhart: Just how long after the news of the attack
12 reached Washington was it before Secretary Knox began to talk
13 about his desire to make a trip to Hawaii so he could personally
14 inspect it?

15 Admiral Stark: I do not recall that. He went shortly
16 after, but just when he started talking about it I do not know.

17 Mr. Gearhart: You were in constant consultation with
18 him, were you not?

19 Admiral Stark: Yes.

20 Mr. Gearhart: Until the time of this tragic event?

21 Admiral Stark: I was always in touch with him, every day.

22 Mr. Gearhart: Cannot you recall when he first mentioned
23 his desire to go there?

24 Admiral Stark: It was shortly after that he said he better
25 go out and take a look himself. That was after he had talked

1 Witness Stark

Questions by: Mr. Gearhart

2 with the President.

3 Mr. Gearhart: After he decided he would go to Hawaii
4 did he ask you to make any investigation for him, to inform
5 him of any facts or things that might have happened theretofore?

6 Admiral Stark: No, sir. He had everything we had which
7 had come in, in the way of dispatches.

8 Mr. Gearhart: Well, how long was it after the event
9 before you began to hear about the possibilities of a Roberts
10 Commission being organized?

11 Admiral Stark: Just about the time it happened, just about
12 the time the Commission was formed here.

13 Mr. Gearhart: That was right immediately, or almost immed-
14 ately after the bombs fell at Pearl Harbor that there was talk
15 in the United States about creating a nonpartisan national
16 commission to go to Hawaii to make an investigation with
17 respect to the causes and responsibilities involved?

18 Admiral Stark: There was talk, of course, about an investi-
19 gation. I could not give you the date, but it was shortly after
20 December 7 that that investigating commission went out.

21 Mr. Gearhart: It was only a few days until the Congress
22 acted and a commission was authorized, the President made the
23 appointment of Justice Roberts, is that correct?

24 Admiral Stark: I have forgotten about the Congress authoriz-
25 ing it. It was only a few days.

Witness Stark

Questions by: Mr. Gearhart

1
2 Mr. Gearhart: I am in error. It was only a few days
3 that the President made the appointment and made the announce-
4 ment of the Commission?

5 Admiral Stark: Yes, sir.

6 Mr. Murphy: I think the record should show that the
7 Congress did not authorize it.

8 Mr. Gearhart: I did make that correction. It was not
9 necessary for you to interpose.

10 Now, as soon as it was determined to have an investigation
11 by an impartial board it became necessary to amass testimony and
12 evidence for the benefit of the Commission, did it not?

13 Admiral Stark: During the process, yes, sir.

14 Mr. Gearhart: And did you assist in the gathering of the
15 information for the Roberts Commission?

16 Admiral Stark: No, sir, except that I testified.

17 Mr. Gearhart: And you heard the testimony of General
18 Marshall that he immediately busied himself in getting evidence
19 together for the benefit of the Commission, did not you?

20 Admiral Stark: I do not recall that.

21 Mr. Gearhart: Yes. Then, there were other investigations
22 that were conducted, some informally and some formally, were
23 there not, following in rapid succession, right on down until
24 the Army board was organized and until the Navy Court of Inquiry
25 was organized, and there were investigations after investigations

1 Witness Stark

Questions by: Mr. Gearhart

2 following one after another?

3 Admiral Stark: I remember of none other except that of the
4 Roberts Commission, unless you call Colonel Knox's trip out
5 there to see what had happened one. I do not recall any other
6 up until the summer of 1944, I think, when the Army and Navy
7 held their -- There was one other. Admiral Hart was sent
8 by the Secretary of the Navy, I believe -- I did not appear
9 before him, I was in Europe -- on an investigating committee,
10 and the Army may have sent someone at the same time, but I am
11 not clear on that. But the only ones I remember were the
12 Roberts Commission and Hart prior to the Regular Army and
13 Navy courts.

14 Mr. Gearhart: Then, there were investigations following
15 the Army and Navy inquiries?

16 Admiral Stark: Yes, there was Admiral Hewitt. He was
17 appointed by the Secretary to make a follow-up of the Navy
18 inquiry.

19 Mr. Gearhart: And the Colonel from San Francisco was
20 appointed to conduct a parallel investigation on the part
21 of the Army, was not he?

22 Admiral Stark: I have not paid any attention to that.
23 I think they made further investigations.

24

25

Witness Stark

Questions by: Mr. Gearhart

Mr. Murphy: Colonel Claussen.

Admiral Stark: Yes, sir.

Mr. Gearhart: Then after that time, there was a still further investigation, was there not, prior to the beginning of this investigation, the Clarke investigation?

Admiral Stark: I do not remember that.

Mr. Gearhart: In how many of those investigations did you testify?

Admiral Stark: I testified before the Roberts Commission; I testified before the Navy, and I testified before this committee.

I was not interviewed by Admiral Hart, nor was I interviewed by Admiral Hewitt.

Mr. Gearhart: In relation to those investigations that you did not testify in, did you have anything to do with the collection of evidence for the benefit of those investigations?

Admiral Stark: Nothing whatsoever, no sir. I was not here; I was in Europe.

Mr. Gearhart: Now, were you interrogated when you testified before the Roberts Commission as to where you were the previous Saturday night?

Admiral Stark: I do not recall that. I think I was not. I do not recall.

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WARD & PAUL, WASHINGTON, D. C.

Witness Stark

Questions by: Mr. Gearhart

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2 Mr. Gearhart: What?

3 Admiral Stark: I do not recall.

4 Mr. Gearhart: You had testified prior to the commence-
5 ment of this investigation that you did not know where you
6 were on the previous Saturday night, had you not?

7 Admiral Stark: I have forgotten for the moment whether
8 that came up in the Navy Court, or not. That would be the
9 only one where I was questioned.

10 Mr. Gearhart: Well, it was generally known, before we
11 came together in this investigating body that you had testi-
12 fied or stated theretofore that you did not know where you
13 were on Saturday night?

14 Admiral Stark: That would be logical.

15 Mr. Gearhart: Then you had told some people, some in-
16 vestigating body before this hearing began that you did not
17 know where you were the previous Saturday night?

18 Admiral Stark: If I did, that would have been in the
19 Naval Court of Inquiry.

20 Mr. Gearhart: Now, do you remember whether or not that
21 question was asked you in the Roberts Investigation?

22 Admiral Stark: I think it was not. I have no recollec-
23 tion of it.

24 Mr. Gearhart: When were you first asked as to where you
25 were on the previous Saturday night?