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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

January 28, 1946

Washington, D. C.

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C O N T E N T S

TESTIMONY OF:

ZACHARIAS, Captain Ellis M.

" " " (Resumed)

ROBERTS, Mr. Justice Owen J.

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E X H I B I T S

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S. Con. Res. 27

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Monday, January 28, 1946.

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

The Joint Committee met, pursuant to adjournment, at
10:00 A.M., in the Caucus Room (room 318), Senate Office
Building, Senator Alben W. Barkley (chairman), presiding.

Present: Senators Barkley (chairman), George, Lucas,
Ferguson and Brewster.

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

Also present: Seth W. Richardson, General Counsel;
Samuel H. Kaufman, Associate General Counsel, and John E.
Masten, of counsel, for the Joint Committee.

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Witness Zacharias

Questions by: Mr. Richardson

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

I might state that Senator Barkley had to go to the White House this morning to attend the usual Monday morning conference. He will be in a little later. We will proceed.

Does counsel have anything before the next witness is called?

Mr. Richardson: No.

The Vice Chairman: The counsel will then call the next witness.

Mr. Richardson: Mr. Chairman, I desire to present to you for examination, Captain Zacharias.

The Vice Chairman: Will you please come forward, Captain Zacharias. Will you please be sworn.

TESTIMONY OF CAPTAIN ELLIS M. ZACHARIAS

(United States Navy)

(Captain Zacharais was duly sworn by the Vice Chairman.)

Mr. Richardson: Captain, how old are you?

Captain Zacharias: I am 56 years old.

Mr. Richardson: How long have you been in the Navy?

Captain Zacharias: I have completed over 37 years in the Naval service.

Mr. Richardson: Were you a graduate of Annapolis?

Captain Zacharias: I was.

Witness Zacharias

Questions by: Mr. Richardson

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1
2 Mr. Richardson: What class?

3 Captain Zacharias: Class of 1912.

4 Mr. Richardson: Now, will you detail to the committee
5 in a general way, what your Naval experience has been
6 since?

7 Captain Zacharias: As I have said, I have completed
8 over 37 years in the Naval service. I served in or operated
9 with all types of ships. I served aboard ship in all de-
10 partments as head of the department.

11 I commanded destroyers, a heavy cruiser, and a battle-
12 ship.

13 All of my shore duty with the exception of one year
14 as instructor at the Naval Academy, and one year taking
15 the senior course at the Naval War College, all of my work
16 has been in Intelligence on shore duty. That included three
17 and one-half years in Japan studying the language and the
18 people; one tour in crypt-analytic work; two tours of about
19 two and one-half years each as head of the Far Eastern
20 Division of Naval Intelligence; one tour of about two and
21 one-half years as District Intelligence Officer of the
22 11th Naval District with headquarters at San Diego, California;
23 and between my two war cruises, I have served one year as
24 Deputy Director of Naval Intelligence. That gives a total
25 of about 12 years actually in Intelligence work on shore.

1 Witness Zacharias

Questions by: Mr. Richardson

h3 2 At sea, my spare time was devoted to study and
3 matters relating to intelligence, and while at sea I
4 actually participated in certain counter-espionage acti-
5 vities, and this gave me a direct and indirect connection
6 with intelligence over a period of 25 years.

7 During the war, I had the good fortune to command
8 two capital ships.

9 Mr. Richardson: Which war?

10 Captain Zacharias: The recent war. One of those was
11 the heavy cruiser Salt Lake City, and the other was the
12 battleship New Mexico. Both of these ships participated
13 in many of the operations successfully in the Pacific and
14 both of them are still afloat.

15 My most recent duty was that of conducting a psycho-
16 logical warfare campaign against the Japanese high command,
17 which had for its objective the unconditional surrender of
18 the Japanese without the necessity of a forced invasion
19 of the Japanese main islands.

20 Mr. Richardson: Now, just before you go into that,
21 did this Intelligence work of yours, Captain, and your life
22 in Japan, give you a Japanese acquaintance?

23 Captain Zacharias: It gave me an opportunity to make
24 a very wide acquaintance in Japan, and I was fortunate in
25 knowing intimately, many of the Japanese who in the last

Witness Zacharias

Questions by: Mr. Richardson

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war became the Japanese High Command.

Mr. Richardson: Did you learn the language?

Captain Zacharias: I did.

Mr. Richardson: Do you speak it fluently?

Captain Zacharias: I speak it very fluently.

Mr. Richardson: And it was that fact, plus your Intelligence experience that brought the assignment to you that you were about to relate when I interrupted you?

Captain Zacharias: That is correct.

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Witness Zacharias

Questions by: Mr. Richardson

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2 Mr. Richardson: Now will you proceed?

3 Captain Zacharias: I think that just about concluded
4 my work, except I was about to say that this objective,
5 which was the unconditional surrender of Japan without the
6 necessity of a forced invasion of the Japanese main islands,
7 there was an indication of completion of that on the 25th
8 of July, 1945, in a broadcast by an official spokesman of
9 the Japanese Government direct to me, and, as we know, the
10 situation eventuated on the 15th of August, 1945.

11 Mr. Richardson: Now did your experience with the Navy
12 take you into Hawaiian waters?

13 Captain Zacharias: It did quite often.

14 Mr. Richardson: And were you familiar with Hawaii and
15 the general conditions and set-up in Hawaii?

16 Captain Zacharias: I was.

17 Mr. Richardson: With the character of the people there
18 and the Japanese element involved in the population?

19 Captain Zacharias: I was, both the second generation
20 Japanese, that is Americans of Japanese extraction, and also
21 the first generation of Japanese who were enemy aliens after
22 the war began.

23 Mr. Richardson: During 1941 were you in service in
24 the Pacific?

25 Captain Zacharias: I was in command of the heavy cruiser

Witness Zacharias

Questions by: Mr. Richardson

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SALT LAKE CITY.

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Mr. Richardson: And was that a part of the Pacific Fleet?

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Captain Zacharias: It was.

5

Mr. Richardson: Then you were stationed, a portion of

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the time at least, at Pearl Harbor?

7

Captain Zacharias: I was.

8

Mr. Richardson: Are you acquainted with Admiral Kimmel?

9

Captain Zacharias: I am, sir.

10

Mr. Richardson: And with his Chief of Staff, Admiral

11

Smith?

12

Captain Zacharias: I am.

13

Mr. Richardson: It was brought to the attention of

14

the committee, Captain, that a conversation occurred between

15

you and Admiral Kimmel during 1941 in which it is reported

16

reference was made to the probability, possibility, likelihood

17

of a Japanese surprise attack on Pearl Harbor.

18

Now I would like to ask you whether any such conversa-

19

tion occurred, where it occurred, when it occurred, and who

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was present.

21

Captain Zacharias: I think it will add something to

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the conversation by indicating the reasons for the conver-

23

sation.

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Mr. Richardson: Was there such a conversation?

25

Captain Zacharias: There was such a conversation.

Witness Zacharias

Questions by: Mr. Richardson

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2 Mr. Richardson: When did it take place about?

3 Captain Zacharias: It took place between March 26 and
4 March 31, 1941.

5 Mr. Richardson: Where was it?

6 Captain Zacharias: In the office of the Commander in
7 Chief, United States Fleet, Admiral Kimmel.

8 Mr. Richardson: At Pearl Harbor?

9 Captain Zacharias: At Pearl Harbor.

10 Mr. Richardson: Who was present at the conversation?

11 Captain Zacharias: Admiral Kimmel and his Chief of
12 Staff, then Captain W. W. Smith, now Vice Admiral Smith.

13 Mr. Richardson: They were old acquaintances of yours?

14 Captain Zacharias: I had known them both previously.

15 Mr. Richardson: Now if you will proceed.

16 Captain Zacharias: As I indicated, it will have some
17 bearing to tell the reasons why I went over to see Admiral
18 Kimmel on this occasion. On the 8th of February, 1941, I
19 had a long conversation with Admiral Nomura in San Francisco.
20 He was then enroute to Washington, D. C. as Ambassador.

21 The Vice Chairman: From Japan?

22 Captain Zacharias: From Japan.

23 Mr. Richardson: Was he one of the Ambassadors who
24 thereafter conducted, in part, the negotiations that took
25 place with Secretary Hull?

Witness Zacharias

Questions by: Mr. Richardson

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Captain Zacharias: He was.

3

Mr. Richardson: Proceed.

4

Captain Zacharias: I had indicated previously to

(3)

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Admiral Richardson that I proposed to have such a conver-

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sation with Admiral Nomura when he came through San Francisco,

7

and Admiral Richardson expressed a desire to have a copy of

8

the report which he knew I would submit after such a conver-

9

sation, and for that reason, after Admiral Richardson was

10

relieved on the first of February 1941 by Admiral Kimmel,

11

I sent to Admiral Kimmel on the 11th of February, 1941, in

12

a letter to Admiral Kimmel, a copy of the report on this

13

conference with Admiral Nomura that I had sent to Admiral

14

Stark.

15

When I arrived in Pearl Harbor with my ship after an

16

overhaul period on the West Coast I took the first opportunity

17

to see Admiral Kimmel, and it occurred between the dates

18

that I gave.

19

Mr. Richardson: Now why did you want to see Admiral

20

Kimmel?

21

Captain Zacharias: I wanted to see Admiral Kimmel to

22

find out if he had received the report, or whether or not

23

this report of the conversation with Admiral Nomura had

24

come to his attention. In addition to that I wanted to

25

tell Admiral Kimmel of an incident which occurred on the

Witness Zacharias

Questions by: Mr. Richardson

1
2 16th of October, 1940, which had a bearing on future events
3 as I saw them approaching.

4 Incidentally, I think what I am about to relate was
5 referred to as having caused Admiral Richardson to take
6 his Fleet out on a wild goose chase. I would like to clarify
7 that point now by saying that this incident had no effect,
8 as far as I could see, on influencing Admiral Richardson in
9 any decision that he was to make as a result of it, which
10 you will see from the incident itself.

11 On October 16, 1940, as District Intelligence Officer
12 at San Diego, I received a report from an Intelligence Reserve
13 Officer at the border, Tia Juana, or at San Jacinto opposite
14 Tia Juana in Mexico, that he had something of the most vital
15 importance and if I could not come down myself he requested
16 that I send one of my best investigators. I could not go
17 myself at that time, therefore I did select my most competent
18 investigator to go down and find out what this was.

19 When he arrived this Reserve Officer related to him
20 information that had just come from an informant in Mexico
21 which stated that a certain Japanese -- who, incidentally,
22 was on our No. 1 suspect list -- had stated that on the
23 following day, the 17th of October 1940, the Japanese were
24 going to bomb four battleships. He had all the details,
25 that it would be done by a force of 12 planes divided into

Witness Zacharias

Questions by: Mr. Richardson

1
2 four groups, one of whom in each group was to be a suicide
3 plane and dive down the stack of each ship, and the other
4 two would drop their bombs and get away, if possible.

(4) 5 When this report came to me I took it in to the Commandant
6 of the District, and simultaneously I learned that Admiral
7 Richardson had arrived on the West Coast, at San Pedro,
8 with three battleships and a heavy cruiser, indicating the
9 four ships in this picture.

10 Mr. Richardson: Where is San Pedro?

11 Captain Zacharias: San Pedro is the seaport of Los
12 Angeles.

13 We notified Admiral Richardson that there was something
14 of importance and requested that he remain on board while
15 I come up by plane, which I did. I went aboard, related
16 the story to Admiral Richardson, and he said, "Are there
17 any planes in this vicinity which might carry out such
18 an attack?" I informed him that we could not assure him
19 that there were not planes in Mexico, and further that there
20 had been surreptitious activities along the coast by the
21 Japanese vessels that we knew of, but we were not certain
22 that there were not planes in Mexico with which the Japanese
23 could carry out such an attack.

24 Admiral Richardson considered that and then said, "We
25 cannot ignore this." And I said, "Admiral, I think you are

Witness Zacharias

Questions by: Mr. Richardson

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quite right." He said, "I will alert my anti-aircraft batteries, and when you return to San Diego you get in touch with Captain McCain, "who was then the Commanding Officer at the Naval Air Station at San Diego - "and tell him to be on the alert." I did that. I understand that the following morning Admiral Richardson sailed from San Pedro for San Francisco, where he was going anyhow, and possibly left a little before the time of his scheduled departure.

I told Admiral Kimmel that full situation.

Charity follows

WARD PAUL, WASHINGTON, D C

Witness Zacharias

Questions by: Mr. Richardson

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2 Mr. Richardson: Did you see Admiral Kimmel then at
3 the place you mentioned earlier in your testimony?

4 Captain Zacharias: I did. As indicated, Admiral Kimmel
5 then called in Captain Smith, and I proceeded to relate
6 the circumstances of my interview with Admiral Nomura. He
7 informed me he had received a copy of my report sent to
8 Admiral Stark, and then I proceeded to tell him of this
9 incident on the 16th of October, 1940. From that he went
10 into a discussion of the general Japanese situation, the
11 possibilities of what might occur in the future, Japanese
12 attitudes, and the prospects of this situation being liqui-
13 dated.

14 Mr. Richardson: What do you mean by that, "liquidated"?

15 Captain Zacharias: The situation which then existed
16 between Japan and the United States, for which Admiral Nomura
17 had come over to this country to handle if possible.

18 Mr. Richardson: By the word "liquidated" you mean
19 settled?

20 Captain Zacharias: Settled, right.

21 Mr. Richardson: Go ahead.

22 Captain Zacharias: In the course of our discussions,
23 Admiral Kimmel asked me if the situation became extreme
24 what I thought would occur. And this point is very important,
25 because I think of a misunderstanding that has been created

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WARD & PAUL, WASHINGTON, D. C.

Witness Zacharias

Questions by: Mr. Richardson

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by something which has been said here about the date
December 7 having been the date which I predicted.

First I would like to say that December 7 is a
synonym for Pearl Harbor particularly in the memorandum
which I later submitted to Admiral Draemel for Admiral
Nimitz.

This conversation with Admiral Kimmel was nine months
before Pearl Harbor, and I don't think there is any pro-
fession which would attempt to predict nine months ahead
the exact day that something would occur. I told Admiral
Kimmel in this conversation that if the situation became
such that Japan decided that they must go to war with
us, that it would begin with an air attack on our fleet
on a week-end and probably a Sunday morning; that attack
would be for the purpose of disabling four battleships.

Mr. Richardson: Why did you mention four battleships
rather than three or five or seven?

Captain Zacharias: Four battleships was a number that
I had determined in my own mind as the number that the
Japanese felt they would have to reduce our fleet in
order to prevent effective interference with any southern
movement that they might want to make after declaring war
with us. I will go into more detail on that later.

Admiral Kimmel then asked me how I thought they would

1 Witness Zacharias

Questions by: Mr. Richardson

h3 2 effect such an attack. I said there are two methods,
3 the least likely of which would be to bring in seaplanes,
4 surreptitiously aboard merchant vessels, and land them
5 in the lea of some of our islands that were sparsely
6 populated and then on a selected day, weather permitting,
7 they could make such an attack.

8 He asked how that could be prevented. I said that
9 could be prevented effectively by declaring a defensive
10 sea area around the Hawaiian Islands, in which case you
11 notify all nations of the world and require all merchant
12 vessels coming into that area to proceed through a speci-
13 fied point at which place we could conduct inspections.
14 That would preclude any surreptitious entrance and prevent
15 such a contingency of an attack by that method.

16 However, I emphasized that the most probable method
17 of attack would be by aircraft carriers supported by
18 appropriate ships; that such an attack would come in un-
19 doubtedly from the northern because that was the prevailing
20 winds in the Hawaiian Islands; they would come in and launch
21 their attack downwind, because of their concern over the
22 possible loss of a single capital ship and for that reason
23 after launching their planes, the ships and the force which
24 brought the planes to launch them would retreat as quickly
25 as possible directly upwind in order to escape any damage

1 Witness Zacharias

Questions by: Mr. Richardson

2 which they felt might come.

3 Mr. Richardson: Was there discussion as to where
4 this supposed expedition would start from?

5 Captain Zacharias: There was not.

6 I would like to indicate at this point that although
7 this conversation was nine months prior to the actual
8 attack on Pearl Harbor, it lasted for about an hour and a
9 half, and concerned something in which the Commander in
10 Chief of the Pacific Fleet would be vitally interested.
11 However, I realize that Admiral Kimmel was a very busy
12 man, that I was only one of hundreds to whom he talked,
13 and it was quite possible that he could not remember the
14 details of my conversation.

15 However, his Chief of Staff, then Captain Smith, was
16 present throughout the entire conversation, and I am sure
17 that he remembers the details of that conversation, because
18 he has discussed those details subsequent to the event,
19 and for a considerable period after Pearl Harbor occurred.

20 Mr. Richardson: Why did you think the attack would
21 come on Sunday morning?

22 Captain Zacharias: I think it has been clearly indi-
23 cated that the Japanese knew of our every movement in and
24 out of Pearl Harbor, the situation existing in Hawaii prior
25 to the attack on December 7. They well knew that on Sunday

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1 Witness Zacharias Questions by: Mr. Richardson
2 morning everyone took advantage of the lack of drills to
3 be excused from reporting in on Sunday morning. We call
4 it being excused from Sunday morning quarters.

5 So that they would not have to report on that day.
6 That applies to officers and men, and particularly to those
7 who have families in Hawaii, in Honolulu.

8 Mr. Richardson: Well --

9 Captain Zacharias: I might add there that Sunday
10 morning is a time when everyone is enjoying their leisure
11 and it is significant that 8 o'clock in the morning,
12 which was approximately the time of the attack, at 8 o'clock.
13 That is the time when the watches change, when men are
14 relieving others who have been on watch, and there is a
15 certain amount of confusion existing at that time in the
16 turnovers which take place.

17 Mr. Richardson: You spoke of Japanese knowledge in
18 Hawaii. Was it a matter, Captain, of common knowledge in
19 the Navy that there was present in Hawaii a large number
20 of Japanese agents?

21 Captain Zacharias: It was. In my conversations, and
22 I must say that I kept in constant touch with not only the
23 fleet intelligence officer, but also with the district
24 intelligence officers, because I had a hand in setting up
25 that organization beginning with my arrival there November

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WARD & PAUL, WASHINGTON, D. C.

1 Witness Zacharias

Questions by: Mr. Richardson

2 13, 1940. Therefore, I had a direct interest in that
3 organization and what they were accomplishing. It was
4 believed that there existed in Hawaii at least a thousand
5 enemy agents.

6 Mr. Richardson: Well, now, do you know of anywhere
7 that you have served, where the operations of a military
8 force of either the Army or the Navy was subject to as
9 concentrated as espionage as our establishment in Hawaii?

10 Captain Zacharias: I do not, and there is no other
11 place comparable except in Panama where there was an unusu-
12 ally large group of Japanese barber shops before Pearl
13 Harbor.

14 Mr. Richardson: Now, in this conversation, Captain,
15 that you had with Admiral Kimmel, were the details of
16 the reasons why you thought there would be an attack dis-
17 cussed between you?

18 Captain Zacharias: Only in a general way, but I think
19 the reasons why I thought there would be an attack on the
20 Fleet if the situation became such that war between Japan
21 and the United States was imminent, I think that those
22 reasons have a great bearing on everything that is before
23 this committee.

24 Mr. Richardson: Was there any discussion on the part
25 of Admiral Kimmel in agreement with or opposition to your

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WARD & PAUL, WASHINGTON, D. C.

1 Witness Zacharias

Questions by: Mr. Richardson

2 views?

3 Captain Zacharias: Yes, sir. After outlining to
4 him the probabilities and the methods by which the Japanese
5 would make their attacks, in the second instance that of
6 an attack by aircraft carriers, Admiral Kimmel asked me
7 how I thought it could be prevented, and I stated that
8 the only possible way of doing it would be to have a daily
9 patrol out to cover the approach of the Japanese, and this
10 patrol must go out at least 500 miles.

11 To that Admiral Kimmel replied, "Well, we have neither
12 the personnel nor the materiel with which to carry out such
13 a patrol," and I replied to him, "Well, Admiral, you better
14 get them because that is what is coming."

15 Mr. Richardson: Do you, as a Naval man know of any
16 other way in which such an attack could be effectively
17 guarded against than through distant patrol and discovery
18 of the attacking planes either in carriers, or in the air,
19 and an attack on those planes by fighter planes?

20 Captain Zacharias: Only by learning of the approach
21 of such a force and intercepting it with the fleet.

22 Mr. Richardson: Where were you at the time of the
23 attack?

24 Captain Zacharias: I was in command of the Salt Lake
25 City which was then 200 miles west of Oahu returning to

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Witness Zacharias

Questions by: Mr. Richardson

Pearl Harbor.

Mr. Richardson: Now -- go ahead.

Captain Zacharias: I was with Admiral Halsey's force which had been to Wake Island to deliver the planes to the Marines.

Mr. Richardson: Between the time of this conversation with Admiral Kimmel, and the attack, were there any other discussions between you and any of the staff officers, or task commanders with respect to the probability of an attack on Hawaii from the air?

Captain Zacharias: There was.

Mr. Richardson: I want to know whether it was a matter of general conversation, or simply a vague possibility?

Captain Zacharias: There was. As I indicated while on sea duty, I devoted myself to reading and study of intelligence matters. For that reason I frequented the Fleet Intelligence Office. The Fleet Intelligence Officer, then Commander Layton, I knew well, and I had recommended him to Admiral Richardson for that job which he did in an excellent manner.

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WARD & PAUL, WASHINGTON, D. C.

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Witness Zacharias

Questions by: Mr. Richardson

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2 In my visits to the Fleet Intelligence Office and the
3 Public Relations Office I was enabled to keep track on
4 the situation as it was developing and there came a period
5 when I was somewhat concerned over the prospects. That
6 is what prompted me to say at one time to a group of the
7 staff assembled, I can't recall just who was present at
8 the time, --

9 Mr. Richardson: Where was it?

10 Captain Zacharias: In the office of the Commander in
11 Chief Pacific Fleet, the flag office.

12 I was prompted to say, as recorded in this memorandum
13 which has been presented to the committee, that "I think
14 it is time to stop these surprise inspections and get ready
15 for a surprise attack." These surprise inspections were
16 methods by which the materiel conditions of the ships were
17 ascertained without giving previous notice of visits by
18 either division commanders or others.

19 Mr. Richardson: Was there any rejoinder to that remark
20 on your part from those present?

21 Captain Zacharias: There was not. In the course of
22 those conversations I asked the Fleet Intelligence Officer
23 if he had presented to the War Plans Officer of the Commander
24 in Chief a certain extract from a Japanese book which con-
25 sidered the pros and cons of success of an attack on Pearl

Witness Zacharias

Questions by: Mr. Richardson
Senator Lucas

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2 Harbor. That is included in one of the papers that were
3 presented to the committee by the Navy Department and I
4 would like to refer to that later on. It is page 47 of
5 the papers.

6 Senator Lucas: What is the date of that conversation, sir?

7 Captain Zacharias: That was in October 1941. I will
8 bring that in when I discuss the reasons for my belief that
9 an attack on Pearl Harbor would occur.

10 Mr. Richardson: Between the time you had your first
11 talk with Admiral Kimmel and the time you had this talk in
12 the fall of 1941 was the subject of a possible air attack
13 on Pearl Harbor a matter of common or unusual discussion
14 among the Navy people that you met in Hawaii?

15 Captain Zacharias: Because of my --

16 Mr. Richardson: Was it or not?

17 Captain Zacharias: There was general discussion of
18 what would occur if we went to war with Japan.

19 Mr. Richardson: Was there any general feeling that
20 an attack, an air attack, surprise air attack was possible
21 or probable or likely or improbable?

22 Captain Zacharias: There was not much expression of
23 opinion. It was rather an acceptance of my opinion because
24 of my background knowledge and any discussion was for the
25 purpose of ascertaining what I thought in the premises, and

Witness Zacharias

Questions by: Mr. Richardson

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2 I cannot recall any objections to them or any attempt to
3 belittle the possibilities.

4 Mr. Richardson: Was there any discussion at any time
5 prior to the attack between you and the other commanders of
6 the task forces about the probability of an attack by air
7 on Hawaii in the case of hostilities?

8 Captain Zacharias: There was not. I was a little re-
9 luctant to impose my views here and there. I think most
10 of the officers present knew of my background and if the
11 task force commanders wanted any opinion from me they could
12 ask for it.

13 I discussed with Admiral Spruance, who was my Division
14 Commander when I was in command of the SALT LAKE CITY, the
15 possibilities of the success of Admiral Nomura in preventing
16 hostilities developing between Japan and the United States.

17 Mr. Richardson: Did you believe he would be successful?

18 Senator Brewster: I don't believe he had finished
19 his answer.

20 Mr. Richardson: Pardon me. Proceed.

(4)
21 Captain Zacharias: In these conversations with Admiral
22 Spruance there was nothing very definite. There was nothing
23 definite regarding what would happen if we went to war.
24 It was more with regard to the possible success of preventing
25 war. Outside of that I did not talk to any task force commanders.

Witness Zacharias

Questions by: Mr. Richardson
Mr. Keefe

1
2 I might say that I did at one time, or on several
3 occasions, endeavor to engage in conversation the War Plans
4 Officer of the Commander in Chief regarding the situation.
5 On three separate occasions I endeavored to do so, but he
6 was always preoccupied and I was never able to do so. It
7 seemed rather strange to me at the time that he did not
8 want to discuss it, so much so that I went to the Fleet
9 Intelligence Officer and questioned him about the attitude
10 of this individual.

11 Mr. Keefe: Mr. Chairman, may I ask at this point:
12 Who was the War Plans Officer, by name?

13 Captain Zacharias: That was then Captain C. H. McMorris,
14 U. S. Navy, now Vice Admiral McMorris.

15 As a result of what I took to be in the colloquial a
16 "brush-off", I never discussed the situation with him although
17 he was the War Plans Officer for the Commander in Chief.

18 The next time I discussed this with someone whom I
19 considered of importance was with Mr. Munson. I had --

20 Mr. Richardson: Just a minute. He was a civilian?

21 Captain Zacharias: He was a civilian, and who had
22 come to Hawaii with a letter signed by Admiral Stark, the
23 Chief of Naval Operations, which he showed to me, Munson
24 showed to me, stating that he was there to investigate
25 certain matters and everything was to be opened up to him.

Witness Zacharias

Questions by: Mr. Richardson

1
2 Munson told me that he had been advised to get in
3 touch with me because of my background knowledge of the
4 Japanese. I had several conferences with him during the
5 period of October 20 to 26, 1941, and during those conver-
6 sations I related to him every aspect of a possible attack.
7 He was principally interested in whether or not there would
8 be an armed uprising in Hawaii or on the West Coast in case
9 of a war between Japan and the United States.

10 After relating to him everything that I had told to
11 Admiral Kimmel I told him that he could forget about an
12 armed uprising or sabotage of any kind, that was categorical,
13 because it would begin with an air attack on our Fleet,
14 and for that reason it would have to be conducted with the
15 greatest secrecy and therefore no Japanese, regardless of
16 their position in the United States or in Hawaii, would
17 be aware of the fact that such an attack was coming.

18 That being so, and knowing the great preparations
19 that you have to make in an armed uprising or for the
20 commission of sabotage, those contingencies were an im-
21 possibility, and I told him that I was convinced that
22 hostilities would begin with an air attack on the Fleet.

23 Mr. Richardson: Now, Captain, during the period
24 immediately before the attack do you know what distant
25 reconnaissance was being carried on of your own knowledge?

Witness Zacharias

Questions by: Mr. Richardson

1 Captain Zacharias: I do not.

2 Mr. Richardson: You were with Halsey's Task Force?

3 Captain Zacharias: Yes, sir.

4 Mr. Richardson: And your Task Force was ready for
5 battle from the time you started up to the time of the attack,
6 was it not?

7 Captain Zacharias: You mean from the date we left
8 Pearl Harbor on the 28th of November 1941?

9 Mr. Richardson: That is right.

10 Captain Zacharias: We received no direct orders from
11 Admiral Halsey but the Fleet went out ostensibly on routine
12 training on that morning. About noon we changed course
13 to the westward and headed for Wake Island. That was not
14 the direction of the operating area and we knew that we
15 were going on a different mission.

16 As I recall Admiral Halsey did not send out any
17 specific orders to the ships of his course, at least to
18 the cruisers, because there was no necessity. He had full
19 knowledge undoubtedly of what might be impending and I
20 assume that he was in a position to make any dispositions
21 necessary to meet any threat that we might encounter enroute
22 or returning from Wake Island. I knew that something unusual
23 was occurring but was not quite certain. We did learn enroute
24
25

Witness Zacharias

Questions by: Mr. Richardson

1
2 that, through signal, that we were going to Wake Island
3 to deliver planes to the Marines which the ENTERPRISE had
4 on board, that we would launch them about 100 miles east
5 of Wake Island and then return to Pearl Harbor. We were
6 originally scheduled to arrive back in Pearl Harbor on the
7 5th of December 1941, but we were delayed by fueling and
8 weather and now I know because of certain orders which did
9 not speed us up, and we felt that that was where our luck
10 began because we were just 200 miles to the westward instead
11 of being inside on December 7.

12 Mr. Richardson: Do you regard that as good luck or
13 bad luck?

14 Captain Zacharias: I regard that as good luck because
15 as a Commanding Officer of a ship I prefer to take my
16 chances in the open sea rather than in an enclosed harbor.

17 Mr. Richardson: Now, can you give us a little more
18 information on certain orders that you later discovered
19 had been transmitted, who transmitted them and what they
20 were, generally?

21 Captain Zacharias: What orders?

22 Mr. Richardson: You just said that you learned after-
23 ward of certain orders which delayed you. I am wondering
24 what those orders were.

25 Captain Zacharias: Oh, that is only hearsay and what

Witness Zacharias

Questions by: Mr. Richardson

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2 I have heard of the testimony before this committee.

3 Mr. Richardson: I see. When knowledge of the attack
4 came to you in fact the direction in which you were directed
5 to search was to the south, was it not?

6 Captain Zacharias: That is correct.

7 Mr. Richardson: Did that surprise you?

8 Captain Zacharias: It did. I might qualify that by
9 saying that in the numerous reports that we were receiving
10 subsequent to the attack it was indicated that there was
11 a Japanese force down to the southard, but still I could
12 not reconcile them being there.

13 Mr. Richardson: I have no further questions, Mr.
14 Chairman.

15 Captain Zacharias: If I may, I indicated that I felt
16 it important to present the reasons why I thought an attack
17 on Pearl Harbor or the Fleet would occur.

18 Mr. Richardson: Very well. Let me ask you preparatory
19 to that, Captain, did you consider that the tension of the
20 situation with the probability of war with Japan constantly
21 increased during 1941?

22 Captain Zacharias: It did.

23 Mr. Richardson: And was there any time that it was as
24 tense as it was during the week before the attack?

25 Captain Zacharias: I had, the week before the attack,

Witness Zacharias

Questions by: Mr. Richardson

1
2 having sailed on the 28th of November, which seems to have
3 been the really turning point in the situation, I received
4 very little news enroute to Wake Island except through radio
5 press, which indicated that there had been some difficulty
6 in the progress of the negotiations taking place in Washington.

7 However, I had become somewhat concerned over certain
8 events which had transpired in the interim or during 1941,
9 such as the embargo and other things which were matters of
10 policy.

11 Mr. Richardson: Now, as the tenseness grew in your
12 mind and with your experience did the danger of an air attack
13 become greater and greater, as the tenseness continued?

14 Captain Zacharias: No, because I was always convinced
15 that if the situation ever became such that hostilities
16 between Japan and the United States were imminent that the
17 Japanese would begin their campaign with an air attack on
18 our Fleet wherever it was.

19 Mr. Richardson: What I am suggesting is that the
20 condition of affairs, the information you had, growing
21 tenseness of the situation, constantly made that danger
22 greater?

23 Captain Zacharias: It did not make the danger of an
24 air attack any greater. It made the danger of hostilities
25 become more imminent.

Witness Zacharias

Questions by: Mr. Richardson

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Mr. Richardson: As hostilities became more imminent
the danger of an air attack increased?

3

4

Captain Zacharias: That is correct.

5

Mr. Richardson: No further questions.

6

7

Captain Zacharias: Now may I go ahead with the reasons
why I thought that there would be an air attack?

8

Senator Lucas: Will you move closer to the microphone,
please.

9

10

Captain Zacharias: Yes, sir.

11

12

There were four very good reasons why I felt that in
case of hostilities between the United States and Japan it
would begin with an air attack on our Fleet.

13

14

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19

First of all, the Japanese could be counted upon not
to commit the grave strategical blunder of making a movement
to the southward without disabling a part of our Fleet and
that is in spite of the fact that we had in Pearl Harbor
at the time a force considerably inferior to the Japanese
Fleet, namely, about 180 ships in the Japanese Fleet to
102 of ours.

20

21

22

23

24

25

That was because the Japanese well knew if they made
a movement to the southward that before we would be able to
assemble an expeditionary force with which to take the
offensive against them we would be able to bring around
from the Atlantic Coast the rest of our Fleet which would

Witness Zacharias

Questions by: Mr. Richardson

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then made us superior to the Japanese, even if that Fleet
 had to go around the Horn.

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WARD & PAUL, WASHINGTON, D. C.

Witness Zacharias

Questions by: Mr. Richardson

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WARD & PAUL, WASHINGTON, D. C.

1
2 The Japanese are great students. They know every-
3 thing that has been written about the fundamental of war-
4 fare. They know all of the lessons of history, and
5 they could be counted upon to utilize everything that
6 has been written about it.

7 They realized the value of surprise as one of the
8 fundamental principles of warfare. They used it at Port
9 Arthur with tremendous success. Therefore, it could be
10 certain that they would use it again at Pearl Harbor if
11 they could do it with fair safety.

12 I have already indicated that the Japanese weighed
13 in their minds the probability of success of such an
14 attack on Pearl Harbor. They have written several books
15 and those books, I might say, are always released under
16 the auspices of the military in Japan, because of the
17 complete government control and censorship.

18 In those books they have discussed the probability
19 of success in war with the United States. In this particular
20 book, which is entitled "When Japan Fights," written
21 ostensibly by a civilian named Hirata, he discussed the
22 pros and cons, and I think it might be well to read that.
23 It is very short, and is included at page 47, I think, of
24 the papers which were given to the committee.

25 He says:

Witness Zacharias

Questions by: Mr. Richardson

h2

1
2 "The American Commander in Chief has been occupied
3 by various secret plans, but the three points which he is the
4 most concerned are:

5 "(1) Will a Japanese fast striking force made up of
6 cruisers and aircraft carriers come on a scouting or striking
7 mission?

8 "(2) Will Japanese submarines hover near the islands
9 to attach or harass the Fleet?

10 "(3) Will a Japanese expeditionary force be sent over-
11 seas?

12 "The first of these is the most fearsome. Suppose
13 Japan were to form a fast striking force composed of such
14 speedy battleships (whose speed America cannot match) as
15 the Haruna, Kongo, and Kirishima, the aircraft carriers
16 Akagi and Ryujo and the Nachi class of heavy cruisers?
17 This would be a fast-stepping force that would be truly
18 matchless and invincible.

19 "Were they opposed to even the large guns of American
20 battleships, they could utilize their superior speeds, thus
21 leaving their slow adversaries behind. If opposed to a
22 cruiser force, they could close in with telling blows,
23 crush the opposition. Truly this would be a peerless force;
24 able to close to battle, or open out, if outgunned. If
25 this fast striking force should meet misfortune, losing one

Witness Zacharias

Questions by: Mr. Richardson

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or two fast battleships or aircraft carriers, they would surely be a severe blow to Japan, and we would have to grit our teeth, smothering our rage until the day of a decisive main engagement to obtain our revenge.

"Maybe such a bold venture would be too great a risk, who can say? On the other hand, warfare is a risk, and he who hesitates, or fears the risks of bold venture, cannot wage war.

"More over, an attack off Hawaii would be the first battle of the Pacific war, and if in the very first engagement one can wrest the courage away from the enemy by one's own daring, it would put him in a funk or give him the jitters."

WARD & PAUL, WASHINGTON, D. C.

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Witness Zacharias

Questions by: Mr. Richardson

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Mr. Richardson: Was that book at all widely read among naval men?

Captain Zacharias: It was read by our officers who knew the Japanese language. In fact, this translation was made in the Fleet Intelligence Office at Hawaii and, as I have indicated, a copy of this extract was given to the War Plans Officer about October 1941. That was the third indication.

The fourth indication that they would attack, open the war by an attack on our Fleet was somewhat strengthened by this incident which occurred in Mexico on October 16, 1940.

We had always known through discussions of the 5/5/3 ratio that Japan was anxious to have the number of capital ships reduced because they felt that with a 5/5/3 ratio it was possible for us to arrive in the theater of operations in Asia with more than parity. That is what crystallized in my mind the fact that they would make an attack on our Fleet for the purpose of getting four battleships. Four battleships out of our number, which were then fifteen, excluding the two new ones which we had not yet commissioned, would have reduced us to eleven. One battleship they knew was always in the Navy Yard under overhaul, bringing us down to ten. Under the treaty they were allowed nine battleships, but, as expected, they had rearmed the Hiyei, which brought them upto ten, or what they considered a parity with us.

Witness Zacharias

Questions by: Mr. Richardson

1
2 AS we know, the intensity of their attack was directed
3 towards the battleships and I think my impressions were con-
4 firmed. Those were the four reasons why I felt certain that
5 hostilities with Japan would begin with an air attack on our
6 Fleet.

7 Now, I would like to jump back to my conversation with
8 Admiral Kimmel, to say that in the precautions that I felt we
9 should take I indicated that there would be earliest indica-
10 tions of hostilities and unmistakable signs of hostilities.

11 Among the earliest indications I told him would be the
12 withdrawal of their merchant ships to Japan. We had long
13 realized that and had kept a complete track of the location of
14 every Japanese merchant vessel throughout the world. I started
15 that system myself in 1935 in the Office of Naval Intelligence.

16 The other early indication would be preparations or, rath-
17 er, deceptive measures in which they would engage, some of
18 which developed. The unmistakable signs, as I pointed out to
19 Admiral Kimmel, would be the appearance of submarines in the
20 Hawaiian area, in which case he could well realize that the
21 Japanese were then ready to strike.

22 In my conversations with Mr. Munson there was one addi-
23 tional indication which I gave to him and that was that we
24 already had two Japanese envoys in Washington, Admiral Nomura
25 and Mr. Kurusu; that when the third envoy arrived they could

Witness Zacharias

Questions by: The Chairman

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definitely look for things to break one way or the other.

3

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I learned over the radio on the 3rd of December that the Japanese Ambassador to Peru, Mr. Sakamoto, had arrived in Washington and that made me feel that the situation was coming to a head.

7

Mr. Richardson: I have no further questions.

8

9

10

The Chairman: I did not have the privilege of hearing your testimony up to now because I was unavoidably absent and I may ask a question or two that has already been covered.

11

12

You just spoke of the Peruvian Japanese Minister arriving in Washington on the 3rd of December.

13

Captain Zacharias: Yes, sir.

14

The Chairman: Where were you at that time?

15

16

Captain Zacharias: I was in command of the Salt Lake City. We were then en route to Pearl Harbor from Wake Island.

17

The Chairman: From Wake?

18

Captain Zacharias: Yes, sir.

19

The Chairman: When did you arrive at Pearl Harbor?

20

21

Captain Zacharias: On the morning of -- at noon on the 8th of December.

22

The Chairman: On the 8th. After the attack?

23

Captain Zacharias: Yes, sir.

24

25

The Chairman: You got this information about the Peruvian Minister or Ambassador on the 3rd by radio you say?

1 Witness Zacharias

Questions by: The Chairman

2 Captain Zacharias: By radio, yes, sir.

3 The Chairman: You had a radio receiving set on board
4 the ship?

5 Captain Zacharias: We had many sets, yes, sir.

6 The Chairman: And you got it through a radio?

7 Captain Zacharias: Yes, sir.

8 The Chairman: Do you know whether the officers in charge
9 of the Pearl Harbor installations in the Fleet and particu-
10 larly Admiral Kimmel, Admiral Bloch or General Short, had
11 that information about the Peruvian Minister coming here on
12 the third?

13 Captain Zacharias: It is possible they had the infor-
14 mation regarding his arrival but I had not indicated to them
15 that that would have any bearing on the subsequent events
16 because I did not know in my conversations with Admiral Kim-
17 mel that there would be even a second ambassador arriving.

18 The Chairman: You don't know what his reaction to that
19 would have been if he had known it?

20 Captain Zacharias: I do not know, sir.

21 The Chairman: Were you stationed at Pearl Harbor or in
22 the Hawaiian Islands when you had this conversation in March
23 with Admiral Kimmel?

24 Captain Zacharias: I was in command of the heavy cruis-
25 er Salt Lake City and I have already indicated in my testimony

1 Witness Zacharias

Questions by: The Chairman

2 why I sought this conference with Admiral Kimmel and that was
3 to discuss, to make certain he had received the report of my
4 conference with Admiral Nomura which I had given in detail to
5 Admiral Stark in a letter to Admiral Stark.

6 The Chairman: Maybe you have already stated it. What
7 was Admiral Kimmel's reaction to that prediction?

8 Captain Zacharias: What he stated? I did state, sir.

9 The Chairman: All right. State it again, please.

10 Captain Zacharias: He said to me, "Well, we have neither
11 the personnel nor the materiel with which to carry out this
12 patrol." I had indicated to him that the only way to pre-
13 vent this air attack which would come down wind from the
14 northward because that was the prevailing wind in Hawaii, was
15 to have out patrols at least five hundred miles then, and he
16 stated that he had neither the personnel nor material with
17 which to carry out such patrols and I said to him, "Well,
18 Admiral, you better get them because that is what is coming."

19 The Chairman: You formed your conclusion as to what
20 was coming from your general knowledge of the situation, to-
21 gether with your experience, your long experience in the
22 Intelligence Division?

23 Captain Zacharias: That is correct, sir.

24 The Chairman: You did not have the benefit of any magic
25 or intercepted messages at the time you formed your conclusion

Witness Zacharias

Questions by: The Chairman

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and at the time you transmitted your conclusion to Admiral Kimmel?

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Captain Zacharias: No, sir, I did not. I did have some knowledge of certain messages which dealt with the Far Eastern situation in general but I would not say that I had access to any which really bore upon the events which followed.

8

9

The Chairman: Have you read those intercepted messages as they have been filed with the committee?

10

11

Captain Zacharias: Yes, sir.

12

13

14

The Chairman: Have you read the messages about which Admiral Kimmel and General Short have testified as being messages to which they were entitled and which might have changed their course of action if they had had them?

15

16

Captain Zacharias: Those which were not decoded, I think, until after Pearl Harbor.

17

18

19

The Chairman: No, some of them were decoded.

Senator Brewster: But not communicated.

20

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The Chairman: But not communicated. They were decoded but not communicated to them.

Captain Zacharias: Yes, sir, I now recall them.

The Chairman: As an Intelligence Officer I would like to ask your opinion as to whether those messages if transmitted would have given any additional information as to the immediate likelihood of an attack on Pearl Harbor?

1 Witness Zacharias

Questions by: The Chairman

2 Captain Zacharias: I can state the effect that they would
3 have had on me but I cannot state what effect they would have
4 had on Admiral Kimmel or General Short.

5 The Chairman: Well, I realize that but just for my own
6 not curiosity exactly but for my own information I would like
7 to get an opinion as to what reaction they would have had on
8 you.

9 Captain Zacharias: What opinion I would have had?

10 The Chairman: Yes.

11 Captain Zacharias: Why, I can state positively if I had
12 had access to those messages it would have further confirmed
13 my opinion as to what took place.

14 The Chairman: Those messages, outside of the one carving
15 up the Pearl Harbor region or area into five different sec-
16 tions for the ships to be parked -- that is not the naval word.

17 Mr. Murphy: Docked.

18 The Chairman: Docked or berthed pertain to the --

19 Captain Zacharias: The five different what, sir?

20 The Chairman: One of those messages was an intercept of
21 a message between the Hawaiian Islands and Tokyo indicating
22 the dividing up of the harbor into five sections and the berth-
23 ing of the ships there, which might have indicated they had
24 some particular interest in that in Pearl Harbor, but outside
25 of that, as I recall, the other messages were dealing with

1 Witness Zacharias

Questions by: The Chairman

2 the general situation between Japan and the United States and
3 the growing tensity of it. Would those messages outside of
4 that one, would those messages have indicated any additional
5 likelihood of an attack upon Pearl Harbor?

6 Captain Zacharias: Yes, I think I can say categorically
7 that those messages would have had a very distinct effect on
8 my opinion.

9 The Chairman: Now, this book from which you have quoted
10 here, you say that the part you read was translated and distri-
11 buted among the naval officers?

12 Captain Zacharias: I do not know the distribution but
13 this copy was given to me by the Fleet Intelligence Officer be-
14 cause it was translated in that office and I picked it up in
15 the course of my conversations with them and my interest in the
16 situation.

17 The Chairman: That was in October?

18 Captain Zacharias: About October.

19 The Chairman: 1941?

20 Captain Zacharias: 1941, yes, sir.

21 The Chairman: Well, that is all I will ask at the moment.
22 I am at a disadvantage because I did not hear the rest of the
23 testimony. Congressman Cooper.

24 The Vice Chairman: That Fleet Intelligence Officer you
25 referred to, Captain, was the Fleet Intelligence Officer of the

Witness Zacharias

Questions by: The Vice Chairman

1
2 Pacific Fleet under the command of Admiral Kimmel?

3 Captain Zacharias: He was the first Fleet Intelligence
4 Officer of the Pacific Fleet and later, as the name was
5 changed -- first he was Fleet Intelligence Officer of the
6 United States Fleet and when it was changed later to the
7 Pacific Fleet he became Fleet Intelligence Officer of the Paci-
8 fic Fleet. He had been there for quite a considerable time
9 before Pearl Harbor.

10 The Vice Chairman: Well, at the time you received this
11 copy that you have read to the committee he was then Admiral
12 Kimmel's Intelligence Officer?

13 Captain Zacharias: That is correct.

14 The Chairman: Would you allow me to ask one question
15 that I have overlooked?

16 The Vice Chairman: Yes.

17 The Chairman: What, from your experience, your long
18 experience in the Intelligence Division of the Navy, what is
19 the practice of naval officers in the Navy Department in
20 transmitting diplomatic messages to naval officers in the
21 field or in the waters where they are in command?

22 Captain Zacharias: I think the general policy is to
23 give such messages only to those who need to know their
24 existence.

25 The Chairman: There is a general policy that from such

Witness Zacharias

Questions by: The Chairman

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2 messages as are received initially anywhere an estimate of
3 the situation is drawn and that is transmitted to the com-
4 manding officers both in the Navy and War departments, is it?

5 Captain Zacharias: I did not get that.

6 The Chairman: Instead of sending each individual diplo-
7 matic message that is picked up in general for any reason or
8 from any source to the commanding officers in the field or
9 in the waters in which the Navy may be operating, is it the
10 practice to send them an estimate, a general estimate of the
11 situation drawn from those messages that are received in the
12 Department as a whole?

13 Captain Zacharias: Either or both of those methods are
14 employed.

15 The Chairman: Either or both?

16 Captain Zacharias: Yes.

17 The Chairman: All right.

18 The Vice Chairman: Captain, would you give us a little
19 more information as to why you considered the arrival of the
20 third Japanese envoy so important?

21 Captain Zacharias: The reasons as to why I felt that the
22 arrival of a third envoy in Washington would precipitate a
23 decision, that came through experience in Intelligence work
24 and our observation of the many Japanese missions which came
25 over to this country on inspection trips or purchasing mis-

1 Witness Zacharias

Questions by: The Vice Chairman

2 sions.

3 We noticed that almost invariably when they went to a
4 certain industrial activity they were interested in one par-
5 ticular thing in that plant. Depending on its importance, a
6 second mission would come and go to that same plant and showed
7 an interest only in that particular piece of machinery or
8 whatever it was. They would be followed by a third group, who
9 would go through the same procedure and after the visit of
10 the third group all interest in that plant and that particular
11 item would disappear.

12 In my mind I formulated the opinion that the Japanese
13 would not accept the view of a single individual; that two
14 individuals usually resulted in a controversy. Therefore, it
15 was necessary to have the opinion of a third one before they
16 would reach their decision. That is typical and in line with
17 everything Japanese.

18 The Vice Chairman: It is part of their way of operating,
19 to do everything three times before they reach a decision?

20 Captain Zacharias: That is correct, sir, and that is
21 possibly the reason why even in their most important opera-
22 tions they have in the past taken away the initiative from
23 the commander-in-chief and required him to get his detailed
24 instructions from Tokyo before he would make any move.

25 I feel that that very condition was responsible for in

1 Witness Zacharias

Questions by: The Vice Chairman

2 some degree our success at Midway. Ordinarily when a force
3 is coming in to make a surprise attack, as they were doing
4 again at Midway, a commander-in-chief would know that he had
5 been discovered when they spotted a patrol plane of ours two
6 days before and would then retire to a sector and come in at
7 a later date. The commander-in-chief was not empowered to
8 make any such decision and by the time, I assume, that he was
9 able to contact Tokyo and get permission to change his plan
10 it was too late.

11 I give that as an indication that decisions by the
12 Japanese are never confined to a single individual or even
13 two.

14 The Chairman: And you cite that instance as something
15 that actually happened that contributed to our success in the
16 Battle of Midway?

17 Captain Zacharias: Yes, sir, that was known; that in-
18 formation had been furnished to Mr. Munson and, as I indica-
19 ted in the memorandum, I talked with a third party, went over
20 the details of this thing completely the night before I
21 sailed for Wake Island. The night before was November 27,
22 1941; and that was with Mr. Lorrin Thurston, the head of the
23 Honolulu Advertiser and the head of station KGU in Honolulu,
24 who was a Military Intelligence Reserve Officer, a captain.

25 The Vice Chairman: He was a Captain in the United States

1 Witness Zacharias

Questions by: The Vice Chairman

2 Army?

3 Captain Zacharias: Yes, Military Intelligence Reserve
4 and, as I indicated in that memorandum, he expressed sur-
5 prise that he had not been informed as to what to send out
6 over his radio when the air attack came.

7 The Vice Chairman: Well, now, I want to try to under-
8 stand you a little more clearly, Captain, about this -- what
9 was his name, Thurston?

10 Captain Zacharias: L-o-r-r-i-n T-h-u-r-s-t-o-n; Lorrin
11 Thurston.

12 The Vice Chairman: Well, was he at that time a Captain
13 in the United States Army?

14 Captain Zacharias: He was a captain in the Military
15 Intelligence Reserve of the United States Army, not on active
16 duty.

17 The Vice Chairman: Not on active duty?

18 Captain Zacharias: Right.

19 The Vice Chairman: Well, was that a civilian radio
20 station that he had or was it a military radio station?

21 Captain Zacharias: That was one of the two civilian
22 radio stations on the Island of Oahu.

23 The Vice Chairman: And just what was it you told him?

24 Captain Zacharias: I related to him the entire prob-
25 ability of events as I have already testified and that is

1 Witness Zacharias

Questions by: The Vice Chairman

2 what caused him to say to me with an expression of surprise,
3 "Why, I am here and a Reserve Intelligence Officer in G-" and
4 I have not been given any indication of what I should send
5 out over the radio in the event of an air attack."

6 I said to him, "Well," I said, "if you say 'We are hav-
7 ing a sporadic air attack; there is no reason for alarm.
8 Everyone should keep in doors because if you go on the streets
9 you will interfere with the military going to their posts.
10 Just stay at home and keep calm.'"

11 And I might say that on the morning of December 7th when
12 the Communications Officer brought me the word around eight
13 o'clock that Oahu had been attacked, I turned on my radio and
14 almost those exact words were going out over KGU.

15 The Vice Chairman: Well, now, I cannot say that I under-
16 stand this. I am sure it is my fault but I am sorry. I still
17 do not quite understand just the status of that officer. You
18 say he was not on active duty?

19 Captain Zacharias: He was not on active duty.

20 The Vice Chairman: Then you say he was working with the
21 Army Intelligence Office. Now, what does that mean?

22 Captain Zacharias: I did not say he was working with
23 the Intelligence Office. I said that he was an Intelligence
24 Officer in the Military Reserve not on active duty but I hap-
25 pened to know that he was consulted from time to time by the

Witness Zacharias

Questions by: The Vice Chairman

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Army because he was a very prominent citizen in Hawaii by reason of those two positions he occupied, but I inject that only to indicate that up to the very last moment these ideas that I had were being passed along as freely as possible.

The Vice Chairman: Well, the reason I got the impression that he was connected with the Army Intelligence Office there in Hawaii was your statement that you said he was surprised that he had not been told about that because he was connected with the Army Intelligence Office.

Captain Zacharias: Well, if I conveyed the impression that that was being critical of the Army for not advising him I ask to correct that because it was not. That was only incidental and the surprise was on his part.

WARD & PAUL, WASHINGTON.

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Witness Zacharias

Questions by: The Vice Chairman

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2 There were no implications in that. I only brought
3 that in to further substantiate the fact that I was carrying
4 all these things along in my own mind.

5 The Vice Chairman: Well, you told us about your con-
6 versation with Admiral Kimmel in which you gave him the
7 information that you here related, and then you state that
8 you conveyed substantially the same opinion, or expressed
9 the same views to Captain Layton.

10 Captain Zacharias: No, sir, I did not say that I had
11 expressed those same views to Captain Layton. Undoubtedly
12 in our many conversation, possibilities and probabilities
13 were discussed, but I did not say that I had given Layton
14 specifically an outline of what I had expected. I assume
15 that he would arrive at similar conclusions because of his
16 experience in Intelligence, and knowledge of the Japanese.
17 He was also a Japanese language officer.

18 The Vice Chairman: And you had served with him, and
19 it was on your recommendation that he was appointed in the
20 position he was then holding?

21 Captain Zacharias: That is correct.

22 The Vice Chairman: Now, who else, if anybody, besides
23 Admiral Kimmel, did you tell substantially this same thing
24 to?

25 Captain Zacharias: I think those were all. As I said

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1 Witness Zacharias

Questions by: The Vice Chairman

h2 2 before, I was on duty there in the Hawaiian area. I
3 already expressed myself to Admiral Kimmel and his Chief
4 of Staff. I felt if there was anything further that they
5 wanted from me, they knew where I was, and they could get
6 it.

7 The Vice Chairman: You were not at that time in the
8 Intelligence Service of the Navy?

9 Captain Zacharias: I was not, except indirectly,
10 because I had been admonished by a former director of
11 Naval Intelligence when I completed a certain tour of duty
12 in Naval Intelligence, when he said to me "Although you
13 are now leaving this office to go to sea, you must consider
14 yourself as continuing your active intelligence work. I
15 hope you will feel that way and continue to do so, because
16 of your background and the value that it will have to the
17 Navy, and generally in the future."

18 In other words, he gave me a commission to continue
19 intelligence work even while I was afloat, and I proceeded
20 to do so, even to the extent of engaging in certain counter-
21 espionage activities, while I was abroad ship.

22 The Vice Chairman: I believe you stated you had
23 directly, or in an indirect way, about 25 years experience
24 in Naval Intelligence work?

25 Captain Zacharias: That is correct, sir.

Witness Zacharias

Questions by: The Vice Chairman

1
2 The Vice Chairman: Then the greater part of your
3 37 years' service in the Navy has been devoted to that
4 line of work?

5 Captain Zacharias: That is correct, sir, although
6 the portions afloat, as I have indicated, were during my
7 spare time, because all Japanese language officers well
8 realized that in order to have the possibility of pro-
9 motion by selection in addition to their specialty, they
10 had to be good Naval officers.

11 The Vice Chairman: Now, one other inquiry, if I may
12 please, Captain.

13 This information that you say you conveyed to Admiral
14 Kimmel, was that based upon your general knowledge of the
15 Japanese, and the relations existing between Japan and the
16 United States, or was any part of that directly the re-
17 sult of your conversation with Admiral Nomura?

18 Captain Zacharias: I think I can say categorically
19 that it was principally my background experience, and not
20 the result of the conversation with Admiral Nomura. I
21 had hoped that he might be able to arrive at a successful
22 solution to the situation between Japan and the United
23 States. I might say after my conversation with him, I was
24 not too hopeful, but I felt -- I knew that -- I will stick
25 to my original expression, I felt that he was quite anxious

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WARD & PAUL, WASHINGTON, D. C.

1 Witness Zacharias Questions by: The Vice Chairman

2 to prevent a war between Japan and the United States,
3 because he had always said to me that if Japan and the
4 United States went to war, it would mean the finish of
5 the Japanese Empire and a great loss to the United States.
6 He reiterated that in my conversation with him in San Fran-
7 cisco on February 8, 1941.

8 The Vice Chairman: Well, you sought this conference
9 with Admiral Nomura in San Francisco, then, did you?

10 Captain Zacharias: I did, and when I had previously
11 notified the Commander in Chief of the United States Fleet,
12 Admiral Richardson, that I proposed to do so, he liked the
13 idea and asked me to send him a copy of the report of that
14 conversation immediately after it was completed.

15 The Vice Chairman: And you were then serving as
16 Naval Intelligence Officer at San Francisco?

17 Captain Zacharias: No, sir, I was then in command of
18 the heavy cruiser, Salt Lake City, which had recently come
19 into Mare Island to be overhauled, and an implementation
20 of her armament.

21 The Vice Chairman: Had you been ordered, directed, or
22 had a suggestion come to you that you have such a conversa-
23 tion with Admiral Nomura?

24 Captain Zacharias: Only through the attitude of
25 Admiral Richardson when I indicated to him that I had known

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1 Witness Zacharias

Questions by: The Vice Chairman

h5 2 Admiral Nomura intimately in Japan, and on subsequent
3 occasions of his visit to the United States, that I had
4 found him the one Japanese who was willing and never
5 embarrassed by discussing situations, and I felt if anybody
6 could get from him an expression of opinion as to the
7 real mission for which he was sent over, that I could do
8 it. I felt there was only one other person in the United
9 States with whom he would talk as frankly, and that was
10 Admiral W. V. Pratt, retired.

11 The Vice Chairman: You had known Admiral Nomura in
12 Japan?

13 Captain Zacharias: Yes, sir.

14 The Vice Chairman: How long were you stationed in
15 Japan, Captain?

16 Captain Zacharias: The first time about three years.

17 The Vice Chairman: Were you Naval Attache at our
18 Embassy there?

19 Captain Zacharias: I was an attache at the Embassy
20 for the purpose of learning the language and studying the
21 people. It was during that period that I first met Admiral
22 Nomura. He was then director of Naval Intelligence in
23 Japan.

24 The Vice Chairman: All told, how much time have you
25 spent in Japan ?

Witness Zacharias

Questions by: The Vice Chairman

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2 Captain Zacharias: About four years. I went back to
3 the Asiatic Fleet in 1926 for a specific purpose, and on
4 my way back from the Asiatic Fleet I was in Japan for a
5 period of something over six months, to refresh my knowledge
6 of both the language, the people, and the situation.

7 The Vice Chairman: Well, after your conversation with
8 Admiral Richardson, in which he indicated at least to you
9 that it thought it might be well for you to talk to Admiral
10 Nomura, you then did have the conversation with him?

11 Captain Zacharias: I did, sir.

12 The Vice Chairman: And you reported by way of a
13 memorandum on that conversation to Admiral Stark, Chief of
14 Naval Operations?

15 Captain Zacharias: I wrote a personal and very
16 lengthy letter to Admiral Stark, a copy of which you have
17 in the papers that were furnished by the Navy Department
18 to the committee, and I received a reply from Admiral
19 Stark, a copy of which also has been furnished to you,
20 in which he indicated that my letter to him was very
21 interesting and illuminating, and he had sent the original
22 over to the President and had made copies for the Secretary
23 of the Navy, and Secretary of State.

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Witness Zacharias

Questions by: The Vice Chairman

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2 The Vice Chairman: I believe you state that copies
3 were sent to Admiral Kimmel and in your conversation with
4 him he told you he had received it.

5 Captain Zacharias: That is correct, sir.

6 The Vice Chairman: Now what was the occasion for your
7 writing the memorandum to the other Admiral, Admiral Draemel?

8 Captain Zacharias: That memorandum, as you recall, was
9 written on March 17, 1942. The specific purpose of that
10 memorandum was to advise Admiral Nimitz, then Commander in
11 Chief of the Pacific Fleet, of the situation existing in
12 Hawaii as I saw it, and to indicate to him that if certain
13 steps were not taken to change the situation existing there
14 that he could expect something even more disastrous than
15 what took place at Pearl Harbor.

16 As you know, that situation eventuated less than three
17 months later and precipitated the battle of Midway. At
18 that time, as you know, the Japanese were approaching Hawaii
19 with an overpowering force for the purpose of capturing
20 Hawaii after Midway.

21 I must say that I felt that we were very fortunate in
22 the conclusion of that campaign. I know that Admiral Nimitz
23 felt that way after the battle of Midway had finished.

24 Now, as I say, this memorandum was prepared for Vice
25 Admiral Nimitz of the situation then existing. I was very

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Witness Zacharias

Questions by: The Vice Chairman

1
2 much concerned in what had not been done regarding Japanese
3 agents in Hawaii subsequent to Pearl Harbor, the inspections
4 of various localities and everything else as is outlined in
5 this memorandum.

6 I was still the Commanding Officer of a ship and it
7 took a good deal of deliberation on my part to decide to go
8 over to the Commander in Chief and present my views to him.
9 However, because of my background in Intelligence and knowing
10 that I was the Senior, the one officer in the United States
11 Navy who had such a background of knowledge regarding the
12 Japanese, and in Intelligence work, I felt it my duty to
13 advise him of the situation as I saw it, and I proceeded to
14 have a conversation with Admiral Draemel, his Chief of Staff,
15 to see what he might suggest.

16 After going over all these details with him, which
17 included a complete analysis of the situation prior to Pearl
18 Harbor, and that was given to Admiral Draemel for the sole
19 purpose of letting him know my background and to let him
20 know, or, rather, to convince him that I knew what I was
21 talking about, that was the sole purpose of giving him this
22 pre-Pearl Harbor background.

23 After my conversation, and the relation of it was given
24 to him, he said, "Well, now, I agree with you practically 99
25 percent and I wish you would write that out for me in the

Witness Zacharias

Questions by: The Vice Chairman

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2 form of a memorandum so I can give it to Admiral Nimitz
3 to read, and then if he wants to discuss it with you further
4 he can do so."

5 I told him I would be very glad to do that. I returned
6 to my ship and wrote out the memorandum as exactly as possible
7 as our conversation had taken place and gave it to him.

8 The Vice Chairman: Then on March 17, 1942, when you
9 wrote this memorandum to Admiral Nimitz, you were then in
10 the Pacific Fleet?

11 Captain Zacharias: That is correct, sir. I was a
12 subordinate.

13 The Vice Chairman: And in command of the cruiser SALT
14 LAKE CITY?

15 Captain Zacharias: In command of the cruiser SALT LAKE
16 CITY.

17 The Vice Chairman: I believe you stated, Captain, that
18 you were graduated from the Naval Academy in 1912.

19 Captain Zacharias: That is correct, sir.

20 The Vice Chairman: From what State were you appointed?

21 Captain Zacharias: Florida.

22 The Vice Chairman: And you have been in the Navy
23 continuously since then?

24 Captain Zacharias: That is correct.

25 The Vice Chairman: That is all. Thank you.

WARD & PAUL, WASHINGTON, D. C.

Witness Zacharias

Questions by: Senator Lucas

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The Chairman: Senator George had to leave to go to the floor. Congressman Clark is not here.

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Senator Lucas.

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Senator Lucas: Captain, you told the committee a few moments ago that in October, 1941, you attempted, on three different occasions, to discuss the Japanese situation from the standpoint of a surprise attack with Captain Layton. Is that right?

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Captain Zacharias: No, sir. This was with Captain McMorris -- and it was not to discuss the possibilities of an air attack, it was to discuss the current situation of our relations with Japan.

14

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Senator Lucas: Well, why did you want to see Captain McMorris at that time?

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Captain Zacharias: Because he was the War Plans Officer and I knew that he would be drawing up any procedures for eventualities.

19

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Senator Lucas: What did you have in mind discussing with Captain McMorris?

21

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Captain Zacharias: I would have discussed with him the probabilities.

23

Senator Lucas: Of an air attack?

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Captain Zacharias: Of what might eventuate. I think I would have related to him then everything I had told Admiral

Witness Zacharias

Questions by: Senator Lucas

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2 Kimmel, because it was just at that same period that I had
3 the conversations with Mr. Munson.

4 Senator Lucas: Why were you so free with Munson with
5 respect to the possibility of an air attack and yet you did
6 not pass it on in October 1941 to the proper authorities in
7 Hawaii?

8 Captain Zacharias: I had already passed it along to
9 Admiral Kimmel.

10 Senator Lucas: Yes, you had done that back in March,
11 1941.

12 Captain Zacharias: Yes.

13 Senator Lucas: Did it ever occur to you, as the tense
14 situation developed between this country and Japan, to again
15 repeat that to Admiral Kimmel?

16 Captain Zacharias: I have already indicated that Admiral
17 Kimmel and his Chief of Staff knew that I was a Commanding
18 Officer in his Fleet, and I felt that if he wanted any further
19 information from me he knew where he could find me. I did
20 not again go over to bring myself to his attention, because
21 I long since learned that when you are persistent in these
22 things you arouse certain feelings which nullify the effect
23 which you desire to produce.

24 Senator Lucas: Did you feel that they considered you a
25 sort of a nuisance for interfering with their own decisions

Witness Zacharias

Questions by: Senator Lucas

1
2 when you made suggestions of this kind?

3 Captain Zacharias: No, sir, there was no indication of
4 that. Why Captain McMorris did not want to discuss it I do
5 not know, but it so impressed me after the third attempt that
6 I went in to Commander Layton and said, "What is the matter
7 with Captain McMorris? I tried to engage him in a conversa-
8 tion about this situation but he does not feel like talking
9 about it." And the Intelligence Officer indicated to me
10 he did not know any reason why he should not want to discuss it.

11 Senator Lucas: You were a very good friend of Captain
12 Layton?

13 Captain Zacharias: Yes, sir.

14 Senator Lucas: I understand you recommended him.

15 Captain Zacharias: I did.

16 (9) Senator Lucas: Was it Layton you recommended for the
17 position he held in the Fleet at that time?

18 Captain Zacharias: That is correct. I might add that
19 I was also a good friend of Captain McMorris and he is a
20 classmate of mine.

21 Senator Lucas: Now did you discuss with Layton at any
22 time in October 1941 the possibilities of an air attack and
23 give to him the substance of the conversation that you gave
24 to Munson?

25 Captain Zacharias: No, only I think I discussed with him

Witness Zacharias

Questions by: Senator Lucas

1 the fact that Munson had sought me ought, and what I had
2 gone over with him I cannot recall.

3
4 Senator Lucas: Why did you consider Munson more important
5 than Layton?

6 Captain Zacharias: Because Munson had come out with
7 a letter signed "H. R. Stark", to open up everything to him.
8 That letter was to the Commander in Chief of the Pacific
9 Fleet. So I tried to get from Munson some indication as to
10 whom he was representing, but he consistently declined to
11 tell me, in a very friendly manner, so I did not pursue it
12 further, but I reached my own conclusions.

13 Senator Lucas: Did Munson talk to Captain Layton while
14 he was there?

15 Captain Zacharias: Yes, sir.

16 Senator Lucas: Did you confer with Layton after Munson
17 left and discuss with him the conversation that you might
18 have had?

19 Captain Zacharias: Now, only incidentally, possibly.
20 In one of my visits to the Fleet Intelligence Officer I said
21 I had some conversations with Munson and had given him my
22 idea of what would occur.

23 Senator Lucas: As I recall, Admiral Kimmel does not
24 remember the conversation you had with him in March, 1941.

25 Captain Zacharias: I have indicated that I was possibly one

Witness Zacharias

Questions by: Senator Lucas

1
2 of hundreds with whom he talked, and although the subject
3 of our conversation was one which I felt, and still feel,
4 was most vital to his position as Commander in Chief of
5 the Fleet, I have said that I can realize that he might
6 not remember the details of that conversation.

7 Senator Lucas: Have you talked to Captain Smith, the
8 other officer who was present at the time you engaged
9 Admiral Kimmel in a conversation about this important matter?

10 Captain Zacharias: Not about the matters I discussed
11 there. I probably have spoken to him in greetings.

12 The Vice Chairman: Will the Senator yield?

13 Senator Lucas: Yes.

14 The Vice Chairman: I understood the Senator to state
15 Admiral Kimmel testified he did not have the conversation
16 with him.

17 Senator Lucas: If I said that I am wrong. Admiral
18 Kimmel did not recall the substance of the conversation
19 that he had with you, Captain?

20 The Vice Chairman: If the Senator will permit, I
21 interrogated Admiral Kimmel about that. He stated that he
22 did have a conversation with Captain Zacharias in March of
23 1941. Then I read to him this statement from your memorandum
24 and asked him whether Captain Zacharias told him there would
25 be an air attack on Pearl Harbor, and he answered that he

Witness Zacharias

Questions by: Senator Lucas

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did not believe that.

Senator Lucas: Yes, I think that is right.

Captain Zacharias: I think I can clarify that.

Senator Lucas: Clarify it, if you will, sir.

Captain Zacharias: Yes, sir. The question asked of Admiral Kimmel was whether this was going to take place, or whether I had told him that this would take place on December 7, and he said I did not.

The Vice Chairman: I will read the quotation, if the Senator will indulge me a moment.

Senator Lucas: I yield for that purpose.

Hook follows

WARD & PAUL, WASHINGTON, D. C.

Witness Zacharias

Questions by: The Vice Chairman

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2 The Vice Chairman: I first asked Admiral Kimmel:

3 "Now, you were asked some questions about some con-
4 versations between you and Captain Zacharias."

5 Senator Brewster: What page is that?

6 The Vice Chairman: Page 7133 of our transcript.

7 Admiral Kimmel answered:

8 "Yes, sir."

9 Then I asked:

10 "He was an officer under your command at the time?"

11 "Admiral Kimmel: Yes."

12 Then I asked:

13 "And you stated that you did have a conversation with
14 him in March of 1941, and you did not recall that he said
15 anything to you about expecting an air attack on Pearl
16 Harbor, is that correct?"

17 "Admiral Kimmel: That is right. I made such a state-
18 ment as that."

19 Then I asked:

20 "Did you have any conversation with him at any other
21 time other than March, 1941?"

22 "Admiral Kimmel: Not that I now recall."

23 Then I asked:

24 "You had no other conversation with him at all, that you
25 remember?"

Witness Zacharias

Questions by: The Vice Chairman

1
h2 2 "Admiral Kimmel: Well, I cannot recall every conver-
3 sation I had with every officer in Pearl Harbor, but so
4 far as I know, Captain Zacharias never expressed any idea
5 that an attack on Pearl Harbor was imminent at any time
6 to me. He may have expressed such sentiments, I do
7 not know."

8 Then I said:

9 " Now, then, Admiral, you say that when you received
10 the message of November 24, 1941, from the Chief of Naval
11 Operations," -- then I inquired about the message of November
12 24.

13 Then shortly after that we recessed for noon.

14 Captain Zacharias: Yes, sir.

15 The Vice Chairman: In the meantime I had looked at
16 these papers that had been filed before we resumed the
17 afternoon session, or that you had filed with the Navy De-
18 partment. There was only one copy, and I had not read it
19 up to that time, but during the noon recess I looked through
20 it. Then, when we resumed the hearing after noon, I quest-
21 ioned Admiral Kimmel further on that point, as appears on
22 page 7140 of our transcript.

23 Senator Brewster: Would not you take page 7137, where
24 you started your question on that? That is where you began
25 in the afternoon about the conversation.

Witness Zacharias

Questions by: The Vice Chairman

1
h3 2 The Vice Chairman: That was during the morning. I
3 had not thought that was important, but this should pre-
4 cede what I read.

5 Senator Brewster: That was the afternoon session,
6 page 7137, when we resumed the inquiry, and introduced
7 the exhibit.

8 The Vice Chairman: Oh, yes, I see now. Page 7137.

9 Captain Zacharias: I think I know the point.

10 The Vice Chairman: Any how, on page 7137 I asked
11 Admiral Kimmel this question:

12 "Admiral Kimmel, this morning I asked you a few ques-
13 tions about your conversation with Captain Zacharias. At
14 that time I did not have before me the photostatic copies
15 of certain documents that have been presented here to the
16 committee with respect to Captain Zacharias, and at the
17 conclusion of the morning's session, counsel handed me
18 this copy which is the only one before the committee.
19 It is headed 'Notes, Correspondence, and Reports Relating
20 to Pearl Harbor and Events Leading Up To It.' And quite
21 a number of items are listed on the front page, but I will
22 pass on down to an item appearing about the middle of this
23 page, which I will read to you:

24 "'March, 1941: Conversation with Admiral Kimmel CINCPAC'
25 -- that was you -- 'and his Chief of Staff, Captain,' it

Witness Zacharias

Questions by: The Vice Chairman

1 looks like 'W. W. Smith, U. S. N.'

2 "Admiral Kimmel: That is right."

3 Then I continued reading:

4 "Regarding Nomura, notifying of surprise attack on
5 our Fleet by Japanese in case hostilities eventuate. Details
6 of this conversation are covered in a personal and confiden-
7 tial memo to Chief of Staff, to CINCPAC, Rear Admiral Milo
8 Draemel, U. S. N., for presentation to CINCPAC (Admiral
9 Nimitz) and dated March 17, 1942, copy attached."

10 "Then I turn over to this copy to which he refers in
11 that note. I will not take time to read all of it, but
12 in the fourth paragraph of this headed 'Personal and Confi-
13 dential Memorandum for Admiral Draemel, March 17, 1942' I
14 read you as follows:

15 "Only a few people know that I had cautioned Admiral
16 Kimmel and Captain Smith during the course of an hour and
17 a half conversation with them of the exact event to take
18 place on 7 December, not only as to what would happen, but
19 also how and when. My only error was that the Japanese
20 were after four battleships, and they got five."

21 "Do you recall any such statement as that, or any
22 information of that nature given you by Captain Zacharias?
23

24 "Admiral Kimmel: I think there is very little I can
25 add to my previous testimony on that subject. In the past

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WARD & PAUL, WASHINGTON, D. C.

Witness Zacharias

Questions by: The Vice Chairman

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few days I heard of this memorandum, and I had read that memorandum before I testified before this committee and if you want me to clarify any of my previous statements, I will be pleased to do so, but I am willing to let it stand as it is."

Then I asked:

"Well, in questions asked you by counsel and those which I asked you, you stated that you did not remember --

"Admiral Kimmel: That is correct."

Then I asked:

"-- any conversation with Captain Zacharias along this line.

"Admiral Kimmel: I remembered a conversation with Captain Zacharias."

Then I asked:

"But I have now tried to refresh your memory.

"Admiral Kimmel: That is right."

Then I state:

"If it is worth anything in that respect.

"Admiral Kimmel: Yes."

Then I state:

"By reading you what appears in this memorandum prepared by him, which has been presented to this committee for whatever it may be worth.

Witness Zacharias

Questions by: The Vice Chairman

1 "Admiral Kimmel: That is right."
2

3 Then I asked:

4 "And I am now asking you whether he said to you what
5 he states there, or anything like that.

6 "Admiral Kimmel: He did not, and furthermore, I would
7 have paid very little attention to any man who told me in
8 March of 1941 that an attack was going to occur on the
9 Pacific Fleet in Pearl Harbor on December 7, 1941."

10 I think that covers the pertinent point. I assume you
11 are familiar with it.

12 The Chairman: I think it is time to adjourn.

13 Captain Zacharias: I can reply very quickly to that.

14 The Chairman: Yes, if you will. We will have to
15 recess in a moment.

16 Captain Zacharias: Included in that memorandum was
17 the date December 7. I have already indicated that December
18 7 is synonymous with Pearl Harbor. When you realize that
19 this memorandum was prepared after Pearl Harbor, it was
20 referring back to an event for the benefit of Admiral
21 Draemel and Admiral Nimitz, and Admiral Kimmel is quite cor-
22 rect in saying that in March, 1941, I did not predict some-
23 thing was going to happen on December 7th. And he is also
24 correct in saying that I did not indicate that there was any
25 imminence of Japanese hostilities. Everything I said to him

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Witness Zacharias Questions by: The Vice Chairman

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was contingent upon the development of a situation which made hostilities between Japan and the United States imminent. I did not predict when that would occur, but I indicated to him clearly as to what would happen if that situation evolved.

The Chairman: The committee will recess until 2 o'clock, and the chair understands that Justice Roberts will be here.

You may come back here also, Captain.

Captain Zacharias: I will be here, sir.

(Whereupon, at 12:10 o'clock p. m., the committee recessed to 2:00 o'clock p. m., of the same day.)

WARD & PAUL, WASHINGTON, D. C.

AFTERNOON SESSION

2:00 P.M.

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

3 Mr. Justice Roberts, will you be sworn?

TESTIMONY OF MR. JUSTICE OWEN J. ROBERTS

(sworn by the Chairman)

4
5
6 Mr. Richardson: I have before me, Mr. Chairman, some
7 correspondence which it might be well to have extended in the
8 record in connection with the testimony of the Justice.

9 The first is a letter of December 16, 1941 to the Presi-
10 dent from the Secretary of War in connection with the individu-
11 als who were selected to form the Commission of which the
12 Justice was the chairman.

13 That is followed by a letter of January 27, 1942, being
14 a letter to Justice Roberts from the Secretary of War with re-
15 ference to the report which had been prior thereto filed.

16 The third is a letter under date of January 31, 1942 from
17 the Justice to the Secretary of War in acknowledgment of the
18 letters.

19 I think probably it would be sufficient if the letters
20 were extended in the record by the stenographer without read-
21 ing them.

22 Senator Brewster: Mr. Chairman, I have had the privilege
23 of counsel showing them to me and I think that they are of
24 sufficient consequence to have them read.

25 The Chairman: Oh, well, they ought to be spread on the

Witness Roberts

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2 record at this point before Justice Roberts testifies.

3 Senator Brewster: I think they should be read so the
4 committee will be familiar with them.

5 The Chairman: If there is no objection counsel may read
6 them.

7 Mr. Murphy: I have a suggestion to make. They were read
8 about two weeks ago at the time Senator Ferguson asked a ques-
9 tion about them. I think these were among those read.

10 Senator Brewster: These were not read.

11 The Chairman: The chair does not understand that they
12 were read.

13 Mr. Murphy: Oh, I see, these letters were not read.

14 The Chairman: Without objection the counsel will read
15 the letters into the record at this point in sequence.

16 Mr. Richardson: (Reading)

17 "PERSONAL AND CONFIDENTIAL

18 December 16, 1941

19 "Dear Mr. President:

20 "Knox tells me that you would like our suggestions
21 as to the investigating board this morning" --

22 The Chairman: Let me ask counsel this question: Prior
23 to that letter is there any official document appointing the
24 Commission by the President which might well go in ahead of
25 these letters?

Witness Roberts

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Mr. Richardson: This would come ahead of that, Mr.

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Chairman.

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Senator Brewster: Yes.

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The Chairman: Go ahead.

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Mr. Richardson: (Reading)

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"Knox tells me that you would like our suggestions as to the investigating board this morning.

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"1. My suggestion for the civilian head is Justice Roberts. No less a man in my opinion should be asked and Roberts, by his action in investigating and prosecuting the Teapot Dome scandal and in deciding the Black Tom case more recently, has an outstanding reputation among our people for getting down to the bottom of a factual situation. I think his appointment would command the confidence of the whole country. I believe Knox agrees with me.

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"2. For the War Department representatives I suggest Major General Frank R. McCoy, Retired, and Brigadier General Joseph T. McNarney of the Air Corps.

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"a. McCoy you know personally. He has the most outstanding record of any man in the Army for such an appointment, requiring as it does breadth of view, superlative character, and wide similar experience. As a member of the Lytton Commission which investigated the

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Witness Roberts

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2 Japanese in Manchuria, he won a very high reputation
3 among all nations involved for his balance and tact. It
4 was due to him more than any other member that the report
5 of that Commission was unanimous.

6 "b. McNarney I recommend as the best air man we
7 have for that purpose. I think there must be an air man
8 on the board because the duties and alleged derelictions
9 were in air protection. The fight was an air fight. We
10 have no retired officers of the Air Corps fit for this
11 assignment, but McNarney has a reputation which commands
12 the respect of everybody. As you know, he was Chief of
13 Staff for Chaney in London, was on the recent Staff con-
14 ferences with the British, went to Moscow, and is famil-
15 iar with British technique in respect to air defense.
16 Marshall and I think he is the most competent man we have
17 at the present time on air and ground joint requirements.

18 "Marshall and I unite on all the foregoing sugges-
19 tions after very careful consideration by each of us.

20 "Most confidentially we are sending to Hawaii two
21 men to relieve Short and Martin, the present Army Com-
22 mander and Air Commander. Lieutenant General Emmons,
23 our present Air Combat Commander, will relieve Short.
24 Brigadier General Tinker will relieve Martin. They are
25 starting at once and I think nothing should be said about

Witness Roberts

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2 it until they arrive to take command. As you know, we
3 have had a sad and serious blow in this matter. Major
4 General Dargue and Colonel Bundy, who have been missing
5 since the storm of last Friday night, were on their way
6 out to Hawaii. They were two of the best men we had and
7 we had expected to use Dargue to relieve one of the men
8 out there.

9 "Faithfully yours,

10 HENRY L. STIMSON,
11 Secretary of War."

12 This is addressed to:

13 "The President,
14 The White House.

15 "My opinion is that the housecleaning which I de-
16 scribe in the last paragraph should be synchronized with
17 a similar housecleaning in the Naval Command, and all
18 announced at the same time."

19 This is followed by a letter of January 27, 1942 from the
20 Secretary of War to Justice Roberts. (Reading)

21 "My dear Justice Roberts:

22 "This is just a hasty line to tell you what an ad-
23 mirable job I think that you and your colleagues have done
24 in your difficult task of drawing the report on the dis-
25 aster at Pearl Harbor.

Witness Roberts

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WARD & PAUL, WASHINGTON, D. C.

"I think it is a masterpiece of candid and accurate statement based upon most careful study and analysis of a difficult factual situation. One of the best features of it has been your treatment of certain underlying elements which could not be fully embodied in the report without giving assistance to the enemy.

"Your full opinion on some of these latter points seems to me so important that I hope it will be given to the President and others of us/who are concerned in the defense of the country, in a manner which can be used without going to the enemy. These are the type of things that I intended to suggest to you in my preliminary talk with you before you left for Pearl Harbor.

"Faithfully yours,

"HENRY L. STIMSON."

And addressed to: "Honorable Owen J. Roberts,
United States Supreme Court,
Washington, D.C."

That is followed by a letter of January 31, 1942 from Justice Roberts to the Secretary of War. (Reading)

"My dear Mr. Secretary:

"I am greatly indebted to you for your letter of January 27th with respect to the Pearl Harbor report. It was good of you to take the time from your manifold

Witness Roberts

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duties to write me about it.

"Yours sincerely,

"OWEN J. ROBERTS."

Addressed to:

"Hon. Henry L. Stimson,
"Secretary of War,
"Munitions Building,
"Washington, D.C."

Mr. Murphy: Mr. Chairman, does the record show the date of the first two letters?

Mr. Richardson: Yes.

Mr. Murphy: It does? All right.

The Chairman: Proceed with the examination of Justice Roberts.

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Witness Roberts

Questions by: Mr. Richardson

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2 Senator Ferguson: Mr. Chairman, I wish those would
3 remain or be gotten back.

4 The Reporter: They will be back in a half-hour.

5 The Chairman: Proceed, Mr. Richardson.

6 Mr. Richardson: Mr. Justice, you were the Chairman of
7 what is known as the Roberts Commission in connection with
8 the investigation of Pearl Harbor?

9 Mr. Justice Roberts: Yes, sir.

10 Mr. Richardson: When was that Commission sworn in?

11 Mr. Justice Roberts: I should think the 18th or 19th
12 of December. I can give you the exact date from the minutes.
13 We swore the recorder and then he swore the members of the
14 Commission.

15 Mr. Richardson: How soon after that before the Commis-
16 sion began to function?

17 Mr. Justice Roberts: Immediately. The very morning
18 that it was organized.

19 Mr. Richardson: Will you give us a running resume
20 of the time the Commission did function here and then later
21 upon your arrival at Hawaii?

22 Mr. Justice Roberts: We call in the higher command
23 of the Army and Navy and asked them to produce the war plans,
24 maps, orders, and every document that could have a bearing
25 on the situation at Pearl Harbor. We examined those and had

Witness Roberts

Questions by: Mr. Richardson

1 the officers explain them and their bearing to us.

2
3 I might say at that time we had not decided how we
4 would take testimony, and we had no stenographer. We had
5 a secretary who was a stenographer who made notes on the
6 topics on which these people spoke, and we each made notes
7 for ourselves of things which we thought important and
8 that we desired to investigate.

9 General Marshall and Admiral Stark were present and
10 gave us an outline of the whole transaction from their
11 points of view. We asked whether we should retain certain
12 code telegrams, and what not, and they told us that copies
13 of them would be found at Pearl Harbor, and we decided not
14 to take those into our possession at that time but to get
15 them when we had stenographic service at Pearl Harbor.

16 As the result of the conference and testimony of these
17 gentlemen, who were not under oath but were upon honor to
18 give us all they had, we then formed a plan of going to
19 Pearl Harbor where copies of practically every document they
20 produced would be found and we could proceed more formally
21 with the stenographer.

22 We made arrangements immediately for stenographic ser-
23 vice by stenographers known in Washington, and known to
24 me personally to be reputable, because we did not know what
25 kind of stenographic service we could depend on in Pearl

Witness Roberts

Questions by: Mr. Richardson

1 Harbor, and we took those gentlemen with us. I think
2 they arrived on Oahu on the 22nd -- I may be wrong about
3 the date -- about 6:00 o'clock in the morning, and we
4 started our session at 9:30 on that morning at Fort Shafter
5 with a stenographer present, and we called for our first
6 witness, after we called for the production of a lot of
7 documents, General Short.

8
9 Mr. Richardson: From that time on, when the Commission
10 functioned, it was by question and answer to witnesses who
11 had first been duly sworn?

12 Mr. Justice Roberts: Yes. I might say that Congress
13 passed an Act giving us the right to subpoena witnesses and
14 swear them, and that was at our request.

15 Mr. Richardson: Was any witness proposed who was
16 not given an opportunity to be heard?

17 Mr. Justice Roberts: Certainly not.

18 Mr. Richardson: How were your proceedings conducted
19 with respect to their being open or otherwise?

20 Mr. Justice Roberts: They were closed. Every witness
21 was asked to observe secrecy, that is to say, not to disclose
22 what went on in the room.

23 Of course the reason for that was what this committee
24 now knows, that there were questions of broken codes. We
25 were informed that the Army and Navy were getting invaluable

Witness Roberts

Questions by: Mr. Richardson

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2 information every day; that the Japanese did not realize
3 that their codes were broken, and indeed the Navy was rather
4 chary about even telling us about the thing for fear there
5 might be some leak from our Commission.

6 Of course if we held open hearings there was a chance
7 we might do a great damage to our forces, our military
8 program.

9 Mr. Richardson: When did you complete your duties
10 there, approximately?

11 Mr. Justice Roberts: I have got it all in the minutes,
12 and you have the minutes, I think, so when I speak I do not
13 speak against the minutes. It was around the 18th of
14 January, I suppose.

15 Mr. Richardson: Then you returned to Washington?

16 Mr. Justice Roberts: Yes, we came to San Francisco,
17 and in order not to lose any time we came back by Pullman
18 from San Francisco, and we had a drawing room in which we
19 could discuss the facts, and as to facts which were of
20 record and as to which there was no doubt we could start to
21 prepare findings, which we did on the train.

22 Mr. Richardson: Approximately how long after you re-
23 turned were your findings completed?

24 Mr. Justice Roberts: Again I do not speak by the record.
25 It is all here. You can get it day by day. But I should

Witness Roberts

Questions by: Mr. Richardson

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2 think something over a week.

3 The Chairman: The report shows that they held meetings
4 on the 16th, 17th, 18th, 19th, 20th, 21st, 22nd and 23rd.

5 Mr. Justice Roberts: That is right.

6 The Chairman: And the report is dated the 23rd of
7 January.

8 Mr. Justice Roberts: That is right.

9 Mr. Richardson: Then upon your return to Washington
10 you took no more testimony?

11 Mr. Justice Roberts: Yes, we did. We took some testi-
12 mony on some matters that were still doubtful in our minds,
13 and we did not attempt to make findings on those particular
14 points until we had taken testimony from General Marshall,
15 Admiral Stark and several others.

16 Mr. Richardson: I note, Mr. Justice, in the report
17 that your Commission eventually made, there are 19 in number
18 of what is referred to as the findings of fact.

19 I also note in the minutes of your Commission, under
20 date of January 21, 1942, the following language:

21 "At 3:00 o'clock p.m. the Secretary of the Navy,
22 having been shown certain proposed findings of fact, stated
23 that he suggested no changes for the safeguarding of the
24 national interest in any of the statements except one, in
25 Finding No. 20. This was then differently phrased. At

Witness Roberts

Questions by: Mr. Richardson

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4:30 p.m. Brigadier General Gerow, designated the Chief of Staff, after examining the same findings for the same purpose stated to the recorder that he found no changes to suggest, and the recorder so informed the Commission."

I would be obliged if you would give us some explanation with respect to the elimination of what must have been originally Finding No. 20 in connection with your report.

Mr. Justice Roberts: There wasn't any elimination. When we started to make findings, every member of the Commission was drawing findings to represent his view of certain facts. Then we took the different drafts of the members and compared them, and corrected them, and agreed on a statement.

In order to have that done accurately, I asked the Commissioners in making findings, to make a short finding for each specific fact. When we had finally agreed on the findings there were over 70 of them, numbered from 1 to 70. They were agreed upon. Those were the ones that were shown to the Secretary of the Navy and Secretary of War.

WARD & PAUL, WASHINGTON, D. C.

Hook follows

Witness Roberts

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When we came to draft our report for submission to the President, every one of the Commission but myself said that it was a disjointed sort of thing, because it had 70 short paragraphs in it, cut apart, and they said it would be a great deal better to put the findings in longer paragraphs together.

We did that, and we finally condensed those 70 paragraphs into 19, without changing a word in them. If you will look at the findings, you will see that No. 1 consists of two paragraphs. Those were originally numbered separately.

The next one consists of two paragraphs which were originally numbered separately. The third one does not. The fourth consists of three paragraphs that had separate numbers, and so on.

We took the findings that dealt with a particular situation and put them under one caption with paragraphs instead of having them numbered straight through.

As to finding No. 20, I think I know what it was. It is at the bottom of page 6 of the printed report. That finding is now in a paragraph starting "November 24, 1941." It dealt with a message from the Navy. In making up a statement on these messages we garbled them. We were told if we had translated them accurately, that either the Germans or the Japanese, who had taken off the code messages, might

Witness Roberts

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Witness Roberts

Questions by: Mr. Richardson

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take the translation and break our code, and we should paraphrase them, and Secretary Knox thought our paraphrase perhaps was not plain enough to deceive the Japanese, and he suggested a slight change in verbiage, and we made it.

Mr. Richardson: Then, as a matter of fact, Mr. Justice, nothing in your findings was deleted, or eliminated because of the objection of anyone outside of the Commission?

Mr. Justice Roberts: Certainly not, except, as I say, Secretary Knox called attention to one finding, and said that might give some information, that we ought to phrase it somewhat differently, and we did.

Mr. Richardson: But the factual result of the rephrasing was the same as the original phrasing?

Mr. Justice Roberts: Absolutely.

Mr. Richardson: Now were your Commission unanimous in approving each of the findings which you reported?

Mr. Justice Roberts: Certainly.

Mr. Richardson: And was your Commission unanimous in the report which you filed on those findings?

Mr. Justice Roberts: It was.

Mr. Richardson: Now, when that report was made, how was it signed?

Mr. Justice Roberts: Signed by all the Commission,

Witness Roberts

Questions by: Mr. Richardson

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2 in duplicate.

3 Mr. Richardson: And each Commissioner had a signed
4 copy of the report?

5 Mr. Justice Roberts: No, sir. When we decided to
6 make this change in the findings of fact, to put them in
7 long paragraphs, that was pretty late. I think it might
8 have been Thursday afternoon or Friday morning, and our
9 Secretary told us that he could get the report finished
10 quicker, if he did not have to make seven copies, with six
11 carbons, so he made the first and two carbons; that made
12 it less difficult to put into the machine for each page,
13 and we signed two duplicates. That is one, the ribbon
14 copy, and one carbon.

15 I kept this one copy (indicating) as my copy, the
16 third carbon. If you will look at the minutes, you will
17 see the Commissioner instructing the secretary to make one
18 copy from this to each of the other commissioners, that
19 is to make four from this. So far as I know, the four
20 were made, and so far as I know, each Commissioner has a
21 copy. I do not believe there was any shuffling around.
22 I think that is the copy that the minutes said I was to
23 have.

24 Mr. Richardson: And that copy was an exact copy of
25 the report as signed?

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1 Witness Roberts

Questions by: Mr. Richardson

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2 Mr. Justice Roberts: Absolutely. It is a carbon
3 copy of the ribbon copy.

4 Mr. Richardson: Now, following the signing of your
5 report, did you have some conference with the President
6 with reference to that report?

7 Mr. Justice Roberts: Yes. I covered that in my letter.

8 Mr. Richardson: Would you mind going over it again,
9 so your testimony can be complete here on that point?

10 Mr. Justice Roberts: I do not know whether I can state
11 what is in the letter with accuracy or not. I think I can.

12 That report was finished around 2:30 on Friday after-
13 noon, December 23. In the presence of the Commissioners,
14 I called the White House, got Miss Tully on the phone, told
15 her the report would be ready late that afternoon, was
16 practically ready, and would be ready within an hour or
17 so, and I should like to know whether the President wished
18 it sent by the recorder under cover or whether he wished
19 the Commission to wait on him in a body and present it,
20 or whether he wanted myself, as the Chairman, to present
21 it.

22 Miss Tully told me that the President was in a Cabinet
23 meeting and could not reach him, but when he came out she
24 would communicate with me.

25 The Commission waited until Miss Tully came back and

Witness Roberts

Questions by: Mr. Richardson

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said the President had come out of the Cabinet meeting, that he was very tired, and he did not want the report presented that afternoon; that he wanted it presented by me as Chairman of the Commission in person, and he would see me for that purpose at 11 o'clock the next morning.

Mr. Richardson: What date or what month was the 24th?

Mr. Justice Roberts: January 24, Saturday.

Mr. Richardson: Your earlier remark was December 23.

That should have been January?

Mr. Justice Roberts: Should have been January, certainly.

So I called at the White House on the morning of January 24 at 11 o'clock, saw the President in his study on the 2nd floor. He was at his desk. I handed him an envelope containing these two duplicate reports. He opened it, and then started to read it.

I sat there and he read it line by line, and so far as I could make out he read every word of it, carried his finger on the pages.

I was there over two hours.

When he concluded reading it, he turned to me and said, "Is there anything in this report that might give our enemies information they ought not to have?" Or words to that effect. I said, "No, sir, I cleared that with the Secretary of War and Secretary of the Navy,

Witness Roberts

Questions by: Mr. Richardson

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2 because we didn't want to put anything in here that might
3 endanger the national defense."

4 Then he said, "I do not see why I should not give
5 this report to the public in full."

6 I said, "It would be a great satisfaction to the
7 Commission if you did that, sir," or "it would please the
8 Commission if you did that," or words to that effect.

9 He rang the bell, and Mr. McIntyre came in. He threw
10 this whole thing across the table, as I remember it, both
11 copies, and envelope, and said, "Mac, give that to the
12 Sunday papers in full," and Mr. McIntyre said, "Well I
13 will have to put it in the mimeographing room, in the
14 press room."

15 You see, it was then one o'clock and he took it and
16 started to go away, and then he turned around and said,
17 "Don't you want to say something about the work of the
18 Commission, Mr. President?"

19 The President said, "Oh, yes," and then he said something
20 about he was greatly indebted to the Commission for their
21 prompt report, something of that kind, and Mr. McIntyre
22 turned and went away. I have never seen the report from
23 that day to this.

24 Mr. Richardson: You have had a copy, this carbon copy?

25 Mr. Justice Roberts: That has been in my files.

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WARD & PAUL, WASHINGTON, D. C.

Witness Roberts

Questions by: Mr. Richardson

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2 Mr. Richardson: That has also been compared, has it,
3 with this Senate document No. 159?

4 Mr. Justice Roberts: Yes.

5 Mr. Richardson: And that also is a correct copy of
6 the report?

7 Mr. Justice Roberts: Well, I found one typographical
8 error in the Senate Report, in Finding 15, whereit should
9 read "distant air raid reconnaissance," it reads "distinct
10 air raid reconnaissance." There can be no mistake as to
11 what is meant, because the word "distant" appears twice
12 again in the same paragraph. That is at the top of page
13 12. That is evidently a printer's error. That is the only
14 thing I can find.

15 Mr. Richardson: I have no further questions, Mr.
16 Chairman.

17 The Chairman: I do not care to inquire of the Justice.
18 Congressman Cooper.

19 Mr. Justice Roberts: I would like to say this; When
20 we made these findings into larger paragraphs, we made two
21 or three changes. You will note up at the top of page 8,
22 at the end of the paragraph there, "Referred to in the
23 next succeeding paragraph."

24 Well, as that paragraph had been put into a finding
25 we had to change the words "next succeeding finding" to

Witness Roberts

Questions by: The Chairman

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h8 2 "paragraph," because they were all separate .

3 The same thing occurs in one or two other places
4 wherever we speak of the "next succeeding paragraph."
5 That originally read "finding" but when we put them in
6 one finding, we changed it.

7 The Chairman: I will ask just one question.

8 I gather from your statement there was never any
9 finding 20 that was in any way eliminated, but you con-
10 solidated some 70-odd findings into 19 findings; is that
11 correct?

12 Mr. Justice Roberts: That is correct.

13 The Chairman: At no time during your consideration
14 was there any finding No. 20 that was subsequently eliminated?

15 Mr. Justice Roberts: No, sir. There is one other
16 thing.

17 At the bery last moment, and after we had heard from
18 the Secretaries of War and Navy, we made a slight change
19 in Finding 16, what is now the 4th paragraph of that finding.

20 In reading over the thing when it was finally in type,
21 there was a word or two in there which I thought indicated
22 that the Navy might have broken the Japanese navy code
23 after December 7, and I eliminated, with the consent of the
24 other two commissioners, two or three words, that I thought
25 might indicate that the Navy had broken the Japanese code.

Witness Roberts

Questions by: The Chairman

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That was the Japanese naval code, and not this other code that has been talked about.

The Chairman: That elimination was made with the approval of all of the Commissioners?

Mr. Justice Roberts: Yes.

The Chairman: As a matter of fact, the whole report was a tentative draft which was subsequently reduced in form to the 19 findings which appear here in this official document?

Mr. Justice Roberts: That is correct.

WARD & PAUL, WASHINGTON, D C

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Witness Roberts

Questions by: The Vice Chairman

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WARD & PAUL, WASHINGTON, D. C.

The Chairman: Congressman Cooper.

The Vice Chairman: Mr. Justice, there never was any intention of conducting any kind of court proceeding or trial, or anything of that kind?

Mr. Justice Roberts: No, sir.

The Vice Chairman: You were just making an investigation, were you?

Mr. Justice Roberts: Yes, sir. This seemed to me a preliminary investigation, like a grand jury investigation, and I did not think, for our report, that was to be taken as precluding every one of the men mentioned in it from a defense before his peers.

In other words, you could not conduct a proceeding without cross-examination and without publicity and call it a trial. It was not a trial.

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Witness Roberts

Questions by: The Vice Chairman
Senator Lucas

WARD & PAUL, WASHINGTON, D. C.

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The Vice Chairman: It was just an investigation?

Mr. Justice Roberts: It was an investigation and it was the formation of a judgment to be handed to the President. We didn't know whether the President would publish it or what he would do with it.

The Vice Chairman: That is all.

The Chairman: Senator George.

Senator George: No questions.

The Chairman: Congressman Clark is not here. Senator Lucas.

Senator Lucas: Mr. Justice, after the President gave the two copies to Secretary McIntyre with instructions to give it to the press, do you recall seeing that report in the press the following Sunday?

Mr. Justice Roberts: At that time I was on the Supreme Court and the following Monday mimeographed copies of this press release were sent up to the press room of the Supreme Court and Mr. Potter brought me up one. I didn't compare it line for line with our report but I had the report fully in mind. I read it through and it was obviously complete.

Senator Lucas: After you read the report through you saw no changes or there was nothing in the report that called to your attention any changes from what you had

Witness Roberts

Questions by: Senator Lucas
Mr. Murphy

1
2 presented to the President on the Saturday before?

3 Mr. Justice Roberts: That is correct, sir. I also
4 saw the full report published in the New York Times on
5 Sunday and read it with some care to see if it was complete
6 and to my eye it was complete. There again I did not com-
7 pare it line for line with my typewritten copy. Of course,
8 with this (indicating printed copy) I took the trouble to
9 compare it paragraph by paragraph -- not line by line -- and
10 it was complete.

11 Senator Lucas: That is all.

12 The Chairman: Congressman Murphy.

13 Mr. Murphy: Mr. Justice, when Admiral Kimmel was
14 testifying before us he made some reference to the type
15 of stenographic work done at Pearl Harbor. As I read the
16 record that has been given to us there was first several
17 pages reporting the questions and answers as between the
18 Commission and the witness. Thereafter there were corrections
19 suggested and as we have been given it they are interlined
20 following each particular page that would be corrected.

21 Then after that was done, as I understand it Admiral
22 Kimmel presented his version of the testimony. I mean,
23 something that was prepared by him and which he wanted the
24 Commission to substitute for that which the stenographer had
25 actually reported. As I understand it, then the Commission