

1 Witness Short

Questions by: Mr. Murphy

2 many planes in the air on other mornings. There is testimony  
3 of Private Elliott that on other mornings besides this Sunday  
4 morning they would have about 25 different targets on the  
5 radar station.

6 General Short: That confirms my statement, because  
7 they would pick up everything.

8 Mr. Murphy: Other mornings but not this particular  
9 morning.

10 General Short: Yes, sir.

11 Mr. Murphy: Now, Admiral Kimmel received from Washington  
12 a several page report of a message or memorandum by General  
13 Short and Admiral Stark to the President outlining the  
14 Pacific situation rather in detail. Did he ever give you  
15 the benefit of showing you that?

16 The Vice Chairman: You mean General Marshall and  
17 Admiral Stark.

18 Mr. Murphy: Strike the question.

19 Admiral Kimmel received from Admiral Stark a copy of  
20 a memorandum to the President from Admiral Stark and General  
21 Marshall outlining the Pacific situation in quite some  
22 detail. Did he let you see that?

23 General Short: No, sir, he did not.

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25 follows



Witness short

Questions by: Mr. Murphy

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2 Mr. Murphy: Did he ever tell you that he received  
3 it?

4 General Short: I don't think so.

5 Mr. Murphy: When you talked to Secretary Knox on  
6 his arrival at Pearl Harbor, there was some conversation  
7 between you in which he asked you if you had received a  
8 message and, as I recall it, he said something about it  
9 being sent from Washington at midnight. Will you tell us  
10 about that?

11 General Short: My feeling is that he must have been  
12 confused in the time or some way we didn't arrive at an  
13 understanding because the only message that I got and he  
14 could have been referring to was the one sent by General  
15 Marshall about noon on the 7th.

16 Mr. M urphy: Now, I do find in Exhibit 123 on the  
17 6th page, something that I think should be shown in the  
18 record, and I will read it to you, General.

19 General Short: Yes, sir.

20 Mr. Murphy: Of course, Admiral Kimmel had before  
21 him the whole Pacific area. You had before you the de-  
22 fense of Pearl Harbor. So that his problem was a broader  
23 problem than yours, ordinarily?

24 General Short: That is correct.

25 Mr. Murphy: I read this paragraph:



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Questions by: Mr. Murphy

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2 "The conditions likely to exist on Oahu, in the  
3 event of war are definitely different from those prevail-  
4 ing in Europe, and which dictated the establishment of  
5 the combined headquarters and operating centers in Great  
6 Britain. Sustained attack of any kind is unlikely. The  
7 mission of the Army and the Fleet are considerably dif-  
8 ferent -- the operation of one being defensive and local,  
9 while the operations of the other are offensive and far  
10 flung. Strategic, rather than tactical cooperation, is  
11 indicated, and therefore the necessity for rapid receipt  
12 and exchange of information and arrival at quick decisions  
13 is of less importance."

14 That, General, was a statement by Admiral Kimmel to  
15 the Chief of Naval Operations on November 3, 1941.

16 Now, there was a letter written by Admiral Kimmel to  
17 Admiral Stark on June 4, 1941, General, where he said  
18 this:

19 "The liaison betwixt the Army and Navy Air Corps  
20 in Hawaii is very satisfactory and weekly drills in air-  
21 raid alarms with the two services acting in unison are  
22 held.

23 Then there was the "Memorandum for General Marshall."

24 "Enclosed is the arrangement of Kimmel and General  
25 Short with regard to joint air operations. You will recall



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2 our talking about it, and it looks to me extremely good."

3 Signed by Stark.

4 Would there be a possibility that if General Marshall  
5 read your reply to his telegram that he might have under-  
6 stood liaison with the Navy to mean just that?

7 General Short: Undoubtedly he would have taken that  
8 whole thing as referring to that Annex No. 7. I don't  
9 think there is any question but what that would have been  
10 the feeling.

11 Mr. Murphy: I will ask you this question: As I  
12 understand it, there was provision at Hawaii for a joint  
13 committee of which your Chief of Staff, Colonel Phillips  
14 was head, and that committee never met from November 27  
15 until after December 7, and as I understand it, your reason  
16 for their not meeting was they would only meet in the case  
17 of an over-all change and there was nothing here to indi-  
18 cate the need of any such meeting?

19 General Short : That is correct.

20 Mr. Murphy: You also had 100 artillery lookouts  
21 that were not utilized because you didn't consider the  
22 situation called for it?

23 General Short: They would only be used if we expected  
24 a surface attack.

25 Mr. Murphy: Now, you also had sound detectors that

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Witness Short Questions by: Mr. Murphy

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1  
2 were not manned and that was to give some indication of  
3 something coming toward the Island?

4 General Short: They were good for only about 4 miles.

5 Mr. Murphy: They were not manned because of the situa-  
6 tion?

7 General Short: Because we were not in this type of  
8 alert.

9 Mr. Murphy: You also had civilian squadrons or look-  
10 outs, and they were not used because of the situation?

11 General Short: Civilian aircraft squadrons?

12 Mr. Murphy: No.

13 General Short: I don't believe we had any.

14 Mr. Murphy: There was no provision for civilian  
15 aircraft squadrons or lookouts?

16 General Short: There was one poor lone civilian flyer  
17 that practically flew into the Japanese and got fired at  
18 when he didn't know anything was on.

19 Mr. Murphy: Your harbor control post was working  
20 eight hours a day before December 7, and 24 hours after?

21 General Short : That is correct.

22 Mr. Murphy: One other question, General. The martial  
23 law, how long had you made provision for that?

24 General Short: That probably had been in every war  
25 plan for the last 20 years.



Witness Short

Questions by: Mr. Murphy  
Senator Brewster

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Mr. Murphy: At any rate, when you took over immediately after the raid, was it your intention at that time that martial law would be continued indefinitely, or only for the immediate emergency?

General Short : I would say as long as it was necessary. Once put into effect it could only be called off upon the order of the President.

Mr. Murphy: No other questions.

The Chairman: Senator Brewster.

Senator Brewster: In the proceedings of the Army Pearl Harbor Board at page 49, there is the following colloquy between General Grunert and General Marshall to which I invite your attention:

"General Grunert: Just to have it in the record for our future consideration, I want to put a query to be answered or not, as you see fit, or whether or not the question is such as to really demand an answer. That is this: Here, the same message, or three messages go to at least four prominent commanders, or three of them, overseas -- Panama, Hawaii, and the Philippines, and one, on a presumably exposed West Coast. Three of them apparently interpret those messages in one way, and the fourth one does not. So the three of them report all of the measures they have taken, or show by their reports that they con-

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2 sidered this as quite a critical and dangerous situation;  
3 so they take greater measures than the fourth does.

4 "Now, is there anything in the case of that fourth  
5 which happens to be Hawaiian Department -- are there any  
6 peculiar circumstances there that it should be interpreted  
7 in a different way for that command than it was in Panama,  
8 the Philippines, or on the West Coast?"

9 Now, this is what I would like your consideration of:

10 "General Marshall: All I can say to that is this --  
11 and my answer does not explain the contrast between the  
12 very, very urgent attitude of the Naval and Army Commanders  
13 in Hawaii in the spring and early summer with relation to  
14 air and anti-aircraft and radar requirements. All I can  
15 say is that Hawaii had always 130,000 Japanese in a very  
16 congested district there, and no commander could ever forget  
17 that, and the others did not have them. That did not exist  
18 in Panama. You had Panamanians over the border, but cer-  
19 tainly you had no feeling of fears regarding them. In the  
20 Philippines you had no Japanese population, certainly of  
21 any moment. It actually developed later there was a  
22 Fifth Column, very well organized, out there; but you had  
23 always present in your mind in Hawaii the large Japanese  
24 population of unpredictable activities."

25 Now, I think that covers the answer to the question

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2 General Grunert asked as to why there was a different  
3 interpretation on the messages, if that was a fair state-  
4 ment of their purport.

5 General Short: Yes, sir, and I would like to add  
6 also that the very difference in the answers from the  
7 various department should have caused the people in the  
8 War Plans Division who read my answer to look at it  
9 critically, and know what it said. It was sufficiently  
10 different that it should have called their attention to  
11 it, in place of their saying they never realized what it  
12 said.

13 Senator Brewster: It was true in the Philippines they  
14 did have these intercepts?

15 General Short: They had a great deal more information.

16 Senator Brewster: So that was another reason.

17 General Short: Yes, sir.

18 Senator Brewster But reverting to the point you make,  
19 which I think is referred to here, reading from page 52:

20 "General Frank: Now, General Marshall, a reading  
21 of the Roberts Commission testimony leads one to the con-  
22 clusion that there was a general feeling in both the Army  
23 and the Navy and in Hawaii that there would not be an air  
24 attack. In other words, there was a state of mind of security  
25 against an air attack. Do you believe such a state of mind



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2 existed?

3 "General Marshall: I was unaware of it. The previous  
4 communications we had had, notably those of the spring and  
5 up to June, 1941, related very specifically to the urgency  
6 of measures protective against an air attack."

7 General Short: General Marshall specifically made  
8 the statement himself, and I quoted it in my statement  
9 that he did not expect a surprise attack at Hawaii.

10 Senator Brewster: Where was that? You mean before  
11 this committee?

12 General Short: Yes, sir. It is in my statement. He  
13 made the statement before the Army Pearl Harbor Board, and  
14 I quoted it here. It is quoted in my statement. I haven't  
15 found it yet, but he said he expected an attack toward  
16 Siam, he expected an attack in Indo-China, he expected an  
17 attack in the Philippines, and possibly Borneo, but that  
18 is as far as he knew, nobody expected an attack in Hawaii.  
19 So he was in the same position.

20 I have it right here. Do you wish me to read it?

21 Senator Brewster: I think it should go in here.

22 General Short: (Reading)

23 "We anticipated beyond a doubt a Japanese movement  
24 in Indo-China and the Gulf of Siam and against the Malay  
25 Peninsula. We also anticipated an assault on the Philip-



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2 pines. We did not, so far as I recall, anticipate an  
3 attack on Hawaii, the reason being that we thought the  
4 addition of more modern planes at the defenses would be  
5 sufficient to make it extremely hazardous for the Japanese  
6 to attempt such an attack."

7 Now, that is Army Pearl Harbor Board transcript,  
8 Volume 1, page 9.

9 Senator Brewster: I will see if that is in the one  
10 I have here. Yes, I have that here before me, and this  
11 part which I have been reading is subsequent thereto.

12 So that it would appear that although I presume there  
13 may have been intermittent appearances, that before that  
14 very Board subsequently General Marshall denied his know-  
15 ledge of the existence of a state of mind as to security  
16 from air attack, which he apparently had earlier testified  
17 he understood existed.

18 General Short: Definitely.

19 I would like to add, in respect to your previous  
20 question, if I may, that there was a very considerable  
21 difference in the message that I received and the message  
22 that was received in the Philippines, which would account for  
23 that, because the message in the Philippines didn't have the  
24 "don'ts," my message "Don't alarm the public, don't do any-  
25 thing to disclose your intent, limit the dissemination of



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this information to the minimum essential officers."

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Those words did not appear in the message to the

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Witness Short

Questions by: Sen. Brewster

2           Senator Brewster: Well, I think the point is very pro-  
3 per, but recurring to this matter of General Marshall, if my  
4 interpretation of his language is correct then it would in-  
5 dicate that even Juniter occasionally nods. I speak of that  
6 because I think they have criticized you somewhat because  
7 of giving different impressions as to the state of mind that  
8 existed at various times.

9           General Short: Yes, sir.

10          Senator Brewster: And this would apparently indicate a  
11 somewhat different impression as to the fear of an air at-  
12 tack in General Marshall's own mind at various times.

13          General Short: I think also the aide memoir that he  
14 gave to the President on May the 3rd, 1941 with reference to  
15 Hawaii where he said in points of view or in sequence that  
16 the thing that would probably occur first would be sabotage  
17 and that it might be necessary to establish strict military  
18 control for several months in Hawaii before we had difficulty  
19 in the Far East.

20          Senator Brewster: Going further, General Frank on page  
21 52 further asked General Marshall:

22               "General Frank: At that time, December 1941, what  
23 in your opinion was the general feeling in military and  
24 naval circles relative to the effectiveness of the air  
25 attack with bombs and torpedos?"



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2 General Marshall said: As I recall, we considered it  
3 as very effective, in view of what had occurred in the  
4 European theater."

5 Were you given to understand that that was the military  
6 opinion at that time?

7 General Short: I believe in general I was. I think,  
8 however, that the Navy had a slightly different idea in re-  
9 gard to torpedoes; that they thought if the water was shallow  
10 enough that the torpedo attack would not be effective.

11 Senator Brewster: I think that is what Admiral Kimmel  
12 has testified.

13 General Short: I think that was his opinion. I had no  
14 decided opinion because I did not know enough about the ac-  
15 tion of torpedoes.

16 Senator Brewster: This is the next question:

17 "General Frank: Was any consideration ever given"--  
18 this is on page 52 and 3 --

19 "Was any consideration ever given in the War Depart-  
20 ment to the possibility of a feeling of apathy that might  
21 ensue as a result of 'crying wolf; wolf; too often'?"

22 General Marshall answered: "Very much so."

23 Do I understand that that is your position, General?

24 General Short: I knew that for a year there had been  
25 some status of alarm and I suppose in the long run that that



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Questions by: Sen. Brewster

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2 would make everybody slightly less alert or less likely to  
3 believe in any warning that came.

4 Senator Brewster: Now, going on with General Frank's  
5 question on page 53 of this same report:

6 "With respect to the messages on sabotage sent to  
7 General Short from Washington, do not the provisions of  
8 his war plan and his standing operating procedure pro-  
9 vide for full defense against sabotage?"

10 General Marshall said: "I think it does.

11 "General Frank: Were not the provisions of these  
12 plans known in the War Department?

13 "General Marshall: They must have been.

14 "General Frank: Then why was sabotage specifically  
15 singled out?

16 "General Marshall: By whom?

17 "General Frank: By messages that were sent to him.  
18 Between November 16 and 28 there were six messages sent  
19 to him, four of them told him to be careful not to dis-  
20 turb the Japanese, and three of them cautioned him about  
21 sabotage.

22 "General Marshall: Two of those on sabotage that  
23 are related to air were just coincidences, and those  
24 not to disturb the Japanese related to air, and the ex-  
25 treme anxiety not to have anything happen which would



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provoke a break, which would enable the Japanese to say that we were taking action, to give them an excuse for action; and that was to enable Mr. Hull to stall this thing off as long as possible. All measures against sabotage are very difficult of set-up, because they indicate their purpose so plainly when you have to deploy your people around the key points and have them stay there in tents or otherwise, so they always provoke a difficult situation, and one that we were fearful would give the Japanese some handle to place the accusation against us that we were taking action of a hostile character directed towards them. That is as nearly as I can recall the reason for the three messages that you refer to, I think, though I have to look at the messages to familiarize myself with what they say. I don't recall them."

General Short: In that connection I would like to say that when I arrived there there were a considerable number of men on guard over vital installations to prevent sabotage, there had been for a year or so. So far as the guard for sabotage purposes, the community had become so accustomed to them that it did not alarm them in any way.

From July the 8th, or July the 25th, when we got the sanction message, we had had about a half alert against sabotage

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2 constantly because the community was extremely uneasy at  
3 that time; it affected their pocket-books, it closed up  
4 businesses operated by Japanese, so that they were at that  
5 time accustomed to having our guard over vital installations.

6 Senator Brewster: Then the next question:

7 "General Frank: In accordance with that, you feel  
8 that it was a responsibility for the War Department to  
9 caution about sabotage?

10 "General Marshall: In relation to what I have just  
11 said. We were trying to be very certain that we did not take  
12 measures which the Japanese could put their fingers on and  
13 say that we were doing something that was hostile; and most  
14 of your sabotage defense has to be right out in the open, a  
15 great portion of it. Now, in that respect we were doing  
16 something. We had to talk about it, too, because that was  
17 related to the meetings with Mr. Hull, where we were trying  
18 to do anything possible that could be done to stall off a  
19 break in the Pacific."

20 That is the whole of the quotation. Was this attitude  
21 of General Marshall, to which he here refers, as to the very  
22 great concern in Washington against anything of a provoca-  
23 tive character communicated to you?

24 General Short: I definitely got that idea that their  
25 chief purpose, the chief aim was to avoid war if possible



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Questions by: Sen. Brewster

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2 and by all means to avoid an international incident that might  
3 lead to war or might give the Japanese the chance to use it  
4 as propaganda that we provoked war, but at no time did I get  
5 the other idea presented that a guard over a vital installa-  
6 tion was something that the population would not understand  
7 and would think was provocative.

8 Senator Brewster: And the thought was that there must,  
9 so far as practicable, be nothing done which the Japanese  
10 could by any strained construction interpret as a hostile  
11 act directed against them?

12 General Short: Very definitely.

13 Senator Brewster: Or an indication that you expected  
14 an attack from them?

15 General Short: Very definitely.

16 Senator Brewster: That seems to run through the thread  
17 of General Marshall's testimony and the thing which I thought  
18 was important was to know as to whether or not that attitude  
19 which he expresses here was communicated to you. I gather  
20 it was.

21 General Short: The November 27th message meant to me  
22 beyond everything else that what they were interested in was  
23 the avoidance of war and the avoidance of giving Japan any  
24 excuse to start a war or to use propaganda that we had pro-  
25 voked a war.



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Questions by: Sen. Brewster

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2 Senator Brewster: Now, in connection with the material  
3 which I presented yesterday, as I have examined it, - I do not  
4 know whether other members of the committee have had the op-  
5 portunity as yet, - it appears that it consists almost ex-  
6 clusively of excerpts from the testimony before the Roberts  
7 Commission and I have come to the conclusion that in justice  
8 to all concerned if the testimony before the Roberts Commis-  
9 sion is ultimately to be made a part of our record as an  
10 exhibit, it would be more fair to handle it in that way.

11 Has there been any conclusion reached on that matter of  
12 the Roberts evidence as yet?

13 The Chairman: There has not been any consultation among  
14 the committee on it at all since you brought it up the other  
15 day.

16 Mr. Murphy: Mr. Chairman, may I inquire with regard to  
17 that? I would like to suggest in answer to that, Mr. Chair-  
18 man, that the testimony of General Short before the Roberts  
19 Commission, to which frequent references have been made, be  
20 made an exhibit in this proceeding the same as we did with  
21 the Navy testimony of Admiral Kimmel.

22 The Chairman: The chair sees no objection to that.

23 Senator Brewster: May we hear from counsel?

24 Mr. Richardson: Well, I suggest this, Mr. Chairman,  
25 that until you determine the question of all of the testimony



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2 I see no point in picking out a particular bit of testimony  
3 and making it an exhibit, if all of that testimony is ulti-  
4 mately to be in your record here.

5 The Chairman: The chair would like to inquire of the  
6 members of the committee if they have had an opportunity to  
7 examine the document Senator Brewster referred to I think day  
8 before yesterday, copies of which were supposed to be distri-  
9 buted.

10 Mr. Richardson: Well, they are available. We have had  
11 it mimeographed.

12 Mr. Kaufman: Yes, but it has not been distributed.

13 Senator Brewster: Well, as I have looked it over it  
14 does consist almost entirely of quotations from the Roberts  
15 committee testimony and I think rather than taking excerpts  
16 it would be fairer all around if either the Short testimony  
17 or all of it, - I would favor having all the Roberts testi-  
18 mony as an exhibit in connection with our case in order to  
19 comprehend the evidence of the whole situation.

20 Mr. Murphy: The only trouble, Mr. Chairman, is that  
21 what I have asked for is a compilation of General Short's  
22 testimony on three different occasions for the convenience of  
23 those who were sufficiently interested to read and study it.  
24 The suggestion of counsel would have people going through  
25 three separate records to find what General Short said or did



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not say.

General Short: You mean this volume here, Mr. Murphy?

Mr. Murphy: I mean that very volume, General, which contains your testimony on all three occasions and I think in fairness to you and to the others who are interested they ought to be able to find it as the committee had it and make use of it.

Senator Ferguson: Mr. Chairman.

The Vice Chairman: Wasn't that done with Admiral Kimmel?

Mr. Murphy: That was done with Admiral Kimmel.

Senator Ferguson: Mr. Chairman, I suggest that if we put this testimony in, which I think should be, that it should be sorted by counsel so that the testimony of the witness will always appear at one place in the record instead of going back days and looking for it, just as we would do later with this, but I believe that the time will come, and I favor that, that all of the testimony be put in.

Mr. Kaufman: Mr. Chairman, I assure the Senator means that with respect to the several records that a compilation job be done.

Senator Ferguson: That is right.

Mr. Kaufman: So that the testimony of a witness in all proceedings be put together with appropriate notations as to which proceeding the particular testimony comes from.



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2 Senator Ferguson: That is right, and that it be marked  
3 as an exhibit so that we can have it.

4 The Chairman: If that is done, of course, it would com-  
5 prise all the testimony in all the proceedings and it would  
6 be marked as an appropriate exhibit and, therefore, would  
7 include Admiral Kimmel's previous testimony as well as Gen-  
8 eral Short's.

9 Senator Ferguson: That is correct.

10 The Chairman: And, therefore, would obviate the necessi-  
11 ty of making them separate exhibits now.

12 Mr. Kaufman: That is correct, sir.

13 Mr. Richardson: That is the point I made a moment ago.

14 The Chairman: It seems to the chair that that is a logi-  
15 cal way to handle it. It all goes in anyway but it goes in  
16 together under an exhibit and with the connotation in the  
17 record of each one of these testimonies as they have come  
18 all put together so that the members of the committee could  
19 refer to them conveniently. That would be a better way to  
20 handle it.

21 The Vice Chairman: Mr. Chairman, I concur in Senator  
22 Ferguson's views there, I think that would be helpful to us  
23 and to others who examine the record, but on this question  
24 Mr. Murphy raises we have accorded Admiral Kimmel the privi-  
25 lege of having his testimony in other hearings included as



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an exhibit. I think General Short should be entitled to that same privilege.

The Chairman: Well, couldn't we do it this way? Of course, we will be glad to accord to General Short the same privilege accorded to Admiral Kimmel, but if the committee should have it all published, that would obviate the necessity of having these two particular testimonies as exhibit something and then put it in again as exhibit something else.

The Vice Chairman: That is correct.

The Chairman: So that with the understanding that if the committee should order it all done and made an exhibit, then it shall not be filed as an exhibit separately from that collection of testimony which has been put in.

Senator Ferguson: That is what I had in mind, to do it all at the same time.

Mr. Kaufman: And it would result, Mr. Chairman, that the exhibit of Admiral Kimmel would be stricken out for practical purposes and all put in at once.

Senator Ferguson: That is right.

The Chairman: And the same could apply to General Short.

Mr. Murphy: I want the record to show that it be stricken out only on the condition that it comes in in some other exhibit.

Senator Brewster: I don't understand that. He refers to



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2 a record. Is this to be an exhibit or a record?

3 The Chairman: An exhibit. The record you referred to is  
4 to be an exhibit.

5 If there is any reason, - let us get it clear, - the com-  
6 mittee should not order all this testimony presented as an  
7 exhibit together, with the understanding that counsel will  
8 arrange it so that each witness' testimony will appear con-  
9 secutively or appear at one place, to which it can be re-  
10 ferred, in the event we do that then the testimony of Admiral  
11 Kimmel and also of General Short will not be filed as sep-  
12 arate exhibits.

13 If we should not do that, then both of them go in as an  
14 appropriate exhibit now.

15 The Vice Chairman: Can't we decide that now?

16 The Chairman: Why can't we now act on that? Without  
17 objection, then, the chair will order that all this previous  
18 testimony be so arranged by counsel as to appear appropriate-  
19 ly as we have discussed it and that that include the testi-  
20 mony of Admiral Kimmel referred to and make an exhibit the  
21 other day, as well as the testimony of General Short, and it  
22 will all be made an exhibit and include all of that instead  
23 of having it separate.

24 Senator Ferguson: Yes, Mr. Chairman, with the understand-  
25 ing, then, that that includes all witnesses called by the com-



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mitted or not called, who testified in these previous hearings.

The Chairman: Yes, I think so. That includes, of course, the testimony also upon which we agreed the other day.

Mr. Richardson: And it includes all of the hearings.

The Chairman: All of the hearings.

Senator Ferguson: That is right, all except the Clausen because that was nothing but affidavits.

Senator Brewster: That is right.

The Chairman: That is right.

Mr. Murphy: I want to say something about the Clausen report later.

Senator Brewster: I think that covers this question that I raised, because I think it is better to have the whole thing in than to have just the excerpts.

The Chairman: Yes.

Senator Brewster: So that will dispose of my request, I think.

The Chairman: Yes.

Senator Brewster: Now, one other matter that I would like to inquire of you about, General, and that is the matter of the circumstances of your retirement.

General Short: I would like, in order to be very exact, to read a page that states the circumstances very succinctly:



Witness Short

Questions by: Sen. Brewster

1  
2 "When I read the findings of the Roberts Commission on the  
3 morning of January 25th, 1942 I was completely dumbfounded.  
4 To be accused of dereliction of duty after almost forty  
5 years of loyal and competent service was beyond my compre-  
6 hension. I immediately called General Marshall on the  
7 telephone. He was an old and trusted friend of thirty-  
8 nine years standing. He said he had been in New York and  
9 had not seen the report until that minute. I asked him  
10 what I should do, having the country and the war in mind,  
11 should I retire? He replied, "Stand pat but if it be-  
12 comes necessary I will use this conversation as authority."

13 "I told him I would place myself entirely in his  
14 hands, having faith in his judgment and loyalty. After I  
15 hung up I decided it wasn't quite fair to him to have to  
16 use the conversation as authority, so I wrote out a formal  
17 application which I inclosed in a personal letter to him.  
18 I asked the War Department for a copy of this letter but  
19 they have not been able to locate it."

20 I have a copy that I had written of the letter to him and  
21 I should like to read that.

22 Senator Lucas: Do we have a copy of this?

23 Senator Ferguson: It was just handed to you.

24 General Short: It is this letter, the mimeograph.

25 Senator Brewster: That does not appear to have a date,



Witness Short

Questions by: Sen. Brewster

General.

General Short: I beg your pardon?

Senator Brewster: It does not appear to have a date on it, General.

General Short: That was dated January 25th. That was made from a copy that I had made in my own handwriting at that day and it was sent from 610 Northwest 15th Street, Oklahoma City, Oklahoma. That does not appear on here.

Senator Lucas: Mr. Chairman, there is one thing I would like to inquire about. The preliminary statement, General Short, that you read previous to the statement you are about to read, is that your own or is that some other statement?

General Short: That is mine and was not mimeographed but I wrote it in order to be sure and say exactly what I meant.

Senator Lucas: All right, sir.

The Chairman: That is not included in this?

General Short: That is not included in this.

The Chairman: All right.

General Short: This is the letter that I wrote to General Marshall on January 25th.

Senator Ferguson: Just one moment that I may understand that correctly. Do I understand that what you stated first from that statement was a telephone conversation with General Marshall?



1 Witness Short

Questions by: Sen. Brewster

2 General Short: That is correct, about one P.M. on January  
3 25th.

4 Senator Brewster: From Oklahoma City?

5 General Short: From Oklahoma City.

6 The Chairman: Did you call him or did he call you?

7 General Short: I called him.

8 Senator Ferguson: Thank you for the explanation.

9 General Short: (Reading)

10 "Dear General Marshall:

11 "I appreciate very much your advice not to submit my  
12 request for retirement at the present time. Naturally,  
13 under existing conditions, I very much prefer to remain on  
14 the active list and take whatever assignment you think it  
15 necessary to give me. However, I am inclosing application  
16 so that you may use it should you consider it desirable to  
17 submit it at any time in the future.

18 "Since you asked me to call your attention to any-  
19 thing I consider important, I want to call your attention  
20 to the fact that the report of the Board did not mention  
21 the fact that 12 B-17's arrived from the mainland in the  
22 midst of the attack without ammunition, with guns cosmo-  
23 lined, and with skeleton crews, resulting in the destruc-  
24 tion of four of these planes. You will find this set forth  
25 fully in my statement accompanying the Board report. From



Witness Short

Questions by: Sen. Brewster

1  
2 my point of view this is a strong argument that the War  
3 Department agreed with me that sabotage was the most dan-  
4 gerous thing to the Hawaiian Department and for that reason  
5 did not direct me to take action against an air attack  
6 although it had known since November 28th of the precau-  
7 tions taken by me.

8 "In Section IX of the Report of the Board a statement  
9 is made that the CINCUS received three messages from the  
10 Navy Department on December 3, 4, 6 with reference to the  
11 destruction of Japanese codes. However, these messages  
12 were not shown to me.

13 "I should appreciate very greatly anything you may  
14 be able to do in my case.

15 Sincerely,

16 WALTER C. SHORT."

17 I considered my dealing with General Marshall a purely  
18 personal matter between two old friends.

19 I did not receive a reply to this letter. I have seen  
20 General Marshall only one time prior to his appearance before  
21 this committee. In June 1942 I went to West Point to witness  
22 the graduation of my son and attended a garden party given by  
23 the Superintendent of the Academy. At this party General  
24 Marshall came across the lawn to speak to Mrs. Short and me.  
25 He spent about five minutes with us. He did not mention



Witness Short

Questions by: Sen. Brewster

Pearl Harbor but talked of our early service together.

In this connection there are certain paragraphs in Volume 23 of the transcript of this committee, page 4049, which I would like to read. (Reading)

"Senator Ferguson: What did the Secretary of War's order that you spoke about do?"

"General Marshall: The Secretary of War's order that I spoke about brought General Short back from Hawaii, relieved him from all responsibility of command in Hawaii, directed him to report to some point in the United States, we will have to look at the order to see just what it was. Thereafter the question was whether he would be given another assignment, or, as actually developed, his retirement, which I believe was at his request; I do not recall that.

"Senator Ferguson: Were you consulted on that, as to whether or not he would be given another assignment?"

"General Marshall: I do not recall that, sir.

"Mr. Keefe: Will the gentleman yield, Mr. Chairman?"

"General Marshall: I presume so.

"Senator Ferguson: Yes, I will yield.

"Mr. Keefe: Yesterday when I examined General Marshall I requested counsel to present the order with reference to General Short and I wonder whether that is



1 Witness Short

Questions by: Sen. Brewster

2 here today, whether we have received it.

3 "Mr. Mitchell: It has not been handed to us yet by  
4 the War Department.

5 "General Marshall: The procedure in General Short's  
6 case was handled by the Secretary of War."

7 Now, the inclosure in my personal letter to General  
8 Marshall was as follows:

9 "610 N.W. 15th St.,  
10 Oklahoma City, Okla.

11 Jan. 25, 1942

12 "SUBJECT: Retirement

13 "TO: Adjutant General, U.S. Army.

14 "1. I hereby submit my request for retirement after  
15 more than thirty-nine years service, effective upon a  
16 date to be determined by the War Department.

17 "2. If practicable, I request that the effective  
18 date be such as to permit me to take advantage of all  
19 accrued leave of absence (approximately four months).  
20 However, if this request for leave should militate against  
21 granting of retirement, I wish the request for leave to  
22 be disregarded.

23 (Sgt) Walter C. Short,

24 Major General, U.S.A."

25 Now, this letter that I have just read was inclosed with



Witness Short

Questions by: Sen. Brewster

1  
2 my personal letter to General Marshall to be used by him if  
3 he considered necessary.

4 Senator Ferguson: Mr. Chairman, so that the record might  
5 be clear, has our counsel requested this previous letter and has  
6 the War Department reported that it cannot be found, the one  
7 in the enclosure that includes the one of January 25th? I  
8 just want to know whether that is a missing paper from the  
9 files of the War Department, whether we have made a sufficient  
10 search to ascertain that fact.

11 Mr. Richardson: I do not think we have ever requested  
12 that letter.

13 Senator Ferguson: What are the facts?

14 Mr. Kaufman: The fact is, from Colonel Duncombe, that  
15 when it was ascertained that General Short had a copy of that  
16 letter no search was made then for the original letter.

17 Senator Ferguson: Well, could we now have a search made  
18 and ascertain the facts as to why that letter was not with the  
19 letter that was enclosed in the same envelope? As I under-  
20 stand General Short's testimony, they were enclosed in the  
21 same envelope.

22 General Short: Yes.

23 Senator Ferguson: And he made an inquiry and could not  
24 locate in the War Department this top letter that he has just  
25 been reading.



Witness Short

Questions by: Sen. Brewster

1  
2 General Short: That is correct.

3 Senator Ferguson: Is that correct?

4 General Short: Yes.

5 Mr. Murphy: May we have General Short's statement?

6 The Chairman: The chair might ask General Short whether  
7 the fact, as you stated, that it was a personal letter to  
8 General Marshall and not an official letter would have any  
9 bearing upon whether it would be part of the files of the War  
10 Department.

11 General Short: It was a purely personal letter and he  
12 could retain it or file it as he saw fit.

13 Senator Ferguson: Mr. Chairman, may I make this inquiry,  
14 as to whether or not we are not getting, this committee is  
15 not getting personal letters between our respective officers  
16 and are only getting those letters that the officers consider  
17 are official letters or communications?

18 The Chairman: Well, of course, the chair does not know  
19 how many personal letters pass between officers in Washington  
20 and elsewhere and therefore cannot answer that question. I  
21 don't know whether anybody can or not.

22 The Vice Chairman: Mr. Chairman, let me ask General Short.  
23 Is the letter that you have read here addressed to General  
24 Marshall, and you supplied the date January 25, 1942, is this  
25 a correct copy of the letter you sent to General Marshall?



Witness Short

Questions by: Sen. Brewster

1  
2 General Short: That is a correct copy. The copy was made  
3 in my own handwriting. I did not have a typewriter and carbon  
4 paper when I wrote it and I made a copy in my own handwriting  
5 and this is a correct copy.

6 The Vice Chairman: So the committee now has before it,  
7 supplied by you, the letter that is being discussed here?

8 General Short: That is correct.

9 The Chairman: Did you write that letter to General Mar-  
10 shall in your own handwriting?

11 General Short: I did.

12 The Chairman: Did you mark it "Personal"?

13 General Short: I did.

14 Senator Lucas: Mr. Chairman, I should like to make this  
15 observation on this point. I do not think there has been any  
16 question but what every department downtown has furnished us  
17 letters from their files of a personal nature if the letters  
18 were in the files. Obviously many personal letters went from  
19 one individual to another that never found its way into the  
20 State, War or Navy files. Certainly there would be no way  
21 that counsel or the liaison man of the Navy or the Army could  
22 find out all of the personal letters that went from one in-  
23 dividual to another.

24 Senator Ferguson: Mr. Chairman, this is what I have in  
25 mind: When the official letter dated January 25th, "Subject:



Witness Short

Questions by: Sen. Brewster

1  
2 Retirement" appears before us, it is in a way a conditional,  
3 or at least there was another condition attached to it, be-  
4 cause there was a letter and a telephone conversation that  
5 preceded it and it does not exactly speak the facts alone  
6 and, therefore, without the others we do not have all of the  
7 facts.

8 The Chairman: Well, General, I do not suppose that you  
9 or any other officer who wrote a personal letter to one of  
10 your superiors always expected that that personal letter should  
11 become a part of the official files of the Department. It was  
12 discretionary, I presume, with the recipient of the letter.

13 General Short: Absolutely.

14 The Chairman: As to whether he should regard it as pure-  
15 ly personal and if you marked it as "Personal" he probably  
16 would not put it in the files.

17 General Short: I regarded it as personal myself and  
18 apparently he did, too.

19 The Chairman: And no implication is to be drawn from the  
20 fact that General Marshall did not make it a part of the of-  
21 ficial files of the War Department of any sort that would be  
22 derogatory to the effort to keep the record. Your official  
23 letter was the one addressed to the Adjutant General, isn't  
24 that true?

25 General Short: Yes, sir, and I have a photostat copy of



1 Witness Short

Questions by: Sen. Brewster

2 it there.

3 The Chairman: And that is a part of the files in the War  
4 Department.

5 General Short: Now, may I explain that this letter and  
6 all of the following letters were taken from my 201 file in  
7 the War Department. That was a personal file of the officer  
8 concerned. My counsel, Colonel Karr, had the copies prepared  
9 and compared them and all the remaining letters that I will  
10 read came out of my personal file. I did not see them till  
11 yesterday but --

12 The Chairman: In other words, all this correspondence ex-  
13 cept that personal letter to General Marshall is part of the  
14 file and was taken from the file?

15 General Short: That was part of my personal 201 file.

16 The Vice Chairman: And the letter to General Marshall  
17 was taken from your individual file and is here?

18 General Short: That is correct.

19 The Chairman: All right.

20 Mr. Richardson: Mr. Chairman, might I make a suggestion?

21 The Chairman: Mr. Richardson.

22 Mr. Richardson: So far as I know, - and I am supported  
23 in that by my associates, - there never has been, so far as  
24 we know, any attempt on the part of any government agency to  
25 pick out what may be called official letters from



1 Witness Short

Questions by: Sen. Brewster

2 personal letters. We have been given all the correspondence,  
3 so far as we know, that are in the files that were examined.

4 Exhibit 53 now in the record contains the personal let-  
5 ters between Short and Marshall, 106 between Kimmel and Stark,  
6 and we know of no personal letters that are not there and I  
7 would like to inquire from General Short whether he knows of  
8 any additional personal letters that are germane here that  
9 are not included in the exhibit 53?

10 General Short: I believe the exhibit marked "Letters  
11 from General Marshall to General Short" contains all of our  
12 personal correspondence.

13 Senator Ferguson: The other way, from Short to Marshall,  
14 does it contain all?

15 General Short: Both ways, I think, during the period that  
16 I was in Honolulu.

17 Senator Brewster: Well, I very much appreciate this as-  
18 sistance in my examination. I hope it does not indicate any  
19 inconsiderateness if I may now ask a question.

20 The Vice Chairman: General Short is not through.

21 Senator Brewster: I am all through with it. I said I  
22 appreciate the help of the committee in the examination. It  
23 was a cooperative proceeding.

24 The Vice Chairman: I thought you were fixing to ask an-  
25 other question.



1 Witness Short

Questions by: Sen. Brewster

2 Senator Brewster: I am when I get a chance.

3 The Vice Chairman: He is not through reading yet.

4 Senator Brewster: As everybody else has taken the privi-  
5 lege of interrupting him I would like to exercise that privi-  
6 lege likewise. I have a question which I think is really  
7 germane.

8 The Chairman: Proceed.

9 Senator Brewster: The point that I wanted to clarify,  
10 and my question contains no implication, as to whether or  
11 not this letter should have been in the file. I just want  
12 to establish the point which I think you said you had asked  
13 the War Department, as to whether they had a copy of this  
14 personal letter and what was the reply that you received from  
15 them?

16 General Short: I had asked Colonel Duncombe and up to  
17 the present he has not located it.

18 Senator Brewster: And when did you make that request?

19 General Short: Do you remember, Captain Ford?

20 Senator Brewster: Well, recently I mean?

21 General Short: Probably in the last week or ten days.

22 Senator Brewster: Well, that is all right, that clears  
23 that up. I think now you may resume.

24 General Short: All right, sir. The next is a memorandum.

25 (Reading)



Witness Short

Questions by: Sen. Brewster

WAR DEPARTMENT  
OFFICE OF THE CHIEF OF STAFF  
WASHINGTON

January 26, 1942

"MEMORANDUM FOR THE SECRETARY OF WAR:

"SUBJECT: Retirement of General Short.

"As I told you this morning, General Short telephoned me at one P.M. yesterday (Sunday), to say that he was ready to submit his application for retirement if that was desired. I told him to take no action at the present time, that we had not yet had an opportunity to read the proceedings, let alone arrive at any conclusions.

"I am now of the opinion that we should accept General Short's application for retirement today and to do this quietly without any publicity at the moment.

"Admiral Stark has requested me to advise him if we do this, as he proposes to communicate this fact to Admiral Kimmel in the hope that Kimmel will likewise apply for retirement.

"I have talked briefly with the Judge Advocate General, who sees no objections to the foregoing procedure. He is looking over the proceedings of the Roberts' Board and preparing to advise us as to the matter



1 Witness Short

Questions by: Sen. Brewster

2 of a Court of Inquiry or Court-martial. Quite informally  
3 he stated that his idea in the matter, without careful  
4 consideration, was identical with ours, that the Roberts'  
5 Board was on a plane above that of a Court of Inquiry  
6 and, therefore, rendered the latter unnecessary and to  
7 be refused if requested, and that a court-martial would  
8 not be in the public interest at this time.

9 (S) G. C. MARSHALL,

10 Chief of Staff."

11 This next is a memorandum (Reading):

12 "January 28, 1942

13 "MEMORANDUM FOR THE ADJUTANT GENERAL:

14 "Attached is a written application for retirement  
15 from Major General Walter C. Short.

16 "Please hold this without action awaiting instru-  
17 tions from the Secretary of War.

18 (Sgt) G. C. MARSHALL,

19 Chief of Staff."

20 Senator Brewster: Now, General, could General Marshall  
21 have received your letter on the 26th when he sent this  
22 memorandum to the Secretary of War?

23 General Short: He undoubtedly had received it on the 28th.

24 Senator Brewster: Yes.

25 General Short: I don't remember whether I sent the letter



1 Witness Short

Questions by: Sen. Brewster

2 airmail. I probably did. It might have been possible for him  
3 to receive it on the morning of the 26th.

4 Senator Brewster: But the memorandum of the 26th does,  
5 at any rate, indicate a radically different position than he  
6 had taken the day before?

7 General Short: Yes, sir, and it also by implication in-  
8 dicates that he had not received my written application, if  
9 you read it carefully.

10 Senator Brewster: Yes. But whether or not he had then  
11 had an opportunity to read the proceedings and to arrive at  
12 any conclusion, that he was on the 26th of the opinion that  
13 the application should be accepted.

14 General Short: Yes, sir, and the day before he had told  
15 me to stand pat.

16 Senator Brewster: Yes. Now, did he call you at any time  
17 again regarding this?

18 General Short: He did not and he did not answer the let-  
19 ter. Here is another memorandum --

20 Senator Brewster: Well, now, in the 28th memorandum,  
21 evidently then a written application was in and he turned it  
22 over to the Adjutant General with instructions to await action  
23 from the Secretary of War?

24 General Short: Yes, sir. (Reading)

25 "Hand-written note:



1 Witness Short

Questions by: Sen. Brewster

2 "To G-1

3 "Check on opinion of JA to Sec War."

4 Senator Brewster: Isn't that, "See what must be done?"

5 General Short: It should be: "See what must be done.

6 (Sgt)GCM." (Reading)

7 "February 13, 1942.

8 "MEMORANDUM TO THE CHIEF OF STAFF:

9 "I took up with Knox after Cabinet meeting today the  
10 retirement of Kimmel and Short. He assured me that Kimmel  
11 would get no leave with full pay. I told Marshall of the  
12 opinion of the Attorney General indicating that notice to  
13 the effect that the time must not be considered a condona-  
14 tion of offenses, if any, on the part of the War Department  
15 or a bar to a future court martial. The language of the  
16 President roughly, as given me by Knox, was as follows:

17 "provided it is agreed by you that this is no bar  
18 to be used legally or otherwise to subsequent court  
19 martial proceedings".

20 "Knox told me that the Navy thought that it was only fair  
21 to Kimmel and Short should have the right to ask for a  
22 court martial if they desired it.

23 Henry L. Stimson,

24 Secretary of War."

25 Shef--

Shack  
fls



Shack (3) pm  
follows  
Shefner  
AL-1

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Witness Short

"WAR DEPARTMENT

WASHINGTON

"MEMORANDUM FOR THE PRESIDENT:

"I took up with Secretary Knox, after Cabinet meeting yesterday, the retirement of Admiral Kimmel and General Short. It is my suggestion that the requests for retirement of General Short and Admiral Kimmel should be now accepted.

"In order that the acceptance of these requests for retirement may not be considered as a condonation of the offenses, it is recommended that the following language be used in the acceptance of such requests:

'Is accepted, effective -----, without prejudice to future action in the interest of the Government.'

"Secretary Knox concurs in this recommendation.

"Secretary of War.

It does not show "signed Henry L. Stimson".

"Handwritten notes:

"Secretary of War's proposed wording

without condonation of any offense or prejudice to future action on behalf of the Gov't without condonation of any offense or prejudice to any future disciplinary action.

U. S. GOVERNMENT PRINTING OFFICE: 1948 O 68463



Witness Short

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1

2

This approved as safe by Atty. Genl. by

3

telephone Feb 16"

4

It has a notation that "Green copy never on file".

5

"February 14, 1942.

6

"MEMORANDUM FOR THE ATTORNEY GENERAL:

7

"1. At the Cabinet meeting yesterday, the question of the acceptance of requests for retirement of Admiral Kimmel and General Short was discussed. Several suggestions have been made as to the language that should be used in the action on the requests. In order that the acceptance of these requests for retirement may not be considered as a condonation of the offenses, the following language has been recommended:

10

11

12

13

14

15

16

"a. The language of the President, roughly, as given to Secretary Stimson by Secretary Knox:

17

18

19

'provided it is agreed by you that this is no bar to be used legally or otherwise to subsequent court martial proceedings.'

20

21

22

23

24

25

"b. The Staff of the War Department, believing that the language suggested above might provoke the officers concerned to request court martials at once, and believing such action to be inadvisable at this time, submitted the following language, in which The Judge Advocate General concurred:



Witness Short

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1  
2 'is accepted, effective -----, without  
3 prejudice to future action in the interest of  
4 the Government.'

5 "c. The Secretary of War proposes the following  
6 wording:

7 'without condonation of any offense or  
8 prejudice to future action on behalf of the  
9 Government.'

10 "The President has requested that you express your  
11 judgment as to which of the suggestions offered is preferable,  
12 and whether or not the preferable wording serves the legal  
13 purpose for which intended.

14 "2. The Secretary of War has directed me to request  
15 that before reaching a final decision with respect to the  
16 President's request, that you read the complete file re-  
17 lating to proposals attached, and also the two opinions of  
18 The Judge Advocate General of the Army, one to the Secretary  
19 of War dated January 31, 1942, and the other to the Chief  
20 of Staff dated January 27, 1942, and the informal memorandum  
21 from the Secretary of War to The Judge Advocate General  
22 appended to these opinions.

23 "3. In view of the fact that the President desires to  
24 reach a decision in regard to this matter on Monday morning,  
25 the Secretary of War has directed me to request that you



Witness Short

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1  
2 make available to him your decision before the end of  
3 this week end. In view of the urgency of this matter,  
4 Colonel Walsh is delivering these papers to you, and is  
5 available for what assistance he may be to you in this  
6 matter.

7 "For the Secretary of War:

8 "J. H. HILLDRING,

9 Brigadier General,

10 Assistant Chief of Staff."

11 And a memorandum to the Secretary of War. At the  
12 top it says:

13 "If the Secretary returns to Washington tonight -  
14 Sunday - have this at his house then.

15 G.C.M.

16 "[Note attached:]

17 Clause agreed upon by Sec. War,

18 Sec. Navy and the Attorney General:

19 "without condonation of any offense  
20 or prejudice to any further discipli-  
21 nary action"

22 "To Secretary of War:

23 For Monday A.M. decision

24 "Opinion of Attorney General re Short and Kimmel.

25 "G.M.C."



Witness Short

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"OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D. C.

February 14, 1942

"MEMORANDUM FOR THE SECRETARY OF WAR:

"I have given consideration to the suggestions contained in your memorandum of today concerning language to be used in connection with the acceptance of the requests for retirement which have been made by Admiral Kimmel and General Short. In this connection I have read the opinions and other documents which accompanied the memorandum.

"It seems to me that the objection which may be raised as to suggestion a (using the words 'subsequent court martial proceedings') may be found with respect to the words in suggestion c 'without condonation of any offense'. It has been felt that the reference to court martial would indicate to the officers concerned that such action was definitely planned for a future date, and would move one or both of them to insist that such proceedings be had immediately. Similarly the reference to an offense may suggest to these officers that we felt that an offense had been committed, and thus might lead them to an insistence that the question of whether or not they were guilty of an offense be immediately determined by appropriate proceedings.

WARD & PAUL WASHINGTON, D. C.



Witness Short

Questions by: Senator Brewster

WARD & PAUL WASHINGTON, D. C.

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"Suggestion b, while somewhat more remotely susceptible to the same difficulty, leaves the matter open for further action on the part of the government without stating that a particular course is planned or that any special interpretation has been placed upon the acts committed. I believe it would be preferable to use the language contained in recommendation b which, I understand, to be that of the Judge Advocate General and the War Department staff.

"(Sgd) Francis Biddle

Attorney General"

That completes the correspondence.

Senator Brewster: Well, now, that opinion of the Attorney General seems to recommend b, while the notation on the prior page recommends c. Do you know whether there is any reconciliation of those two statements?

General Short: You mean General Marshall's memorandum to the Secretary?

Senator Brewster: Yes. It says, "The clause agreed upon by the Secretary of War, the Secretary of the Navy and Attorney General", which is clause c, while the opinion of the Attorney General recommends clause b.

General Short: Maybe this order directing the retirement would explain that fully:

"February 17, 1942.



Witness Short

Questions by: Senator Brewster

1  
2 "Subject: Retirement.

3 "Major General Walter C. Short (O-1621), U. S. Army,  
4 610 N.W. 13th Street, Oklahoma City, Oklahoma.

5 "By direction of the President, Major General Walter  
6 C. Short (O-1621), United States Army, upon his own applica-  
7 tion, is retired from active service to take effect February  
8 28, 1942, under the provisions of Section 1243, Revised Statutes,  
9 after more than 39 years' service and without condonation  
10 of any offense or prejudice to future disciplinary action.  
11 He is relieved from his present status of awaiting orders at  
12 Oklahoma City, Oklahoma, and at the proper time will proceed  
13 to his home. The travel directed is necessary in the military  
14 service. FD-1401 F 1-06 15-06 A 0410-2

15 "By order of the Secretary - Major General - Adjutant  
16 General", and the name has not been copied here, so I do  
17 not know what particular Adjutant General signed it.

18 Senator Brewster: Was the matter taken up by anyone,  
19 either the Chief of the General Staff, or any other one,  
20 before this action?

21 General Short: About the same time that that letter  
22 was written it was transmitted to me in Oklahoma City by  
23 an officer sent by plane by the Chief of Staff, who delivered  
24 it to me.

25 Senator Brewster: There was no further discussion



1 Witness Short

Questions by: Senator Brewster

2 regarding any construction to be placed on this language,  
3 or the phraseology which was used?

4 General Short: No, sir, because I would have welcomed  
5 a courts martial in open court, although I did not want  
6 any more star chamber proceedings that had everything secret  
7 and off the record, as had been the case in the Roberts  
8 Report.

9 Senator Brewster: I think that is all that I have.

10 Senator Lucas: Will the Senator yield for just a  
11 moment?

12 Senator Brewster: Yes.

13 Senator Lucas: Is the opinion of the Judge Advocate  
14 General of the Army to the Secretary of War on January 31,  
15 1942 available for the committee?

16 Mr. Kaufman: Yes, sir, that is available. The entire  
17 file has been duplicated, sir.

18 Senator Lucas: What do you mean by the "entire file",  
19 if I may ask?

20 Mr. Kaufman: The entire file that leads up to the  
21 Advocate General's opinion.

22 Senator Lucas: Do I understand that this is not all  
23 of the file, that General Short has read, but only a part  
24 of it? Are there more documents and correspondence that  
25 is involved in this question?



Witness Short

Questions by: Senator Brewster

1  
2 Mr. Kaufman: There are more documents involved in  
3 this question, yes, sir.

4 Senator Brewster: That is in the letter, the reference  
5 to the opinion of the Judge Advocate General to the Secretary  
6 of War, dated January 31, 1942, and the other to the Chief  
7 of Staff dated January 27, 1942, and the informal memorandum  
8 of the Secretary of War, they are all appended to these  
9 opinions. Those are these two documents here (indicating).

10 Lieutenant Colonel Karr: We have photostats of them  
11 but did not have time to reproduce them. We will be very  
12 glad to present them with all the documents that have gone  
13 in.

14 Senator Lucas: My inquiry was whether or not this is  
15 all the information we are going to get on this question  
16 or whether there is additional information that throws more  
17 light on this subject?

18 Mr. Kaufman: Senator Brewster or Senator Ferguson  
19 have the files.

20 Senator Ferguson: Senator Brewster.

21 Senator Brewster: This is the file of which I was  
22 speaking (indicating). These are items 1 and 2. The one  
23 to which I have particular reference is the one here (indicating).  
24 That is the larger document that deals with the brief and  
25 resume of the records in the Roberts Commission on General



Witness Short

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Short's case. That is the one to which I had reference and it simply summarizes many points of evidence in the Roberts record.

These others are references to the opinions of the Judge Advocate General, of which I quoted two sentences yesterday.

Hook follows

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1 Witness short

Questions by: Senator Lucas

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2 Senator Lucas: In view of the fact that General  
3 Marshall's name has been used in these letters that have  
4 been read by General Short, I am wondering whether or not  
5 there is any more information in connection with this  
6 problem that is now before us, where General Marshall is  
7 involved anywhere?

8 General Short: Senator Lucas, I have two additional  
9 ones that we got later. We did not have time to duplicate  
10 them. I am not sure whether General Marshall's name  
11 appears on them or not. I will be glad to read them.

12 Senator Brewster: You referred to the memorandum of  
13 January 27, which was a memorandum for the Chief of Staff.

14 Is that the one you refer to?

15 General Short: Yes, sir.

16 Senator Brewster: By Major General Myron C. Cramer,  
17 the Judge Advocate General?

18 Senator Lucas: That is the one I referred to in the  
19 beginning, yes, because I thought that was important. I  
20 should like to see what the Judge Advocate General said  
21 on that occasion. Then I followed it with asking for any  
22 additional information that is in the file that deals  
23 with General Marshall on this subject.

24 Mr. Kaufman: The rest of the file is right in front  
25 of Senator Brewster.

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Witness short

1  
h2 2           Senator Lucas: I should like to have counsel, if  
3 he will, examine that file overnight and see if there  
4 is anything pertinent in it that ought to go in this  
5 record following what the General has stated.

6           Senator Brewster: They are the ones that presented  
7 it to me, and they have examined it, so they are familiar  
8 with what it contains.

9           I had discussed this with them before I took the  
10 course I did.

11           General Short: May I make a statement to you,  
12 Senator Lucas?

13           Senator Lucas: Certainly, General.

14           General Short: These two documents here (indicating)  
15 were furnished us by the War Department, by Colonel Duncombe.  
16 The others that I read they did not furnish us, but we  
17 went to my 201 file, and dug them out, but these were  
18 furnished by Colonel Duncombe.

19           Senator Lucas: I shall conclude by requesting counsel  
20 to make a further study of that file with a view of deter-  
21 mining whether or not they believe this is pertinent and  
22 material, to place the additional information before the  
23 committee.

24           General Short: I believe, Senator, that this memoran-  
25 dum, signed particularly by the Judge Advocate General



Witness short

Questions by: Senator Lucas

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would be of interest, and I would like to have the counsel read it, if there is no objection.

Senator Brewster: Would it be possible to have it placed in the record?

Senator Lucas: I would just as soon have it spread on the record.

The Chairman: It may be spread on the record without reading.

(The matter referred to is as follows:)

WAR DEPARTMENT

Office of the Secretary

Memorandum

To the J.A.G.

Will you kindly give me your opinion on a further question - in addition to those embodied in this opinion - viz -

If Genl. Short's proposed application for voluntary retirement were accepted, with the announced understanding that such action would not preclude a future court martial for the alleged offenses in re Pearl Harbor, would that be valid - could a subsequent court martial be validly brought, should it be found advisable?

H. L. S.

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WARD & PAUL WASHINGTON, D. C.



Witness short

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WAR DEPARTMENT

Office Chief of Staff

Washington

To Secretary of War

Judge Advocate General's recommendations reference  
Major General Walter C. Short.

G.O.M.

- - - - -

CONFIDENTIAL

WAR DEPARTMENT

Office of the Judge Advocate General

Washington

January 27, 1942.

MEMORANDUM for the Chief of Staff

Subject: Course of action with respect to General  
Walter Campbell Short.

1. Pursuant to your instructions I submit the following comments with respect to possible courses of action against the above-named officer on account of the derelictions disclosed in the report of the President's Commission to investigate the Japanese attack on Hawaii on December 7, 1941. These comments are based solely upon the text of the report of the Commission. I have not seen or examined the 1887 typewritten pages of testimony taken

WARD & PAUL WASHINGTON, D. C. PHOTOGRAPHY, JUAN S. DRAW



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1  
2 by the Commission nor the 3000 printed pages of records  
3 and documents examined by it.

4 2. General Short may be tried by a general court-  
5 martial or he may be summarily discharged from the Army  
6 by the President pursuant to the provisions of Article of  
7 War 118.

8 3. With reference to trial by general court-martial,  
9 it is assumed that the evidence taken by the Commission  
10 sustains its findings of fact and conclusions and would  
11 warrant such procedure should it be deemed advisable.  
12 However, it is impossible to predict with certainty the  
13 result of any trial or the sentence which the court might  
14 impose. In this case should a court acquit or impose a  
15 sentence less than dismissal I can see no advantage result-  
16 ing from such a trial. It will be noted that the offenses  
17 charged against General Short are offenses of omission or  
18 nonfeasance which require a much stronger showing to justify  
19 a trial than those involving misfeasance or malfeasance.  
20 General Short's nonfeasance or missions were based on an  
21 estimate of the situation which, although proved faulty  
22 by subsequent events, was, in so far as I am able to  
23 ascertain from the report of the Commission, made or con-  
24 curred in by all those officers in Hawaii best qualified  
25 to form a sound military opinion. That estimate was that



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1 an attack by air was in the highest degree improbable.  
2

3 4. There are, in my opinion, serious questions of  
4 policy which should be considered in connection with a  
5 possible trial of this officer by general court-martial.

6 a. If a court should find him guilty and sentence him  
7 to anything less than dismissal, the Army would be accused  
8 of white-washing General Short. This accusation would  
9 be much more strongly made should the trial result in  
10 his acquittal.

11 b. Such trial would have to be in open court, other-  
12 wise the War Department would be subject to criticism of  
13 whitewashing General Short if acquitted, or of persecuting  
14 him if convicted.

15 c. The ramifications of this case are such that in a  
16 trial by court-martial it would be necessary to introduce in  
17 evidence numerous secret plans, orders and other papers  
18 which do not appear in the Commission's report. Both the  
19 prosecution and the defense would need these documents in  
20 order properly to present their cases. It certainly would  
21 be against the public interest to disclose some, at least, of  
22 these various war plans and documents. Such being the case,  
23 it would be impossible to prevent the publication of these  
24 plans and documents except by closing the court during  
25 those sessions in which these secret papers were read and



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1  
2 discussed. The result of a trial by a court partly in open  
3 session and partly in secret session might be that the  
4 War Department would be subject to the same charges of  
5 whitewashing or persecution as referred to in the sub-  
6 paragraph b above.

7 d. A general court-martial would require the time and  
8 energy of a considerable period of a large number of  
9 generals and other officers of high rank as members of the  
10 court-martial, and for personnel of the prosecution and  
11 defense. It would consume much time and effort of the  
12 numerous officers of the Army and Navy whose services would  
13 be required in order properly to present the case for trial,  
14 or whose attendance would be required as witnesses. The  
15 ramifications of such a trial would be so great and it  
16 would require the time of so many officers from the lowest  
17 to the highest rank that it would interfere seriously in  
18 the main job now before the War Department, namely the pro-  
19 secution of the war.

20 e. The career of General Short as an active Army  
21 officer is finished and closed. Because of the lack of con-  
22 fidence which the public now has in him, which lack of  
23 confidence would no doubt be shared by his future subordi-  
24 nates, it is unthinkable that any command should again be  
25 entrusted to him. General Short knows this. That in it-  
self is a very severe punishment. Furthermore, General



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1 Short has been relieved of his command which reduces him  
2 from a lieutenant general to a major general. The addi-  
3 tion to that punishment of any punishment other than  
4 dismissal, such as a reprimand, loss of files, forfeiture  
5 of pay or suspension from a command, would be inappropriate.  
6

7 5. For the President to discharge General Short sum-  
8 marily under the provisions of Article of War 118 would  
9 tend even more strongly than a dismissal by a sentence  
10 of a general court-martial to enable him afterward to  
11 claim persecution. Revised Statutes, section 1244, pro-  
12 vides that when an officer is 62 years old he may be re-  
13 tired from active service at the discretion of the Presi-  
14 dent. General Short will be 62 years old on March 30,  
15 1942. However, it is unnecessary to discuss this source  
16 of action for the reason that you have informed me that  
17 General Short has offered to apply for retirement at any  
18 time you may desire to accept it. He may lawfully be re-  
19 tired upon such application.

20 6. General Short entered the Army as a second lieuten-  
21 ant of Infantry on February 2, 1901, and had, up to December  
22 7, 1941, nearly 41 years of honorable and most creditable  
23 service. He reached the next to the highest rank that an  
24 Army officer can reach, namely that of a lieutenant general.

25 7. I realize that the question of what ought to be



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done in this matter has been the subject of heated discussions in the press and elsewhere and whatever may be done will probably subject the War Department to criticism. However, in view of all the considerations hereinabove discussed, I respectfully suggest the advisability and the desirability of accepting the application of General Short for retirement. However, in this connection I would further suggest that it would be both politic and just to coordinate the action taken by the War Department with that taken by the Navy Department in the case of Admiral Kimmel.

/s/ Myron C. Cramer

Major General

The Judge Advocate General.

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D. O. MOTONIHBAW JUA9 6 DRAW



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CONFIDENTIAL

WAR DEPARTMENT

Office of the Judge Advocate General

Washington

January 31, 1942

MEMORANDUM for the Secretary of War.

Subject: Course of action with respect to Major  
General Walter Campbell Short.

1. After considering my memorandum for the Chief  
of Staff of January 27, 1942, on the above subject, you  
have asked me a further question, as follows:

"If General Short's proposed application for  
voluntary retirement were accepted, with the an-  
nounced understanding that such action would not  
preclude a future court martial for the alleged  
offenses in re Pearl Harbor, would that be valid -  
Could a subsequent court martial be validly brought,  
should it be found advisable?"

2. A retired officer is as a matter of law still an  
officer of the Army and still subject to court-martial as  
much as though he were still on the active list (A.W. 2a;  
Nat'l Defense Act, sec. 2; 10 U.S. C. 4). Neither does  
his retirement amount to a break in the continuity of his  
service which would prevent his trial after retirement for

C. D. MOTTENHAW, JUN 6 1942

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1 an offense committed before retirement (Dig. Op. JAG 1912,  
2 p. 992, par I G 2b). The real question involved is whether  
3 the retirement of an officer on his own application con-  
4 stitutes a condonation of his offense, barring trial for  
5 it.

6  
7 3. There are opinions of this office to the effect  
8 that under certain circumstances release from arrest or  
9 confinement or promotion may constitute such a condonation.  
10 I find no precedent holding either way with respect to  
11 retirement. Retirement after thirty years' service upon  
12 the officer's own application under section 1243, Revised  
13 Statutes (10 U.S.C. 943; Mil. Laws, sec. 326), is "in  
14 the discretion of the President." The foregoing is one  
15 of the two statutes under which General Short may be  
16 retired at once on his own application. If he be retired  
17 under that statute, there may be some plausibility in a  
18 contention that the President's exercise of discretion in  
19 terminating the officer's active service on his own appli-  
20 cation constitutes a bargain between him and the officer  
21 to the effect that he will not further be prosecuted for  
22 known offenses occurring prior to retirement. There is no  
23 statutory or judicial authority for such a view, and I  
24 regard it as unsound as a strict matter of law. Therefore  
25 I answer your inquiry by saying that as a matter of law

D. G. NOTORINAW . JUAN S. ORAW



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2 the retirement of General Short under the above statute  
3 upon his own application in the discretion of the President  
4 does not involve the passing of judgment by the President  
5 upon the officer's past services or a condonation by  
6 him of prior offenses which would prevent subsequent trial  
7 by court-martial.

8 4. Nevertheless, as a matter of fairness rather than  
9 law, there is force in the supposed contention above stated.  
10 General Short has volunteered to submit an application for  
11 retirement. He may reasonably suppose that a request to him  
12 from an official source, in answer to his voluntary sug-  
13 gestion, to submit his application for retirement, involves  
14 a tacit agreement that the issue of his official conduct of  
15 the defense of Hawaii prior to and on December 7 will be  
16 closed by his retirement, and that no charges will be pre-  
17 ferred against him growing out of such conduct.

18 5. Another statute under which General Short might  
19 be retired immediately upon his own application, is the  
20 second proviso of section 3 of the act of June 13, 1940  
21 (54 Stat. 380), reading:

22 "Provided further, That any officer on the active  
23 list of the Regular Army or Philippine Scouts who  
24 serve in any capacity as a member of the military  
25 or naval forces of the United States prior to



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2 November 12, 1918, shall upon his own application  
3 be retired with annual pay equal to 75 per centum  
4 of his active-duty annual pay at the time of his  
5 retirement unless entitled to retired pay of a  
6 higher grade as hereinafter provided, except that  
7 officers with less than twenty years' service and  
8 officers who are under investigation or who are  
9 awaiting trial by courts martial or the result of  
10 such trial, or whose cases are pending before courts  
11 of inquiry shall be retired only when the applica-  
12 tion for retirement in each case has been approved by the  
13 Secretary of War: \* \* \*"

14 It is manifest that War Department approval of an appli-  
15 cation of General Short for retirement under the above  
16 statute, would amount in effect to a finding that he is  
17 not under investigation or awaiting trial by court-martial  
18 and would thus tend even more strongly to support a conten-  
19 tion that any offenses chargeable against him were condoned  
20 by the action.

21 6. If General Short should be retired on his own  
22 application under the above circumstances and if afterward  
23 he should be brought to trial for his conduct of the de-  
24 fense of Hawaii, it may be anticipated that charges of  
25 bad faith would be made against the War Department by him



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or by others in his behalf. I think it is most desirable that no opportunity be afforded for such accusations. I assume that General Short's offer of retirement as made was not subject to any conditions. Therefore, I suggest that before his offer be accepted he be given to understand, preferably in writing for the purpose of the record, that such retirement will not constitute a condonation of his offenses, if any, on the part of the War Department, or be considered a bar to any future trial by general court-martial in case such trial should be deemed advisable.

7. Should General Short refuse to submit his application for voluntary retirement with such a condition attached, the President may, without any application by General Short, retire him upon his reaching the age of 62 years on March 30, 1942, pursuant to the provisions of Revised statutes, section 1244 (10 U.S.C. 944; Mil. Laws, sec. 323), and may make announcement to that effect at the present time.

/s/ Myron C. Cramer  
Major General  
The Judge Advocate General

i. Incl.  
Let. to C. of S.  
1/27/42.

Mr. Murphy: Will the Senator yield?

Senator Lucas: Yes.



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Witness Short

Questions by: Mr. Murphy

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WARD & PAUL WASHINGTON, D. C.

Mr. Murphy: General, will you state now as to whether or not you feel it would be in the interest of national defense and national security to have had a courts martial of either you or Admiral Kimmel during the war, in view of the fact that there was a discussion of magic, and in view of the fact it would show the situation at Hawaii, as well as other things, and require the presence of admirals in Admiral Kimmel's case, of admirals who were scattered over the seven seas, and in your case, generals and other officers who were scattered over the different parts of the world?

General Short: I will say that there may have been some justification in that point of view, but I do not think there was any justification in concealing the many things that were concealed; that the public had a right to know that, and that certainly I had the right to consider that the public should know it.

Mr. Murphy: In other words, you feel that there should have been a more fair statement by the War Department, but you do not feel that there should have been a complete,



Witness Short

Questions by: The Chairman

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2 open courts martial exposing the matter on the record, is  
3 that right?

4 General Short: There might possibly have been some  
5 question about magic.

6 The Chairman: General, in that connection, is it not  
7 ordinarily the practice -- whether it is the wisest or best  
8 practice, it has nearly always been the practice of the  
9 War Department and Navy Department, in making investigations  
10 of any sort under a board of inquiry, to make them secret?  
11 They do not usually do that out in the open, like we are  
12 holding this hearing, do they?

13 General Short: I will say this: Through the press  
14 propaganda, or otherwise, the public had been so acquainted  
15 with this case that any court of inquiry, or any courts  
16 martial was practically a trial before the American public,  
17 and I do not think there would have been any justification  
18 for any more secret, top secret, or off-the-record testimony.

19 The Chairman: Well, you have not answered my question.  
20 I asked you whether it was not the practice, over the years,  
21 in both the Navy and War Department, to hold secret investi-  
22 gations?

23 General Short: That has been done frequently. Now  
24 I will say also usually it is not a matter of the same  
25 public interest.



Witness Short

Questions by: The Chairman

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2       The Chairman: No, and we were not previously engaged  
3 in an inquiry where the revelation of military secrets  
4 might have been as universal as in this case.

5       General Short: But even granting that, I do not  
6 believe there ever was any possible justification for off-  
7 the-record testimony that nobody could examine in the future.

8       The Chairman: Do you think that the interest, or the  
9 welfare, or the result that might follow to any individual  
10 officer in the case of yourself and Admiral Kimmel could  
11 compare to the public interest that might be served or  
12 affected to a disadvantage by the revelation of things  
13 that would have come out in a public courts martial in both  
14 cases?

15       General Short: The top secret evidence was kept  
16 secret until after the war was over, and then has been  
17 made available. The off-record testimony was not recorded,  
18 and I do not know to this day, and the public does not know  
19 to this day, and I do not think the committee knows to this  
20 day what that off-the-record testimony consisted of, and  
21 yet there was a final decision arrived at on the basis of  
22 that testimony.

23       The Chairman: That is a matter about which I think  
24 the committee need not spend any more time.

25       Congressman Gearhart.



Witness Short

Questions by: The Chairman  
Senator Brewster

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2 Senator Brewster: Just a minute. I would like to  
3 pursue that.

4 So it is your impression, General, that the public  
5 impressions which were formed as the result of releases here  
6 in Washington and the action taken convicted you before the  
7 American public on what you term off-the-record testimony?

8 General Short: It is.

9 Senator Brewster: Without an opportunity for you to  
10 have a hearing of any proper kind?

11 General Short: That is correct. It might be of interest  
12 if I could read the waiver that I signed to the Secretary  
13 of War in regard to the courts martial.

14 First, I received a letter from the Secretary of War --

15 The Chairman: General, before you do that, may I  
16 ask you this question, to clear it up.

17 In the newspapers from time to time it has been stated,  
18 and elsewhere, maybe on the floor of Congress, that in  
19 either the Navy or the War Department a demand could be  
20 made for a courts martial, and it was stated that was not  
21 true of both Departments. Is it not true that you had the  
22 right to demand a courts martial, and Admiral Kimmel had  
23 a right to demand it in the Navy?

24 General Short: I think either one of us could demand  
25 it, but whether it was granted in either Department depended



Witness Short

Questions by: The Chairman

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2 on the Department.

3 Now there was a difference. I think you may possibly  
4 be confusing the Court of Inquiry in the Navy with the  
5 Army Board. Under the regulations in the Navy, with the  
6 Court of Inquiry, the accused officer is permitted to hear  
7 all of the evidence given, to have an attorney, and is  
8 accorded the privilege of cross-examination.

9 When Admiral Kimmel appeared before the Navy Board  
10 he sat in, he heard all of the testimony, he had the  
11 privilege of cross-examination so if things were not brought  
12 out he could bring them out.

13 Before the Army Board I was not permitted to hear the  
14 other witnesses. I was not given the privilege of cross-  
15 examination, and neither was I permitted to be represented  
16 by an attorney during that period. That was the difference  
17 in the two Departments.

18 I believe, as far as a courts martial is concerned,  
19 that both Departments had the legal right to refuse us  
20 a courts martial, if they saw fit to do so.

21 The Chairman: I got the impression that one Department  
22 was compelled by law to grant a courts martial if the  
23 person involved requested or demanded it.

24 General Short: That is true of a court of inquiry. I  
25 think the point of view expressed by the Judge Advocate



1 Witness Short

Questions by: Mr. Murphy  
The Chairman

2 General and Chief of Staff was that the action of the  
3 Roberts Report was on a plane above a court of inquiry  
4 and therefore denied us the right to demand a court of  
5 inquiry. That is plainly said in one of these memoranda.

6 Mr. Murphy: Mr. Chairman, may I ask one question?

7 The Chairman: Yes.

8 Mr. Murphy: Do I understand, General, that before the  
9 Army Pearl Harbor Board you were not afforded the right of  
10 counsel?

11 General Short: I had the right of counsel only when  
12 I was testifying. My counsel could not sit in when the  
13 others were testifying, and neither he nor I heard the other  
14 witnesses, nor had any privilege of cross-examination.

15 Mr. Murphy: But you did have Brigadier General Thomas  
16 Green as counsel?

17 General Short: Yes, sir, and he was present during the  
18 time I was testifying only.

19 Mr. Murphy: You were furnished a copy of the testimony  
20 over the protest of the Board, weren't you, by the Secretary?

21 General Short: I was furnished with a copy of the  
22 testimony, except for the top secret and off-the-record  
23 testimony, so what I got did not explain the situation at  
24 all.

25 The Chairman: The off-the-record testimony was, in the



Witness Short

Questions by: The Chairman

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main, testimony that might involve some result or effect upon the military operations during the war, was it not?

General Short: There is no way for me to know what was involved.

The Chairman: Of course there was no record made of the off-the-record testimony.

General Short: There was no record made and there was nothing to indicate the nature of it.

The Chairman: All right, go ahead.

(9)

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WARD & PAUL WASHINGTON, D. C.



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Witness Short

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Questions by: Senator Brewster

1  
2 General Short: This is the letter I received from  
3 the Secretary of War --

4 Senator Brewster: General Short, do I understand  
5 that before the Army Board there was off-the-record  
6 testimony?

7 General Short: Yes, sir.

8 Senator Brewster: And there is no record as far as  
9 you know of that?

10 General Short: I am sure there is no record of it.

11 Senator Brewster: That appears at various points in  
12 the testimony?

13 General Short: It just shows the testimony was taken  
14 of a certain witness off-the-record.

15 The Chairman: Have you been told or have you gotten  
16 information to the effect that it related largely if not  
17 altogether to magic?

18 General Short: I have had no word of what it con-  
19 sisted of. It was just the blank page.

20 The Chairman: Go ahead.

21 Mr. Keefe: Will the gentleman yield?

22 My recollection is that in the report of the Army  
23 Board right at the beginning of the session there is a  
24 notation that General Marshall testified off the record,  
25 with the time the off-the-record discussion started, and



Witness Short

1  
2 when his testimony was again placed on the record. It  
3 is about an hour and twenty minutes, as I recall, that  
4 he testified off-the-record. No one knows that that  
5 testimony was, of course.

6 Senator Brewster: Except the men who listened to it.

7 Mr. Keefe: Yes, except the men who listened to it.

8 Senator Brewster: And were affected, apparently, by it.

9 The Chairman: You couldn't say that without knowing  
10 what it was.

11 General Short: Shall I proceed?

12 The Chairman: Go ahead.

13 General Short: (Reading)

14 "WAR DEPARTMENT

15 WASHINGTON, D.C.

16 18 September 1943

17 "Major General Walter C. Short

18 United States Army, Retired

19 "My dear General Short:

20 In connection with your possible trial by general  
21 court-martial, the two-year statute of limitations pre-  
22 scribed by Article of War 39 will, unless action is taken  
23 to prevent it, bar your trial by general court-martial  
24 7 December 1943. The tolling of the statute of limitations  
25 would be stopped by either a present waiver by you or



Witness Short

8496

1  
2 your arraignment before a general court martial, which,  
3 probably, would adjourn the case until later.

4 "So long as the war continues it will be impracticable  
5 to have a number of important witnesses appear before the  
6 Board on account of their war duties. In this situation  
7 it has occurred to me that the practical thing to do is  
8 to postpone any possible trial until later and that you  
9 may desire for this purpose to execute a waiver of the  
10 statute of limitations. In the event that you see fit  
11 to do this, I give you my personal assurance that any  
12 trial determined upon will be held at the earliest  
13 practicable date.

14 "If you should agree with the foregoing your prompt  
15 return of the enclosed form of waiver, duly executed by  
16 you, is requested.

17 "Sincerely,

18 "(Signed) Henry L. Stimson

19 "1 Incl.  
20 Waiver. "

21 This is the waiver that I signed:

22 "WAIVER

23 September 20, 1943

24 "I, Walter C. Short, Major General, United States  
25 Army, Retired, hereby agree on my honor as an officer and



Witness Short

Questions by: Senator Ferguson

1  
2 a gentleman that I will not plead, nor permit my attorney  
3 or other person on my behalf to plead the statute of limi-  
4 tations in bar of my trial by General Court Martial in open  
5 court for any alleged offenses with which I may be charged  
6 relating to the period on or before December 7, 1941,  
7 should my trial be held during the present war or within  
8 six (6) months thereafter.

9 "I take this action voluntarily, believing it to be  
10 in the public interest.

11 "Walter C. Short

12 Major General, U. S. Army, Retired."

13 Senator Ferguson: Will the gentleman yield?

14 Senator Brewster: Yes.

15 Senator Ferguson: I would like to inquire, General,  
16 whether or not you ever saw the Roberts Report and when.  
17 I mean the testimony before the Roberts Commission.

18 General Short: I saw it in August 1944. Now, it is  
19 possible that my attorney had it the last part of July.  
20 I made a request for it in July and I saw it when I came  
21 on to Washington for the Army Board.

22 Senator Ferguson: July of what year?

23 General Short: 1944.

24 Senator Ferguson: When these letters were written,  
25 which you have read here today, this report had not been



Witness Short

Questions by: Senator Ferguson

1  
2 furnished to you?

3 General Short: It had not.

4 Senator Ferguson: I mean, the testimony.

5 General Short: No, sir. Here is the letter I wrote  
6 requesting the Roberts Report. July 4, 1944 --

7 Senator Ferguson: That brings up this question: At  
8 the time you were relieved from command and later retired  
9 you didn't have the Roberts Report and know what the testi-  
10 mony was?

11 General Short: I had no idea what the testimony was.  
12 I had simply the printed document that appeared in the  
13 newspapers.

14 Senator Ferguson: Later you demanded it in writing  
15 and you are going to read us that letter?

16 General Short: Yes, sir.

17 The Chairman: When you called General Marshall and  
18 wrote him your personal letter enclosing your letter to the  
19 Adjutant General, the Roberts Report hadn't been made at  
20 that time?

21 General Short: It was published in the Sunday morning  
22 paper of January 25.

23 The Chairman: And you were not in Washington at that  
24 time?

25 General Short: I was in Oklahoma City.

(2)

WADD & PAUL WASHINGTON, D. C. JUNE 6 DRAW



1 Witness Short

Questions by: The Chairman

2 The Chairman: You phoned him on seeing the publica-  
3 tion of the Roberts Report?

4 General Short: That is correct.

5 The Chairman: So the action on your part upon seeing  
6 in the newspapers an account of that report was purely  
7 voluntary?

8 General Short: Yes, sir.

9 Senator Ferguson: I was talking about the record upon  
10 which that report was made. I am talking about the testimony.

11 General Short: I understood perfectly.

12 The Chairman: I understood it, too.

13 Let me ask in that connection, in your letter waiving  
14 any right to plead the statute of limitations, you said  
15 you made that waiver on condition that it was a public  
16 court martial. Did you mean to intimate that if it was  
17 not to be a public court martial that you would insist on  
18 the statute of limitations?

19 General Short: Very definitely. I would raise the  
20 point. If they tried to try me in a closed court I would  
21 plead the statute of limitation. If it were in open court  
22 I would comply with my waiver.

23 The Chairman: That was the implication I got from  
24 your letter, your waiver was based on the understanding  
25 that you had an open court martial.



1 Witness Short

Questions by: The Chairman  
Mr. Murphy

2 General Short: Yes, sir.

3 Mr. Murphy: In order to have an open court hearing  
4 you would insist, during the war, on a public disclosure  
5 of the war plans we had drawn for the presecution of the  
6 war?

7 General Short: If they insisted on court martialling  
8 me during the war I wanted the public to know exactly what  
9 I was being tried upon.

10 Mr. Murphy: You wanted a public disclosure of all  
11 of our war plans for winning the war?

12 General Short: That would have been up to the War  
13 Department. If they thought the court martial was important  
14 enough they would have to agree to it.

15 Mr. Murphy: In this hearing we have had the war  
16 plan in the Atlantic, we have had the war plan in the  
17 Pacific, we have had the Hemispheric Defense Plan, and  
18 according to your theory there should have been a complete  
19 spreading on the record and in the newspapers and over  
20 the radio all of our war plans in the war in which we  
21 were then engaged?

22 General Short: That was a decision for the War  
23 Department. If the War Department decided my trial was  
24 so important that it was worth putting that in the papers  
25 that was their decision, not mine.



1 Witness Short

Questions by: The Chairman  
Senator Brewster

2 The Chairman: Was anybody in the War Department in-  
3 sisting upon a court martial of you?

4 General Short: I don't think so.

5 The Chairman: Finally, as a result of the Board of  
6 Inquiry, the War Department recommended that no action be  
7 taken.

8 General Short: That is correct. I just wanted to be  
9 sure when I signed the waiver that I would never be subject  
10 to a star chamber proceeding.

11 Senator Brewster: It should be clear in the record  
12 also that your waiver gave the War Department six months  
13 after the conclusion of the war to determine, so that there  
14 would be no necessity of the exposure of plans even if  
15 they did determine you should be court martialled.

16 General Short: Not without they deciding it was so  
17 important they wanted to do it this minute and they would  
18 gamble everything else.

19 Senator Brewster: If they decided to wait, the  
20 stipulation was that it should be after the war, and an  
21 open trial?

22 General Short: Yes,

23 Senator Brewster: So there was no necessity on the  
24 part of the War Department to expose their plans in the  
25 face of the enemy.



Witness Short

Questions by: Senator Ferguson

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General Short: No, sir.

Senator Ferguson: You wanted to read something, General?

General Short: Yes, sir. My letter doesn't appear here but the memorandum of the Secretary of War in answer to it does appear, which is the important thing.

This is dated July 4, 1944:

"Memorandum for the President:

"Major General Walter C. Short has requested that he be furnished a copy of the full proceedings of the Roberts Commission. A copy of General Short's letter is attached."

But it is not attached.

"I am informed that the Navy Department, presumably with your approval, has furnished Admiral Kimmel with a photostatic copy of the report. I believe that General Short is also entitled to a copy, in order to prepare his own defense, and request your approval of his request.

"Signed Robert P. Patterson

Acting Secretary of War.

"OK FDR"

That is in the President's handwriting.

Mr. Murphy: Will the Senator yield?

Hook follows

WARD & PAUL WASHINGTON, D. C.



Senator Brewster  
Questions by: Senator Ferguson  
Mr. Murphy

Witness Short

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Senator Ferguson: What are you reading from?

General Short: From a memorandum for the President.

Senator Ferguson: What file?

General Short: In my own 201 file.

The Chairman: That is the number of your file in the  
War Department?

General Short: Yes, sir.

Senator Brewster: That is what you call the personal  
file of every officer; it is a 201 file.

General Short: Yes, sir.

The Vice Chairman: 201 is the personnel number.

General Short: It is all my file, yes.

Mr. Murphy: May I ask one question, Mr. Chairman?

The Chairman: Yes.

Mr. Murphy: I ask you, General, whether or not on page  
541 of the Army Pearl Harbor Board hearing there will be  
found the following:

"General Short: I thank the Board for its very court-  
eous treatment."

General Short: The Army Board.

Mr. Murphy: Yes.

General Short: Yes, sir.

The Chairman: Now, the Chair would like to get to a  
little left of center and reach Congressman Gearhart for

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1 witness short

h2

2 interrogation.

3 Senator Lucas: Will the Congressman yield for just  
4 one question?

5 Mr. Gearhart: I will gladly yield to the distinguished  
6 Senator.

7 General Short: May I, Mr. Chairman, may I introduce  
8 one more letter, that bears on this same question of testi-  
9 mony, before we go ahead?

10 Mr. Gearhart: Mr. Chairman, I yield to the witness.

11 General Short: (Reading)

12 "CONFIDENTIAL.

13 "War Department

14 "Washington

15 October 20, 1944.

16 "Dear General Short:

17 "I have your letter of October 18, 1944, requesting  
18 that your counsel be authorized to inform you of the in-  
19 formation he obtains from an examination of the records  
20 made available to him in response to your letter of  
21 September 29, 1944.

22 "Much of this information is classified and in-  
23 volves highly important material affecting military security.  
24 It must not be transmitted in writing, or by a third party,  
25 or by telephone or telegraph.



Witness short

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1  
2 "Should you feel that your interest justifies  
3 your personally meeting with your counsel, he may orally  
4 communicate the information to you upon your written  
5 undertaking to me that you will not disclose any of this  
6 classified information to any person except with the prior  
7 approval of the Secretary of War.

8 "Sincerely yours,

9 /s/ Henry L. Stimson

10 Secretary of War."

11 Naturally, I refused to sign any such written under-  
12 taking, because it would bar me from using it before this  
13 committee or any place without the personal approval of the  
14 Secretary of War. So I had never seen any of this mater-  
15 ial until more recently.

16 The Chairman: At that time this committee hadn't been  
17 created.

18 General Short: It wouldn't have made any difference.  
19 He didn't limit this. I couldn't use it for any purpose  
20 without his personal approval.

21 Mr. Murphy: Isn't there a letter at page 4450 of  
22 the Army Pearl Harbor Board in which General Ulio said  
23 that you are "to be furnished with a copy of the testimony  
24 taken to date by the Army Pearl Harbor Board less exhibits  
25 and that hereafter he be furnished with a copy of the



Witness Short

Questions by: Mr. Murphy  
Mr. Gearhart

1  
2 remainder of the testimony from day to day as it is taken  
3 as approved by order of the Secretary of War"?

4 General Short : But that did not approve the top  
5 secret and the top secret was never furnished me. I had  
6 never seen any of the top secret until probably a day or  
7 two before this Board convened on November 15, when they  
8 had released it for printing. And the first time I ever  
9 saw the magic was when it was passed out here, this  
10 printed information.

11 Mr. Murphy: At the time you were demanding the top  
12 secret information, the war was in progress, was it not?

13 General Short: Yes, sir.

14 The Chairman: All right, Congressman Gearhart.

15 Senator Lucas: I won't ask my question. I will wait.

16 Mr. Gearhart: We will not detain you for long,  
17 General.

18 General, I understood that when you asked to have an  
19 attorney appear with you on the Roberts hearings, that you  
20 were denied the right to have an attorney, but were allowed  
21 to have a person in the room with you to assist you with  
22 your documents; is that correct?

23 General Short: That is not correct. I did not make  
24 a request for an attorney. I took them at their word that  
25 this was not a trial in any sense. I didn't know they were

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1 witness short

Questions by: Mr. Gearhart

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2 going to arrive at a finding that practically amounted  
3 to a finding of court martial. I felt that I was absolutely  
4 not guilty in any sense, and I could handle my own case,  
5 and I went before the Roberts Commission with no one assist-  
6 ing me in even handling documents.

7 Mr. Gearhart: Didn't General Green accompany you in  
8 the hearing room?

9 General Short: He did not.

10 Mr. Gearhart: You were alone?

11 General Short: Yes, sir.

12 Mr. Gearhart: You handled your own papers?

13 General Short: Yes, sir.

14 Mr. Gearhart: Well, what was your reference to him  
15 a moment ago?

16 General Short: General Green was my counsel before  
17 the Army Pearl Harbor Board, not before the Roberts Commis-  
18 sion.

19 Mr. Gearhart: Later on?

20 General Short: Yes, sir.

21 Mr. Gearhart: Did he appear in the room as your at-  
22 torney at that time, or did they object to him appearing  
23 as your attorney?

24 General Short: He appeared as my attorney, but when  
25 he read one document and made one slight comment on it,



1 Witness Short

Questions by: Mr. Gearhart

h6 2 they did object to his comment. He could read the papers  
3 for me, to save me the trouble of reading them, but he  
4 could not comment.

5 I haven't that reference immediately at hand, but  
6 that actually happened.

7 Mr. Gearhart: As a matter of fact, his function as  
8 an attorney was limited by the Court of Inquiry -- rather  
9 the Army Board?

10 General Short: Chiefly to advising me.

11 Mr. Gearhart: Now, I just one to ask one or two ques-  
12 tions about the radar.

13 On the day in question, December 7, 1941, the radar  
14 was on from 4 in the morning until 7 in the morning?

15 General Short: That is correct.

16 Mr. Gearhart: How were those hours fixed?

17 General Short: I issued a general order at the time  
18 that we got the message of November 27 to my Chief of Staff  
19 and he transmitted the verbal order. I am not sure whether  
20 he transmitted it orally, or whether he put out a written  
21 order, but my order was an oral order to the Chief of Staff.

22 Mr. Gearhart: Now, was the radar on the same time  
23 schedule on week days as on Sundays?

24 General Short: The schedule for routine training  
25 was from 7 until 11 on week-days and from 12 to 4 for



1 Witness short

Questions by: Mr. Gearhart

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2 routine training and maintenance. They could do in  
3 the afternoon all of the maintenance they required, and  
4 the man who was responsible for the training could vary  
5 the thing and do whatever he thought was most needed.

6 Now, on Sunday there was no required training. There  
7 were a good many Sundays they trained voluntarily. Satur-  
8 day afternoon there was no required training, but again  
9 because it was new, they did voluntarily quite a good  
10 deal of maintenance work.

11 Mr. Gearhart: Lieutenant Lockhart gave some testimony  
12 in Washington on the 30th day of October of 1944 at the  
13 Pentagon Building where he was examined by a Mr. Fraser.  
14 He testified, in substance:

15 "Answer. That is right. There were approximately  
16 six men per unit. We had six in ours. We operated from  
17 7 to 9 o'clock.

18 "Question. Nobody operated at nighttime so far as  
19 you know?

20 "Answer. If there was any alert, or if maneuvers  
21 were going on, or something like that kind, there was a  
22 night operation.

23 "Question. From 7 to 5 except for lunch periods, you  
24 were on daily?

25 "Answer. Yes, sir, during the week.



1 witness short

Questions by: Mr. Gearhart

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2 "Question. Sunday was a day off normally?

3 "Answer. We had to operate Sundays from 4 in the  
4 morning until 7 in the morning. We took turns. That  
5 happened to be my Sunday."

6 General Short: This statement might have applied  
7 before November 27. It would not be correct for the  
8 period after November 27. And you notice he shows speci-  
9 fically that they did operate from 4 to 7 on Sunday, and  
10 that was required for every day.

11 Mr. Gearhart: From the 28th of November on?

12 General Short: From November 27th on.

13 Mr. Gearhart: Well, that matter was never touched on  
14 further, so the record is silent except for what I have  
15 read to you on that point.

16 Now, was there any change in your verbal orders to  
17 stay on from 4 to 7 after you gave those orders?

18 General Short: No, sir. There was a considerable  
19 number of changes in the way they actually worked for train-  
20 ing and routine, because they were interested in doing all  
21 they could possible do, and they tried it out, worked until  
22 6 o'clock, from 4 o'clock in the morning until 6 in the  
23 afternoon. They decided very soon that they couldn't work  
24 the men that hard, and when they were working beyond the  
25 hours, that was something they could agree to, and they



1 witness short

questions by: Mr. Gearhart

2 made quite a number of changes before it settled down to  
3 7 to 11 and 12 to 4.

4 Mr. Gearhart: How many of those radars did you have?

5 General Short: We had six.

6 Mr. Gearhart: Where were they placed? One was at  
7 the very north of the Island?

8 General Short: I think I can give you the locations  
9 of most of them.

10 The Opana station, which was two or three miles  
11 southwest of Kahuku. There was one station then almost  
12 directly north of Kawaihoa. That was several miles to  
13 the west of the Opana station. There was one station at  
14 Koko Head, which was a short distance to the south of  
15 Diamond Head, which I think is familiar to most of you.  
16 There was one station above Fort Shafter, a very short  
17 distance on a high point.

18 There was one station near Hawaiian Island on the  
19 west side of the Island. I believe that covers them all.

20 Mr. Gearhart: The arrangement of those stations was  
21 so that you could cover the sea in every direction?

22 General Short: Yes, sir. They were placed to get the  
23 best coverage possible with that number. Of course, there  
24 probably would have been some movement of them as soon as  
25 we got our fixed stations into place. We probably would

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1 Witness short

Questions by: Mr. Gearhart

2 have moved some of them then.

3 Mr. Gearhart: I notice from the testimony that  
4 appeared in the statement that I have just read from  
5 that the range of these portable radar stations was 132  
6 miles.

7 General Short: We thought the range was 75 to 100  
8 miles. That was the normal range. That was what the  
9 people on the mainland thought. Apparently our atmospheric  
10 conditions were more favorable and we actually got 132  
11 miles on the morning of December 7. I understand that  
12 the expert radar people that came out from the mainland  
13 later were appalled to think we could get any such dis-  
14 tance.

15 Mr. Gearhart: Now, I heard some talk about two of  
16 the fixed stations already being in place on December 7.  
17 That was news to me. Is that correct?

18 General Short: That is not correct. I think on one  
19 station all of the construction work was about 97 percent  
20 completed. That was over on Haleakala. I am quite sure  
21 that the blue prints for the installation of the radar  
22 antenna hadn't been received so they couldn't complete  
23 that part of the work.

24 Mr. Gearhart: Well, the one that was 97 percent  
25 complete, was it usable at all?

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WARD & PAUL WASHINGTON, D. C.



1 Witness short

Questions by: Mr. Gearhart

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2 General Short: No, sir, because they couldn't  
3 set up the antenna, because they didn't have the approved  
4 plan for putting in the foundations and setting up the  
5 antenna.

6 Mr. Gearhart: What was to be the range of these  
7 permanent fixed stations?

8 General Short: It was a little uncertain. We thought  
9 with these greater elevations that we would get between  
10 150 and 200 miles.

11 Now, we had one at 10,000 feet. As a matter of fact  
12 I believe that they did later get almost the 200 miles  
13 from Haleakala, but for some reason the expert radar  
14 people from Washington recommended that it be discontinued  
15 on account of dead space. There apparently was certain  
16 dead space. However, that was after my time, and I have  
17 no personal knowledge of that.

18 Mr. Gearhart: When was the material for the construc-  
19 tion of the fixed radar stations in Hawaii?

20 General Short: Most of the material was in Hawaii  
21 previous to December 7, and we were actually robbing those  
22 units for spare parts to keep the others in operation.

23 Mr. Gearhart: To keep the portables in operation?

24 General Short: That is correct.

25 Mr. Gearhart: But the original contract for the



Witness short

Questions by: Mr. Gearhart

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Construction of the fixed radars was for their completion at a time prior to December 7, was it not?

General Short: I would hardly put it as a contract. I would say the estimate of the time that they would be completed was put -- we were told that we would have the parts by June 30th. I mean all of the sets. We didn't get them. And we hoped to have all of the construction work done before they arrived.

However, there were a number of things that held that up, and they were not there.

WARD & PAUL WASHINGTON, D. C.



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Witness Short

Questions by: Mr. Gearhart

1  
2 Mr. Gearhart: One of those things was the old question  
3 of priority?

4 General Short: Priorities and the difficulty of  
5 getting permission from, taking 10 months to get permission  
6 from the Department of Interior for the park system. Also  
7 the difficulty of getting construction materials. There  
8 were all kinds of difficulties.

9 Mr. Gearhart: Now, the question of priority was  
10 determined in Washington, was it not?

11 General Short: Yes, sir.

12 Mr. Gearhart: The priorities which determined when  
13 you were going to get material for the construction of your  
14 fixed radars was determined in Washington, you had nothing  
15 to do with that?

16 General Short: No, sir. I did all I could do. We  
17 were working under the same priority as military construction  
18 in the States, which was A-16. When I heard from the  
19 Division Engineer in San Francisco, about June 10, that  
20 he did not believe we would get our material by June 30th,  
21 I sent a wire to the Adjutant General on the 10th of June  
22 and requested that the priority be attached to A-1A, which  
23 was the priority the Navy had for the outlying bases.  
24 They came back and they said they would advance it to  
25 A-1B, and that the Chief Engineer would take care of the

WARD & PAUL WASHINGTON, D. C. NOTED HEAD



Witness Short

Questions by: Mr. Gearhart

1  
2 rest of it.

3 Mr. Gearhart: Well, did they?

4 General Short: They got there considerably later  
5 than June 30th. They got there, most of them, in August.

6 Mr. Gearhart: Then the construction work began?

7 General Short: The construction work had been going  
8 on where it could before they were received. You see, we  
9 had to build roads up steep mountains to get up there  
10 and that had been going on for some time before the sets  
11 were received.

12 Mr. Gearhart: If you had been able to get a first  
13 priority for the material and had been able to get promptly  
14 your permit to build this fixed station in the national  
15 park from the Department of Interior, you would have had  
16 your 200-mile radius radar on December 7, would you not?

17 General Short: We probably would have had. Now,  
18 there was an additional difficulty that I have not mentioned.  
19 Procuring first-class expert workmen had become a terrific  
20 problem in Hawaii. They had taken everybody locally.  
21 The Navy got started about a year before the Army on  
22 construction. They were constructing bases on Johnston  
23 Island, Palmyra, and one or two other places. They had  
24 combed the local market. And apparently the market for  
25 labor in the States was a good deal in the same situation.



Witness Short

Questions by: Mr. Gearhart

1  
2 They put in a request to the Engineer in San Francisco  
3 for 300 workmen and when they got there they would not  
4 be 300 of the type that was expected but probably the  
5 best that could be had because good labor was scarce all  
6 over. It was an added difficulty.

7 Mr. Gearhart: But with these interferences and delays  
8 incident to priorities and permits to occupy the national  
9 park area, you got one of those permanent fixed stations  
10 93 percent --

11 General Short: 97 percent.

12 Mr. Gearhart: 97 percent completed?

13 General Short: That is my memory, but I think that  
14 is correct.

15 Mr. Gearhart: Now, on the 28th day of November you  
16 alerted against sabotage?

17 General Short: Yes, sir.

18 Mr. Gearhart: How long did you remain alerted against  
19 sabotage?

20 General Short: We remained alerted against sabotage  
21 until the time the attack struck and by 8:10 that morning  
22 I had ordered the No. 3 alert, which was the alert against  
23 an all-out attack.

24 Mr. Gearhart: There was no suspension of the alert  
25 against sabotage between the day you ordered it and the day



Witness Short

Questions by: Mr. Gearhart

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of the attack?

General Short: No, sir.

Mr. Gearhart: That is all.

Mr. Murphy: Mr. Chairman, before you adjourn --

The Chairman: We will adjourn, but before we do so, inasmuch as Mr. Tyler's name has been mentioned here, Lieutenant Tyler, who I believe you say is now a Colonel?

General Short: I believe he is a Lieutenant Colonel. I don't know.

The Chairman: The newspapers carried several stories to the effect of drawing some implication out of the promotion of Lieutenant Tyler to a Lieutenant Colonelcy and the keeping of Sergeant Lockhart in the ranks where he was at the time, the inference being that Lieutenant Tyler, who ignored this warning, that Lieutenant Tyler was promoted, whereas Lockhart was not.

Do you know anything about that?

Shefner follows  
4:10

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Witness Short

General Short: Lockhart was a private.

The Chairman: A private?

General Short: He was a private and he was promoted from a private. I think he became a Lieutenant; so they were both promoted.

The Chairman: They were both promoted. So there was no justification in drawing a comparison as to what happened to the two of them?

General Short: I don't think so. And, incidentally, I will say I had nothing to do with the promotion of either one of them.

Mr. Gearhart: In addition to that, Mr. Chairman, I think Lockhart was given a decoration at the end for his alertness.

General Short: I believe he was.

Senator Ferguson: In March of 1942.

The Chairman: That has been bandied about in public publications and I am glad to get it straightened out.

Mr. Murphy: Mr. Chairman, before we adjourn, the understanding was that everything that was in this file about General Marshall had been offered.

I have here a letter dated June 12, 1942 and then under it a memorandum of July 21, 1943:

"Took up this matter with General Marshall."  
That is in regard to this court martial.



Witness Short

Questions by: Sen. Lucas

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2 "Took up this matter with General Marshall. He told  
3 me that he would have to wait for Secretary Stimson's  
4 return for it was a matter for his decision."

5 Now, Senator Ferguson was the one who requested this file.  
6 Senator Ferguson: Senator Brewster.

7 Mr. Murphy: Senator Brewster, and I do not want to offer  
8 something that was brought to him as an exhibit, but I do  
9 want the record to show that if Senator Brewster does not re-  
10 new his offer of this file in the morning I will ask unani-  
11 mous consent to have it go in the record because I think it  
12 ought to be straightened out on the record.

13 The Chairman: Yes, that is the time to take action on it.

14 Senator Lucas: Let me ask one question of General Short  
15 on this point before we suspend. You don't object if I ask  
16 another question, General Short?

17 General Short: No, sir.

18 Senator Lucas: I was somewhat intrigued with the condi-  
19 tion that you placed in the waiver with respect to court mar-  
20 tial. I was just wondering what the custom is in the Army  
21 with respect to having courts martial in open before the pub-  
22 lic.

23 General Short: The normal court martial is open but I  
24 think there are some cases on record where the order for the  
25 court martial has been, - where they have directed sessions in



Witness Short

Questions by: Sen. Lucas

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closed quarters.

Senator Lucas: If I understand you correctly, then, either in time of war or in time of peace the ordinary court martial is open to the public?

General Short: Wide open.

Senator Lucas: I was not sure on that. I was under the impression it was just the other way.

General Short: No, sir, but I think -- my attorney says by Act of Congress that it must be open.

Senator Lucas: It must be. Being a member of Congress I should know that and I plead guilty. One other question.

The Chairman: Guilty of what?

Senator Lucas: Of not knowing or anything that the committee wants to find me guilty of, that is alright.

One other question, - well, I will not ask you that. I will just withhold it. Thank you, sir.

The Chairman: All right, the committee will recess until ten o'clock tomorrow.

(Whereupon, at 4:15 o'clock P.M., January 25, 1946 an adjournment was taken until 10:00 o'clock A. M., Saturday, January 26, 1946.)

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