

DEPARTMENT OF THE NAVY  
Office of the Secretary  
Washington

25 April 1946

MEMORANDUM

TO: Mr. Seth W. Richardson

1. There is forwarded herewith as enclosure (A) a memorandum from Admiral H. R. Stark requesting that certain typographical and grammatical errors be corrected in the transcript of his testimony before the Joint Committee. These items are listed by page and line number

/s/ John Ford Barcher

JOHN FORD BAECHER

Commander, USNR

Enclosure: (A) Memo from Admiral H.R. Stark to Commander J.F. Baecher dtd 19 Apr 46.

. . . . .

19 April 1946

MEMORANDUM

To: Commander John Ford Baecher.

1. Referring to the recent hearings, I have read them over and I see no corrections for us in Volume 68. However, on Page 13,712 in the question by Mr. Richardson in the paragraph at the top of the page next to the last line, the word "Price" should be "Prince".

WARD & PAUL, WASHINGTON, D. C.



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2. In Volume 69, page 13,897 in the paragraph near the bottom of the page starting "I remember her remark", change "her" to "the" so that it would read "I remember the remark".

3. On page 13,927, paragraph 1 at top of page, "May" should be "December". If I said "May" it certainly was a mistake. I had meant and thought I had said "I think it was December," etc.

4. Page 13,948, line 19-20, insert "based" at the end of line 9 so that the answer would read "they were based in".

(a) Page 13,912, line 2, change the last two words "any explanation" to "an exclamation".

. . . . .

To: Comander John Ford Baecher -2- 19 April 1946

5. Going back to my former testimony, I note the following and which Dave may have corrected but I think it might be well to check up:

Volume 35:

(a) Page 6,395, line 6 after the word "out" insert "except through" and eliminate the word "of". It would then read "they couldn't get out except through Intelligence".

(b) Page 6,397, line 13 insert "the" between the words "when" and "King". It would then read "when the King went back", etc.

(c) Page 6,433, line 13 insert the word "not" between the words "did" and "have". It would then read "so we did



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not have". This is obviously a clerical error.

(d) Page 6,463, line 6 change "200" to "0200".

(e) Page 6,502, line 20 change the word "transport" to "task force".

(f) Page 6,505, line 11 change the word "report" to "support".

(g) Page 6,524, line 20 change the word "we" to the word "he".

/s/ H. R. Stark.

H. R. Stark,

Admiral, U. S. NAVY.

ENCLOSURE (A)

Mr. Lane: Under date of May 20, 1946 we received a request from Admiral Beardall of certain corrections he would like to have made in his testimony. We ask that his request be made a part of the record.

The Chairman: It is so ordered.

(The matter above referred to is as follows:)

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WARD & PAUL, WASHINGTON, D. C.



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## DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY

WASHINGTON

20 May 1946

MEMORANDUM

To: Mr. Seth W. Richardson.

Admiral Beardall has checked the transcript of his testimony before the Joint Committee and requests that the typographical errors listed on the enclosure be corrected in the transcript.

/S/ John Ford Baecher

Commander, USNR.

Underline indicates error or omission

Volume 69, of 11 April 1946

<u>Page</u>	<u>Line</u>	<u>Change</u>
14,014	24	Should read: "Harbor attack when I <u>joined</u> him".
14,020	2	Should read: "No, not necessarily <u>so</u> . t that".
14,025	12	Change "American" to "Japanese".
14,025	13	Omit "of Japan".
14,036	1	Should read: "When do you think it will happen,".



gs 2	1	14,038	6	Should read: " <u>the</u> conclusion that it was
	2			immediately".
	3	14,039	15	Read "No, he never discussed it with".
	4	14,054	4	Should read: "or some sort of a mail
	5			<u>center</u> , or something."

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WARD & PAUL, WASHINGTON, D. C.

1           Mr. Lane: Mr. Chairman, interrogatories were sent by the  
2 Committee upon the request of Senator Ferguson, to Vice Admiral  
3 William A. Glassford, USN, in Germany, and to Brigadier General  
4 Francis G. Brink, USA, in Shanghai, for the purpose of ascer-  
5 taining whether or not they have information concerning matters  
6 under review by the Committee. Inquiry was made by the Navy  
7 Department of Rear Admiral Cato G. Glover, USN, Honolulu, and  
8 his reply was furnished to Committee Counsel, as were the replies  
9 to interrogations by Admiral Glassford and General Brink.  
10 Brigadier General E. L. Harrison was interviewed by counsel  
11 for a similar reason. The results of all of these inquiries  
12 were presented in writing to each member of the Committee. It  
13 is the view of Counsel that none of these officers has informa-  
14 tion material to this inquiry, and unless the committee desires  
15 otherwise, counsel does not contemplate them as witnesses.

16           Mr. Murphy: Are you offering, however, the interrogatories?

17           The Chairman: You want that statement made a part of the  
18 record?

19           Mr. Lane: Yes.

20           Mr. Murphy: I think, in view of the fact that there are  
21 statements made in the record which would intimate that those  
22 gentlemen have vital information, and in view of the fact  
23 that the interrogatories do not so indicate, I think that  
24 those interrogatories ought to be made a part of the record.

25           The Chairman: So ordered.



WLC6

1 Mr. Lane: Mr. Chairman, we would like to have permission  
 2 to furnish those to the reporter because we don't have them  
 3 with us.

4 The Chairman: You will do it today?

5 Mr. Lane: Yes, sir.

6 (The matter referred to above is as follows:)

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JL 9

1 Request is made by Joint Committee investigating Pearl  
2 Harbor attack that Brigadier General Francis G. Brink answer  
3 the following questions:

4 1. Did you know Brooke Popham, British Air Marshal, head  
5 of the Royal Air Force in Malaya?

6 Answer - Yes.

7 2. Did you ever talk to him concerning what our policy would  
8 be should the Japanese attack the British or Dutch?

9 Answer - No.

10 3. A. At 3:26 p.m. on 6 December 1941, Singapore time,  
11 Captain John Creighton sent the following message  
12 in code to Admiral Hart at Manila:

13 On Saturday Brooke Popham received from War  
14 Department London:

15 American armed support has now been assured  
16 us in following cases:

- 17 a. We have to execute our plans to prevent  
18 landing Isthmus of Kra by Japs or counteract  
19 Jap invasion elsewhere in Siam.
- 20 b. Attack is made on Dutch Indies and we proceed  
21 to their defense.
- 22 c. Japs attack US the British. Accordingly,  
23 put plan in action without reference to  
24 London if you have good information that  
25 Jap expedition is advancing apparently with



JLL 10

1 intention of landing in Kra, or if any  
2 part of Thailand is violated by the Japs.  
3 Should NEI be attacked, put plans agreed upon  
4 between Dutch and British into operation.

5 B. Were the contents of this message discussed by you  
6 with Brooke Popham?

7 Answer - No.

8 C. Was any or all of the information contained in the  
9 message conveyed by you to Captain Creighton?

10 Answer - No.

11 D. Were the contents of the above message known to you  
12 before it was sent?

13 Answer - No.

14 E. If not, when did you first learn of the contents?

15 Answer - In above cable received 15 April.

16 F. To your knowledge were the contents of that message  
17 given to you or anyone by Brooke Popham before it  
18 was dispatched?

19 Answer - No.

20 4. At what time did you first have knowledge that the Japs  
21 would attack the Kra Peninsula?

22 Answer - Unable to say accurately from memory without  
23 consulting my reports between 3 and 8 December  
24 1941 to the War Department. Two convoys were  
25 reported off Cochin China, travelling south,



JLL 11

WARD &amp; PAUL, WASHINGTON, D. C.

1 at least one day before the Kra Peninsula  
 2 landing; they turned west then in darkness  
 3 turned south. The RAF observed the convoys  
 4 and attacked them at the time the landings in  
 5 Malaya and South Thailand were made. Possible  
 6 landings on Kra and North Malaya were a definite  
 7 Japanese capability on the previous day when the  
 8 convoys were reported in the Gulf of Siam. To  
 9 the best of my recollection the time of the  
 10 actual landing was on or about the 8th of  
 11 December.

- 12 5. When did you first learn that they were going to attack any  
 13 territory of the British?

14 Answer - Answer to Question 4 applies. I learned of  
 15 landings at Kota Bahru in Malaya at 0100,  
 16 8 December, Singapore time.

- 17 6. a. Was anyone connected with the armed services of the  
 18 American Government advised by you of an expected  
 19 attack?

20 Answer - Yes. I furnished the data given in reply  
 21 to Question 4.

- 22 b. If so, who was so advised and when?

23 Answer - I notified the War Department and the  
 24 Philippine Department of the Japanese  
 25 movements toward the Kra Peninsula noted



JLL 12

1 in the answer to Question 4. The precise  
2 time would have to be obtained by reference  
3 to the War Department message file.

4 7. What did you know from the British or the United States  
5 about our policy should the Japanese attack the British  
6 and/or the Dutch?

7 Answer - Concerning the U. S. Policy covering this  
8 matter, I have no knowledge.

9 8. Do you know of any policy that the United States had as  
10 to our action in case the Japanese attacked the British  
11 and/or the Dutch but not the Americans?

12 Answer - Same answer as in Number 7.

13 - - - -

14 April 25, 1946

15 MEMORANDUM FOR MR. RICHARDSON:

16 Reference is made to the reply of Brigadier General Francis  
17 G. Brink to cabled questions from the Joint Committee con-  
18 cerning his knowledge of the general situation in the Far  
19 East just prior to December 7, 1941.

20 In reply to Question No. 4 and Questions 6A and 6B, it is  
21 noted that General Brink refers to a dispatch he sent to  
22 the War Department concerning Japanese movements toward the  
23 Kra Peninsula.

24 It is noted that at page 5507 of the Joint Committee trans-  
25 cript there appears a paraphrase of a message sent by  
General Brink from Singa pore on December 5, 1941, reporting

WARD & PAUL, WASHINGTON, D. C.



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WARD & PAUL, WASHINGTON, D. C.

this incident, and the War Department liaison office has advised that this message is the only report received by the War Department between December 3 and December 8, 1941 from General Brink.

A copy of the paraphrased message sent by Brink, as it appears in the transcript, is attached.

In answer to Question No. 5, Gen. Brink says he learned of the landings at Kota Bhru at 0100, 8 December, Singapore time. That is equivalent to 7:30 AM December 7, Honolulu time, and 1:00 PM December 7, Washington time.

/s/ Logan J. Lane

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Paraphrase of a Secret Message Received at War Department  
at 4:20 P.M. December 6, 1941.

From Singapore: Filed 5:13 P.M., December 5, 1941  
Received in I.B.: 1:35 A.M., December 7, 1941 No. 96

Brink advises that at one o'clock in the afternoon, following a course due west, were seen a battleship, five cruisers, seven destroyers and twenty-five merchant ships; these were seen at 106° 8' E., 8° N.; this was the first report.

The second report was that ten merchant ships, two cruisers and ten destroyers were seen following the same course at 106° 20' E., 7° 35' N.

Both of the above reports came from patrols of the Royal Air Force.



JLL 14

## CONGRESS OF THE UNITED STATES

## JOINT COMMITTEE

ON THE INVESTIGATION OF THE  
PEARL HARBOR ATTACK

April 25, 1946

## MEMORANDUM FOR MR. RICHARDSON:

Reference is made to the reply of Brigadier General Francis G. Brink to cabled questions from the Joint Committee concerning his knowledge of the general situation in the Far East just prior to December 7, 1941.

In reply to question No. 4 and questions 6A and 6B, it is noted that General Brink refers to a dispatch he sent to the War Department concerning Japanese movements toward the Kra Peninsula.

It is noted that at page 5507 of the Joint Committee transcript there appears a paraphrase of a message sent by General Brink from Singapore on December 5, 1941, reporting this incident, and the War Department liaison office has advised that this message is the only report received by the War Department between December 3 and December 8, 1941 from General Brink.

A copy of the paraphrased message sent by Brink, as it appears in the transcript, is attached.

In answer to Question 5, Gen. Brink says he learned of the landings at Kota Bharu at 0100, 8 December, Singapore time.



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That is equivalent to 7:30 AM December 7, Honolulu time,  
and 1:00 PM December 7, Washington time.

/s/ Logan J. Lane

Enclosure

LL:emj

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Para phrase of a Secret Message received at War Department  
at 4:29 P.M. December 6, 1941.

From Singapore: Filed 5:13 p.m., December 5, 1941

Received at I.B.: 1:35 a.m., December 7, 1941 No. 96

Brink advises that at one o'clock in the afternoon,  
following a course due west, were seen a battleship, five  
cruisers, seven destroyers and twenty-five merchant ships;  
these were seen at 106° 8' E., 8° N.; this was the first  
report.

The second report was that ten merchant ships, two  
cruisers and ten destroyers were seen following the same  
course at 106° 20' E., 7° 35' N.

Both of the above reports came from patrols of the  
Royal Air Force.

WARD & PAUL, WASHINGTON, D. C.



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## THE SECRETARY OF THE NAVY

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Washington

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6 May 1946

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Dear Senator Barkley:

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Reference is made to your letter dated 3 April 1946, which forwarded interrogatories to be submitted to Vice Admiral William A. Glassford, U. S. Navy, which was acknowledged by letter dated 10 April 1946 from the Acting Secretary of the Navy.

10

The written replies of Vice Admiral Glassford to the interrogatories have now been received, and I am enclosing for you the original signed by him.

13

Sincerely

14

/s/ James Forrestal

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The Hon. Alben W. Barkley, Chairman

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Joint Committee on the Investigation

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of the Pearl Harbor Attack

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U. S. Senate

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WARD S. PAUL, WASHINGTON, D. C.



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## 1 UNITED STATES FLEET

2 UNITED STATES NAVAL FORCES, GERMANY

3 c/o Fleet Post Office

4 New York, N. Y.

5 ENCLOSURE (A) TO LETTER OF VICE ADMIRAL WILLIAM GLASSFORD,

6 U. S. NAVY

20 April 1946

7 WRITTEN REPLIES TO QUESTIONNAIRE OF SENATOR BARKLEY.

8 Question 1. Admiral Glassford, were you commanding U. S. Naval  
9 Forces in Chinese waters in October 1941 and was your superior  
10 officer Admiral Thomas A. Hart who had headquarters at Manila?

11 Answer - Yes.

12 Question 2. Did your Flag Lieutenant, at that time Lt. Chenault  
13 on the U.S.S. Gun Boat Luzon, advise you that Karl H. von  
14 Wiegand had important information and that you were to call him  
15 in regard to it?16 Answer - I have no recollection. However I saw Mr. von Wiegand  
17 often by prearrangement.18 Question 3. Did you on or about the 17th of October 1941 go to  
19 the office of Karl H. von Wiegand in Shanghai and did he tell  
20 you the following:21 "I have information through what hitherto have been  
22 reliable channels, that the General Staffs of the Im-  
23 perial Japanese Army and Navy together with the Japanese  
24 Government, have set December 6, 1941, as the 'deadline'  
25 for the negotiations in Washington. If no settlement has  
been reached by that date, between the Japanese and



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1 American Governments, war may start any hour after  
2 midnight December 6."

3 Answer - I saw Mr. von Wiegand frequently over a period of  
4 time. I cannot therefore state whether or not I  
5 saw him on or about the 17th of October 1941; but  
6 neither the statement quoted nor its substance was  
7 communicated to me by Mr. von Wiegand at any time.

8 Question 3 (cont'd). If you do not answer that question in the  
9 affirmative, did he give you the substance of what was stated in  
10 the previous question? Or what do you now say that you recall  
11 that he stated to you in regard to the above conversation?

12 Answer - At no time did I have a conversation with Mr. von  
13 Wiegand in which such information or its substance  
14 was given to me.

15 Question 4. Did Karl H. von Wiegand tell you that he could not  
16 reveal to you the source of his information since a leak might  
17 involve the lives of several persons, but that he had reasons  
18 to believe that it came from a very high source in Tokyo?

19 Answer - See my reply to Question 3.

20 Question 4 (cont'd). Did you not know at the time that Karl H.  
21 von Wiegand was careful in making statements to you?

22 Answer - That was always my impression.

23 Question 5. Is it not true that Karl H. von Wiegand had given  
24 you other information and that you had remarked that it had  
25 proven better and more correct than information from Naval



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1 Intelligence in Shanghai?

2 Answer - Over a period of time Mr. von Wiegand gave me much  
3 valuable information. I do not recall making the  
4 particular remark mentioned.

5 Question 6. Did you, Admiral, state on or about October 17,  
6 1941, that you would immediately make a report on the infor-  
7 mation that he had given to you about: "If no settlement has  
8 been reached by that date between the Japanese and the American  
9 Governments war may start any hour after midnight, December 6,  
10 1941 ("), or any conversation similar or containing that state-  
11 ment?

12 Answer - No, since I did not receive the information.

13 Question 7. To whom did you report the conversation you had  
14 with Karl H. von Wiegand on or about the 17th of October 1941?

15 Answer - To no one, since I had no conversation with Mr. von  
16 Wiegand of the nature referred to in Questions 3,  
17 6 and 8.

18 Question 8. To whom did you communicate the information that  
19 you received from Karl H. von Wiegand relative to:

20 "I have information through what hitherto have been  
21 reliable channels, that the General Staffs of the Imper-  
22 ial Japanese Army and Navy together with the Japanese  
23 Government, have set December 6, 1941, as the 'deadline'  
24 for the negotiations in Washington. If no settlement  
25 has been reached by that date, between the Japanese and



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1 American Governments, war may start any hour after  
2 midnight December 6."

3 Answer - No one, since I did not receive such information.

4 Question 8 (cont'd). Did you report this conversation or the  
5 substance of it or any part of it to Admiral Hart in Manila?

6 Answer - No, since the conversation did not take place.

7 Question 9. Did you send a report of this information (quo-  
8 tation in Question 8) or the substance of it or any part of  
9 it to any official in Washington?

10 Answer - No, since I did not receive such information.

11 Question 10. If your answer to the previous question is "Yes",  
12 to whom did you report in Washington and give us the substance  
13 of that report.

14 Answer - My answer to the previous question is "No."

15 Question 11. Did you ever advise anyone the substance of the  
16 quotation contained in Question 8 or any part of it?

17 Answer - No, since I did not receive such information.

18 Question 12. On or about December 7, 1941, Philippine time,  
19 did you dine with Karl H. von Wiegand and another or others  
20 at which time you discussed information that he had given you  
21 about December 6 and that it might not come true and that you  
22 had made the cryptic remark: "We may take the initiative."?

23 Answer - I did dine with Mr. von Wiegand. To the best of  
24 my knowledge I did not make the remark attributed  
25 to me.

WARD & PAUL, WASHINGTON, D. C.



6 1 Question 12 (cont'd). Admiral, will you please explain in de-  
2 tail what was meant by the remark: "We may take the initiative.",  
3 and where did you obtain that information?

4 Answer - I cannot explain a remark which, to the best of my  
5 knowledge, I did not make.

6 Question 13. Do you recall a telephone conversation on Monday  
7 morning, Philippine time, with Karl H. von Wiegand and that you  
8 stated to him: "The war is on. Your information was correct."?  
9 Also that you related to him the news of the attack on Pearl  
10 Harbor and that you were waiting to see Admiral Hart and would  
11 be off to your flagship by seaplane?

12 Answer - I did telephone to Mr. von Wiegand. I did tell him  
13 that Pearl Harbor had been attacked by the Japanese.  
14 However I could not have referred to information  
15 which I had not received.

16 /s/ William Glassford  
17 WILLIAM GLASSFORD  
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## NAVAL COMMUNICATION SYSTEM

Drafted by Room No. Ext Nr.

COMDR JOHN FORD BAECHER 1070 2920

Date

15 APR 1946

From: SECNAV (JAG) 152019 PRECEDENCE

To: COMAIRPAC (date/time group)

(GCT) x Routine

x RESTRICTED x

Text: RESTRICTED

FOR REAR ADMIRAL CATO D GLOVER USN X IN CONGRESSIONAL  
INVESTIGATION OF JAPANESE ATTACK ON PEARL HARBOR QUESTION HAS  
ARISEN AS TO WHEREABOUTS OF ADMIRAL H R STARK

ON NIGHT 6 DECEMBER 1941 AND ADMIRAL STARK CANNOT RECOLLECT  
THAT DETAIL X LOG OF OPNAV DUTY OFFICER FOR 8 DASH 7 DECEMBER  
1941 INDICATES YOU SPOOD WATCH FROM

1900 TO 0200 X THIS LOG CONTAINS OVER YOUR SIGNATURE THE  
FOLLOWING ENTRY QUOTE AT 2000 MAJOR F L HARRISON COMMA AIDE  
TO THE SECRETARY OF WAR COMMA TELEPHONED

THAT THE SECRETARY OF WAR DESIRED THE FOLLOWING INFORMATION  
BY 0900 SUNDAY 7 DECEMBER COLON COMPILATION OF MEN OF WAR IN  
FAR EAST COMMA BRITISH COMMA AMERICAN COMMA

JAPANESE COMMA DUTCH COMMA RUSSIAN COMMA ALSO COMPILATION



8 1 OF AMERICAN MEN OF WAR IN PACIFIC FLEET COMMA WITH LOCATIONS  
2 COMMA AND A LIST OF AMERICAN MEN OF WAR IN

3 THE ATLANTIC WITHOUT LOCATIONS X ADMIRALS INGERSOLL COMMA  
4 STARK AND THE SECRETARY OF THE NAVY WERE CONSULTED AND THE  
5 SECRETARY DIRECTED THAT THE INFORMATION BE

6 COMPILED AND DELIVERED TO HIM PRIOR TO 1000 SUNDAY 7  
7 DECEMBER UNQUOTE X THIS ENTRY DOES NOT RECALL TO ADMIRAL STARK  
8 ANY RECOLLECTION AS TO HIS WHEREABOUTS X HE ACCEPTS

9 THE ITEM BUT THINGS IT MAY POSSIBLY BE INACCURATE BECAUSE  
10 HE CANNOT SEE WHY IT WOULD

11 HAVE BEEN NECESSARY TO HAVE CONSULTED ALL THREE PAREN  
12 INGERSOLL HIMSELF AND KNOX PAREN IN THE MATTER REFERRED TO X  
13 ADVISE BY DISPATCH AS SOON AS POSSIBLE WHETHER

14 YOU RECOLLECT CONSULTING ADMIRAL STARK AS INDICATED  
15 COMMA AS WELL AS THE MANNER IN WHICH AND THE APPROXIMATE TIME  
16 YOU CONTACTED HIM AND WHERE HE WAS LOCATED

17 WHEN REACHED BY YOU X

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19 FN COMAIRPAC 160636

20 TO SEC

21 P (JAG) WASHN DC

22 RESTRICTED X

23 I REGRET THAT I AM UNABLE TO RECALL THE INCIDENT REFERRED TO  
24 IN YOUR 152019 X INFORMATION OF THE NATURE REQUESTED BY THE  
25 SECRETARY OF WAR WAS NORMALLY COMPILED BY THE SO CALLED QUOTE



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1 WAR ROOM UNQUOTE WHICH WAS THEN A NEW SECTION OF THE SHIP  
2 MOVEMENTS DIVISION OF OPNAV X THIS SECTION WAS HEADED BY  
3 CAPTAIN FRANK LEIGHTON NOW DECEASED X EVENTS OF IMPORTANCE  
4 ORIGINATING FROM THE WAR ROOM WERE ENTERED IN THE LOG KEPT  
5 BY THE SHIP

6 MOVEMENT DIVISION X IT IS POSSIBLE THAT CAPT LEIGHTON WAS  
7 THE CONSULTANT X I DO REMEMBER VERY DEFINITELY HAVING TELEPHONED  
8 ADMIRAL STARK DURING THE NIGHT CONCERNING THE MOVEMENTS OF A  
9 JAPANESE CONVOY WHICH WAS WEST OF THE PHILIPPINES HEADED SOUTH  
10 X THIS WAS THE CONVOY THAT MADE THE INITIAL LANDING ON THE  
11 MALAY PENINSULA NEAR KOTA BHARU X I AM CERTAIN THAT THIS  
12 CALL WAS MADE AFTER MIDNIGHT AS IT WAS TOWARD THE END OF THE  
13 WATCH AND THAT ADMIRAL STARK WAS THEN AT HIS HOME X FROM REAR  
14 ADMIRAL CATO D GLOVER X

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WARD & PAUL, WASHINGTON, D C

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WARD &amp; PAUL, WASHINGTON, D. C.

1 Mr. Murphy: Mr. Chairman, may I make one other request?

2 The Chairman: Mr. Murphy.

3 Mr. Murphy: During the course of the hearings, on  
4 countless occasions each member of the committee referred to  
5 the U.S. News, to quote from the different reports. In  
6 view of the great use that was made of that volume I ask that  
7 it be made an exhibit.

8 The Chairman: U. S. News?

9 Mr. Murphy: U. S. News.

10 The Chairman: Yes.

11 Mr. Murphy: It was referred to time and time again.  
12 We ought to have the source in the record.

13 Mr. Chairman: You want it made a part of the record?

14 Mr. Murphy: I would like to have it made an exhibit,  
15 Mr. Chairman.

16 Mr. Lane: I ask that it be given Exhibit No. 181, Mr.  
17 Chairman.

18 The Chairman: So ordered.

19 (The document was marked as  
20 Exhibit No. 181.)

21 The Chairman: Proceed, Counsel.

22 Mr. Lane: By letter dated May 6, 1946, Senator Ferguson  
23 asked that General Hugh Knerr be called as a witness before  
24 the committee. This request was reported to the Committee  
25 on May 14, 1946. We have not been advised by the committee



1 that General Knerr should be presented as a witness. We  
2 would like to have that statement appear in the record.

3 The Chairman: It will be noted in the record.

4 Senator Brewster: Was there any action by the committee?

5 The Chairman: We had that up last week. The matter  
6 was discussed and the committee in effect denied the request  
7 by ordering the hearings and the record closed today. There  
8 was no understanding, as I recall, of the committee that he  
9 would be called as a witness. It would involve the calling  
10 of other witnesses.

11 Mr. Lane: By letter dated November 15, 1945 Senator  
12 Ferguson requested copies of all intercepted messages between  
13 January 1 and July 1, 1941. Messages printed in Exhibit No. 1  
14 were selected from those sent during the period July 2, 1941  
15 to December 8, 1941. Present counsel have not pursued this  
16 request and, therefore, has not available such intercepts.

17 Senator Brewster: What is the reason you didn't pursue it?

18 Mr. Richardson: As a matter of fact, Senator, it was  
19 a request which was made of Mr. Mitchell early in the hearings  
20 and he turned it over to Mr. Hannaford and it came to light  
21 when we started preparing to close this record, and we just  
22 paid no further attention to it.

23 Senator Brewster: I think we did get some of the  
24 messages during that period, which had a very illuminating  
25 bearing on this matter of the knowledge of the Japanese, as



1 to their knowledge of the intercepted communications, warning  
2 the Japanese Embassy to look out because they thought we  
3 were breaking the code.

4 You recall those episodes. Those communications were  
5 not furnished to us earlier, which, we thought, was unfortunate.  
6 It wasn't until we went into this earlier period. How those  
7 were selected and what was the basis of this earlier period,  
8 January to June, I don't know.

9 Mr. Richardson: We are subject, of course, to whatever  
10 the committee wants to do. It came up from the bottom of  
11 the basket.

12 Senator Brewster: Do you know what the volume is?

13 Mr. Richardson: I don't know.

14 Senator Brewster: Unless they are very extensive I think  
15 it would be a good idea to have them in. We had these few  
16 in May and June, as I recall it, which showed these communica-  
17 tions between Tokyo, Berlin, and Washington, and they revealed  
18 very valuable information.

19 Now, how many intercepts there were during the six months  
20 period I don't know. Unless they are very extensive I think  
21 it would be a good idea to have them.

22 Mr. Masten: Mr. Chairman, it is my impression that the  
23 volume is enormous.

24 The Chairman: I thought the intercepts which we had  
25 secured, and made Exhibit 2, I believe it was, contained all

WARD &amp; PAUL, WASHINGTON, D. C.



1 the pertinent intercepts.

2 Senator Brewster: No one has ever looked at these.

3 Mr. Richardson: Have you any idea, Mr. Masten, as to  
4 how extensive the intercepts are that would be responsive to  
5 this request?

6 Mr. Masten: The only information I have on that, Mr.  
7 Richardson, is that Mr. Hannaford spent about three weeks over  
8 there, but what he went through I don't know. I believe  
9 there is a memorandum in the file which discusses what he  
10 did in examining the intercepts. I, myself, know actually  
11 nothing other than that about it.

12 Mr. Richardson: It would be possible, still closing your  
13 record today, to include all of these intercepts by reference.  
14 It would be physically possible to ask to have the intercepts  
15 put into a document and introduced in the record if you feel  
16 it is necessary, Mr. Chairman.

17 Senator Brewster: I think it is.

18 The Chairman: Just to grab up all the intercepts between  
19 January and July might mean producing a lot of highly immaterial  
20 stuff.

21 Mr. Richardson: The request covers that, just that,  
22 all of the intercepts in that six months' period.

23 The Chairman: This printing bill is going to be something  
24 enormous as it is, as everybody knows. I do not use that as  
25 an argument against putting anything of value into the record,



AL-59

1 but if they are very voluminous it is obvious that they might  
2 contain a lot of items that have nothing to do with the  
3 inquiry.

4 Senator Brewster: Would it be possible to have counsel  
5 find out about that and get a decision this afternoon?

6 The Chairman: If the committee is willing to say that as  
7 of today counsel shall examine these intercepts and include  
8 in the record what counsel regards as pertinent, I would have  
9 no objection to that.

10 Senator Brewster: Could we leave it this way, that if  
11 it is found they are not extensive, that they may go in.  
12 That would be easier -- to put them in.

13 The Chairman: That is a rather vague way of doing it.

14 Mr. Masten: Mr. Chairman, as I just said to Mr. Richardson,  
15 Mr. Hanneford spent, I believe, three weeks over there, and  
16 the material that was included in Exhibit 1 was what he regarded  
17 as relevant to the inquiry. Now, whether or not he went behind  
18 July 1, my impression is that he did, although I do not actually  
19 know, as I never discussed it with him.

20 Senator Brewster: Is there a memorandum?

21 Mr. Masten: There is a memorandum in the files describing  
22 the procedure followed. I think the thing to do is to put the  
23 memorandum in the record.

24 The Chairman: Why not put the memorandum in the record.  
25 Would that be agreeable?



1           Senator Brewster: Subject to further check as to whether  
2 he went into this period before July 1st. In the first instance  
3 he did not because that was what occasioned our later desire  
4 when we got word that there were these earlier communications  
5 in May and June.

6  
7           The Chairman: After all the time we have spent on the  
8 intercepts, it seems a little haphazard to come in on the  
9 last day and ask to go back over another period, although I  
10 have no objection if it is pertinent.

11           Mr. Richardson: Mr. Masten tells me that it will be an  
12 enormous task and will take a month. I don't know what the  
13 source of that information is. I know nothing about this.  
14 The request came up and rather than do anything about it I  
15 thought I would present it, as we did.

16           The Chairman: We examined everybody who appeared for  
17 days and days and days. I don't intimate that anybody was  
18 guilty of laches in not bringing up these prior ones, but  
19 it is unfortunate that on the last day we are requested to  
20 go back over those intercepts for six months.

(18) 21           Mr. Masten: There is this memorandum in the file, Mr.  
22 Chairman, showing the basis on which the selection was made.  
23 I haven't looked at it recently. I think that would be the  
24 thing to put in.

25           The Chairman: I suggest that the memorandum be printed  
as a part of the hearing today. Can you get it for the record?



1 Mr. Masten: Yes.

2 The Chairman: I will withdraw the other suggestion.

3 (The matter above referred to is as follows:)

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WARD & PAUL, WASHINGTON, D. C.

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December 31, 1945  
Exhibits 1 and 2, containing intercepted Japanese mes-  
sages, were prepared by counsel from War Department records.  
Counsel examined the War Department's file of Japanese inter-  
cepted messages from July 1 to December 31, 1941. No exami-  
nation of the Navy Department's file of intercepted  
messages was made by the War Department. The War De-  
partment's file is a duplicate of the Navy's file with re-  
spect to messages received prior to July 1, 1941, and the Navy's file  
has not been examined completely. The War Department  
has not yet received the messages which have been  
sent to the War Department and to recent  
Exhibit 1 is intended to include the most complete pic-  
ture of the Japanese messages received during the  
period of view that could be prepared at this  
time. The messages are in preparation.  
The following types of messages are included:  
Messages relating to  
Matters such as salaries of embassy clerks, etc.  
Messages from the War Department to the  
Navy or other agencies which are prepared in  
the War Department and which are  
relating to the United States-Japan, 1941-45.



CB-1

December 21, 1945

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MEMO. FOR THE FILES RE EXHIBITS 1 AND 2

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WARD &amp; PAUL, WASHINGTON, D. C.

Exhibits 1 and 2, containing intercepted Japanese messages, were prepared by counsel from War Department records. Counsel examined the War Department's file of Japanese intercepted messages from July 1 to December 31, 1941. No examination was made of the Navy Department file of intercepts because counsel was assured by both the Army and the Navy that the Navy's file is a duplicate of the Army's. With respect to intercepts prior to July 1, 1941, the War Department's files have not been examined completely, although earlier messages on particular subjects have been examined after they had been dug out by the War Department pursuant to request of counsel.

Exhibit 1 is intended to include the most complete picture of the Japanese-United States negotiations from the Japanese point of view that could be prepared without producing an exhibit that was too bulky. In preparing the exhibit, the following types of messages were eliminated:

1. Messages relating purely to administrative matters, such as salaries of embassy clerks, etc.

2. Messages transmitting the text of United States or Japanese notes which are printed in full in the State Department document entitled "Foreign Relations of the United States-Japan, 1931-1941."



1           3. Certain messages relating to the negotia-  
2 tions which were exchanged during the months of July,  
3 August, and September. In these early months selec-  
4 tions were made to highlight the course of the nego-  
5 tiations, but as the negotiations approached the  
6 critical stage -- i.e., in the months of October,  
7 November and December -- practically all messages  
8 were included.

9           4. Messages from the Japanese Ambassador in  
10 Washington dealing with political activities in the  
11 United States.

12           Exhibit 2 includes all intercepts that could be found  
13 which were transmitted after August 1, 1941, and which dealt  
14 with ship movements, etc., except that messages of particular  
15 interest transmitted prior to that date are included in  
16 Section 7 and that all messages relating to Hawaii that were  
17 decoded in 1941 are included in Section 1.

18           In both of the exhibits all reference to the type of  
19 code--i.e., purple--were eliminated because at the time the  
20 exhibits were prepared it was contemplated these matters would  
21 not be referred to in the hearings. These were the only  
22 deletions from the War Department copies of the messages  
23 except that three paragraphs giving detailed instructions  
24 for the destruction of code machines were deleted from cir-  
25 cular No. 2330 which appears on page 137 of Exhibit 1.







1 Mr. Lane: With reference to a letter dated November  
2 3, 1945, from Senator Brewster requesting that all State  
3 Department reports and inquiries between Washington and London  
4 on the Tyler Kent affair be produced, by memorandum dated  
5 November 8, 1945 the then General Counsel, Mr. Mitchell, ad-  
6 vised Senator Brewster that the request had been forwarded  
7 to the State Department.

8 On November 20, 1945, by letter, Dean Acheson stated:

9 "Mr. Tyler G. Kent, formerly a clerk in the Foreign Service  
10 employed as a code clerk in the American Embassy in London,  
11 was arrested in London in May 1940 and convicted by a British  
12 Court in October 1940 for violation of the British Official  
13 Secrets Act. He was convicted of obtaining and communicating  
14 documents which might be useful to the enemy for a purpose  
15 prejudicial to the interests and the safety of Great Britain  
16 and of stealing one of those documents."

17 The letter concluded:

18 "This Department does not understand how the facts con-  
19 cerning the arrest and conviction of Kent, or correspondence  
20 between the Department and the American Embassy in London in  
21 regard to this matter, could be considered material to the  
22 Committee's investigation within the meaning of the President's  
23 Order of October 23, 1945. Therefore, the Department is unable  
24 to comply with the request of Senator Brewster."

25 In subsequent conversations with Mr. Marx, according to



1 the files of counsel's office, between Mr. Mitchell and  
2 Mr. Marx, assistant to Mr. Acheson, it was understood that  
3 counsel might examine documents in the Tyler Kent file for  
4 relevancy after the committee specified what aspect of the  
5 case was considered pertinent.

6  
7 The file has not been examined as the committee has not  
8 advised counsel what aspect of the case was considered perti-  
9 nent.

10 Senator Brewster. This is the first I ever heard of  
11 that. I never heard of the Acheson letter and I never heard  
12 of this point that they wanted to know what was pertinent.  
13 We repeatedly discussed it in the committee and stated the  
14 pertinency when the matter came up.

15 The Chairman: I had a letter from Mr. Tyler Kent stating  
16 that he had no information that he regarded as of value to  
17 the committee in regard to Pearl Harbor. If I can find that  
18 letter I think it might be well to put it in the record.

19 (The letter above referred to, dated December 17, 1945,  
20 is as follows:)

21  
22  
23  
24  
25  
Insert  
18-B



December 17, 1945

Hon. Alben W. Barkley  
Chairman, Pearl Harbor Committee  
Senate Office Building  
Washington, D. C.

Sir:

Various recent newspaper references, and within the last few days some expressions attributed to members of Congress, seem to imply that I am expected to testify before the Pearl Harbor Committee of which you are the Chairman.

To clarify my position, may I respectfully state that since my arrival in America from England on December 3rd last, I have remained ready at all times to present any information that I have to your committee or to any other official body.

I can think of nothing within my own knowledge that would throw light on events directly connected with our country's disaster at Pearl Harbor. But I shall gladly submit upon request, for whatever significance you may attach to them, any of the facts with which I happened to become familiar in Europe, and because of which, to prevent my imparting them to the American Congress in 1940, I was secretly and I think very unjustly and illegally tried and imprisoned in England.

Respectfully,

/s/ Tyler Kent

2112 Wyoming Avenue, N. W.  
Washington 8, D. C.

WARD & PAUL, WASHINGTON, D. C.



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Senator Brewster. I have never asked for Tyler Kent.  
I am not interested in Tyler Kent. I am interested in matters  
of our State Department which, in my judgment, may have a  
relevancy. And I am still disturbed and concerned at the  
handling of this matter.

The Chairman: Did you ask that this communication be  
made a part of the record?

Mr. Lane: I didn't ask, but we have it.

The Chairman: Let it go in as part of the hearings today.

(The matter above referred to is as follows:)

Insert  
18-C

WARD & PAUL, WASHINGTON, D. C.

London in  
May 1940 and convicted by a British court in October 1940 for  
violation of the British Official Secrets Act. He was con-  
victed by obtaining and communicating documents which might  
be useful to the enemy for a purpose prejudicial to the in-  
terests and safety of Great Britain and of stealing one of  
those documents. The letter concluded  
This department does not understand how the facts con-  
cerning the matter, or communication of fact, or correspondence  
between the Department and the American Embassy in London in  
regard to the matter, could be considered material to the  
Committee's investigation within the meaning of the President's  
order of October 23, 1943. Therefore, the Department is  
unable to comply with the request of Senator Brewster.  
In subsequent conversations with Mr. Hays, Assistant  
to Mr. Acheson, it was understood that counsel might examine



CB-1

## Tyler Kent

1  
2 Nov. 3, 1945 Senator Brewster requested by letter all  
3 State Department reports and inquiries between Washington and  
4 London on the Tyler Kent affair.

5 Nov. 6, 1945 By memo General Counsel, Mr. Mitchell, ad-  
6 vised Senator Brewster the request had been forwarded to the  
7 State Department.

8 Nov. 20, 1945 Dean Acheson, Under Secretary of State,  
9 by letter stated that Kent, formerly employed as a code clerk  
10 in the American Embassy in London, was arrested in London in  
11 May 1940 and convicted by a British court in October 1940 for  
12 violation of the British Official Secrets Act. He was con-  
13 victed of obtaining and communication documents which might  
14 be useful to the enemy for a purpose prejudicial to the in-  
15 terests and safety of Great Britain and of stealing one of  
16 those documents. The letter concluded

17 "This department does not understand how the facts con-  
18 cerning the arrest and conviction of Kent, or correspondence  
19 between the Department and the American Embassy in London in  
20 regard to the matter, could be considered material to the  
21 Committee's investigation within the meaning of the President's  
22 order of October 23, 1945. Therefore, the Department is  
23 unable to comply with the request of Senator Brewster."

24 In subsequent conversations with Mr. Marks, Assistant  
25 to Mr. Acheson, it was understood that counsel might examine



1 documents in the Tyler Kent file for relevancy after the  
 2 Committee specified what aspect of the case was considered  
 3 pertinent.

4 The file has not been examined, as the committee has  
 5 not advised Counsel what aspect of the case was considered  
 6 pertinent.

CONGRESS OF THE UNITED STATES

Joint Committee

On the Investigation of the

Pearl Harbor Attack

November 3, 1945

11 Hon. William D. Mitchell  
 12 Room 201, Senate Office Bldg.  
 13 Washington, D. C.

14 Dear Mr. Mitchell:

15 Would you kindly secure for me copies of all State Depart-  
 16 ment reports and inquiries between Washington and London on the  
 17 Tyler Kent affair?

18 Thanking you for this courtesy, I am

Sincerely yours,

/s/ Owen Brewster

Owen Brewster, U.S.S.

22 OB:rg

November 8, 1945

24 MEMO. TO SENATOR BREWSTER:

25 Your request of November 3rd for logs of ships has been

WARD & PAUL, WASHINGTON, D. C.



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1 presented to the Navy Department.

2       Respecting your request of November 3rd as to summaries  
3 of "off the record" testimony before the Army Board, we in-  
4 stituted inquiry about that sometime ago, with the hope that  
5 someone made some notes about it, but so far we have not found  
6 that anyone did so.

7       As to the Admiral Hewitt Testimony, our only copy was  
8 loaned to Senator Ferguson and has not been returned.

9       Your request for State Department reports and inquiries  
10 between Washington and London on the Tyler Kent affair has  
11 been presented to the State Department.

12 William D. Mitchell

13  
14 November 20, 1945

15 My dear Mr. Mitchell:

16       I refer to your letter of November 9, 1945, referring to  
17 this Department a letter dated November 3, 1945 to you from  
18 Senator Brewster, in which Senator Brewster requested that you  
19 secure for him copies of all State Department reports and in-  
20 quiries between Washington and London on the Tyler Kent affair.

21       S. Con. Res. 27, establishing the Joint Committee on the  
22 Investigation of the Pearl Harbor Attack, provides that the  
23 Committee "shall make a full and complete investigation of the  
24 facts relating to the events and circumstances leading up to  
25 or following the attack made by Japanese Armed Forces upon

WARD & PAUL, WASHINGTON, D. C.



1 Pearl Harbor in the Territory of Hawaii on December 7, 1941  
2 \*\*\*." The President's order of October 23, 1945, addressed  
3 to this and other Departments instructs the Secretary of  
4 State to make available to the Joint Committee, for such use  
5 as the Committee may determine, any information in his pos-  
6 session "material to the investigation." In pursuance of  
7 this order, this Department has made available to the Com-  
8 mittee Counsel all information in its possession which is  
9 material to the investigation.

10 Mr. Tyler G. Kent, formerly a clerk in the Foreign  
11 Service employed as a code clerk in the American Embassy in  
12 London, was arrested in London in May 1940 and convicted by  
13 a British court in October 1940 for violation of the British  
14 Official Secrets Act. He was convicted of obtaining and  
15 communicating documents which might be useful to the enemy  
16 for a purpose prejudicial to the interests and safety of  
17 Great Britain and of stealing one of those documents. There  
18 is enclosed herewith for your further information, a copy of  
19 a release to the press dated September 2, 1944 concerning the  
20 Kent case.

21 This Department does not understand how the facts con-  
22 cerning the arrest and conviction of Kent, or correspondence  
23 between the Department and the American Embassy in London  
24 in regard to the matter, could be considered material to the  
25 Committee's investigation within the meaning of the President's



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1 order of October 23, 1945. Therefore, the Department is  
2 unable to comply with the request of Senator Brewster.

3 Sincerely yours,

4 Signed Dean Acheson

5 Under Secretary

6 Enclosure:

7 Press release No. 405, September 2, 1944.

8 The Honorable

9 William D. Mitchell, General Counsel,

10 Joint Committee on the Investigation

11 of the Pearl Harbor Attack

12 Congress of the United States.

13 In subsequent conversations with Mr. Marx, it was under-  
14 stood that counsel might examine documents in the TK file for  
15 relevancy after the Committee specified what aspect of the  
16 case was considered pertinent.

17 DEPARTMENT OF STATE

18 FOR THE PRESS

September 2, 1944

19 No. 405

20 The Department of State has taken note of recent in-  
21 quiries and newspaper reports regarding the case of Tyler Kent,  
22 former employee of the American Embassy at London and the  
23 Office of Foreign Service Administration has been instructed  
24 to review the matter thoroughly and prepare a comprehensive  
25 report. The following is the text of the report:



1 Tyler Kent, American Citizen, an employee of the American  
2 Foreign Service assigned to London, was tried and convicted  
3 under the Official Secrets Act (1911) of Great Britain before  
4 the Central Criminal Court at the Old Bailey, London, in  
5 October, 1940. The charges against him were the obtaining and  
6 delivering to an agent of a foreign country (Germany) copies  
7 or abstracts of documents which might have been directly or  
8 indirectly useful to the enemy, and which were, at the same  
9 time, prejudicial to the safety or interests of Great Britain.  
10 Incidental to the proceedings against him, it was brought  
11 out that he had violated the Larceny Act of 1916 of Great  
12 Britain by the theft of documents which were the property  
13 of the Government of the United States in the custody of the  
14 American Ambassador, London. The above mentioned were found  
15 proven by a jury on the basis of evidence presented during  
16 the trial. Kent had worked through a confederate who was  
17 allegedly anti-Jewish and pro-Nazi.

17 The background of the case and the circumstances leading  
18 up to Kent's arrest and trial were as follows: Kent, at  
19 the age of 22, had entered the Foreign Service as a clerk,  
20 his first assignment having been to the American Embassy at  
21 Moscow. He was later transferred to the American Embassy,  
22 London, arriving there in October, 1939. He was assigned to  
23 the code room as a code clerk, where his duties were to  
24 encode and decode telegrams. Before entering the service he  
25 had attended Princeton University, the Sorbonne (Paris), the



1 University of Madrid, and George Washington University. He  
2 had acquired several foreign languages, including Russian,  
3 French, German and Italian.

4 On May 18, 1940, a representative of the London Police  
5 Headquarters at Scotland Yard called at the Embassy to  
6 report that Kent had become the object of attention by  
7 Scotland Yard through his association with a group of persons  
8 suspected of conducting pro-German activities under the cloak  
9 of anti-Jewish propaganda. Prominent in this group was  
10 Anna Wolkoff, a naturalized British subject of Russian origin,  
11 the daughter of a former Admiral of the Imperial Russian  
12 Navy. Miss Wolkoff had resided in Great Britain since  
13 emigrating, with her father, from Russia following the  
14 Bolshevist revolution, had been hospitably received and had  
15 made a considerable circle of friends among Londoners of  
16 standing, some of whom had assisted in setting up the Wolkoff  
17 family in a small business. After the outbreak of the present  
18 war, the British police had become interested in Miss Wol-  
19 koff's activities, believing that she was in sympathy with  
20 certain of Germany's objectives, that she and some of her  
21 associates were hostile to Britain's war effort, that she  
22 was involved in pro-German propaganda, that she had a channel  
23 of communication with Germany and that she was making use of  
24 that channel of communication.

25 Kent had been observed by Scotland Yard as having been



CB-8

1 in frequent contact with Anna Wolkoff and in touch with  
2 others of a group known to her. Among other things, it had  
3 been noted that Kent and Miss Wolkoff were sharing an auto-  
4 mobile and that Miss Wolkoff frequently drove this car, us-  
5 ing gasoline allegedly supplied by Kent. Scotland Yard was  
6 now convinced that Anna Wolkoff was receiving confidential  
7 information from Kent and stated that she would be arrested  
8 on May 20. The police added that on the same day they con-  
9 sidered it highly desirable to search the rooms occupied by  
10 Kent. In reply to an inquiry made by British authorities,  
11 Ambassador Kennedy with the approval of the Department, in-  
12 formed such authorities of the waiver by this Government of  
13 the privilege of diplomatic immunity. Scotland Yard there-  
14 upon indicated that a search warrant would be issued and that  
15 Kent's rooms would be searched on May 20, 1940.

16 The possibility that an employee of the Embassy having  
17 access to the confidential codes, was making improper use of  
18 the material entrusted to him in the course of his work was  
19 of the utmost concern to Ambassador Kennedy and to the Govern-  
20 ment of the United States. Preservation of the secrecy of  
21 this Government's means of communication with its establishments  
22 abroad is a matter of fundamental importance to the conduct  
23 of our foreign relations. In the circumstances described,  
24 it was imperative that Ambassador Kennedy ascertain, and as-  
25 certain immediately, whether Kent was guilty of a violation

WARD &amp; PAUL, WASHINGTON, D. C.



(2.9)

1 of trust. There was every reason, in the interest of the  
2 American Government, for the waiving of diplomatic immunity  
3 and for allowing the British authorities (who alone had the  
4 means of obtaining the evidence) to proceed in an effort to  
5 prove or disprove their suspicions. In this connection it  
6 may be noted that it is well established in international law  
7 that the so-called immunity of an employee of a diplomatic  
8 mission from criminal or civil processes may be renounced or  
9 waived by the sending state at any time.

10 The search of Kent's room was conducted according to  
11 plan, an officer of the Embassy being present throughout.  
12 It revealed that Kent had in his possession copies of Embassy  
13 material totaling more than 1,500 individual papers. He  
14 also had two newly-made duplicate keys to the index bureau  
15 and the code room of the Embassy, these being unauthorized  
16 and in addition to the keys furnished him officially for  
17 his use as a code clerk. He explained that he had had these  
18 keys made so that in the event he should ever be transferred  
19 from code work to another section of the Embassy he would  
20 still have access to the code room. Also found in his pos-  
21 session were two photographic plates of Embassy documents  
22 believed to have been made by confederates for the purpose  
23 of endeavoring to transmit prints thereof to Germany, and  
24 certain printed propaganda material which was prejudicial  
25 to the British conduct of the war. The police also established

WARD &amp; PAUL, WASHINGTON, D. C.



1 that some of the papers found had been transmitted to an agent  
2 of a foreign power.

3 An examination of the documents found in his room indi-  
4 cated that Kent had begun classifying the material by subject,  
5 but this work was far from completed. They covered practically  
6 every subject on which the Embassy was carrying on corres-  
7 pondence with the Department of State. As may be supposed,  
8 they included copies of telegrams embodying information col-  
9 lected by the Embassy which otherwise would not have been  
10 permitted to leave Great Britain without censorship. As may  
11 be likewise supposed, they contained information which would  
12 have been useful to Germany and which Great Britain would not  
13 have permitted to reach Germany. It is of interest to note,  
14 in this connection, that Kent had, during his service in  
15 London, written to the Charge d'Affaires of the American  
16 Embassy in Berlin asking his assistance in arranging for his  
17 (Kent's) transfer to Berlin. When questioned as to what he  
18 would have done with the documents in his possession had  
19 he been transferred to Germany, Kent replied that he could  
20 not state what he would have done with them; he regarded the  
21 question as a hypothetical one.

22 Regardless of the purpose for which Kent had taken this  
23 material from the Embassy, he had done so without authoriza-  
24 tion, in violation of the most elementary principles governing  
25 the rules for the preservation of the secrecy of the Government's



1 correspondence. By his own showing he had, while occupying  
2 a very special position of confidence, within the Embassy,  
3 displayed a shocking disregard for every principle of decency  
4 and honor so far as his obligations toward the United States  
5 were concerned. The removal of so large a number of docu-  
6 ments from the Embassy premises compromised the whole confi-  
7 dential communications system of the United States, bringing  
8 into question the security of the secret ciphers. It was  
9 obviously impossible to continue his services, and Kent was  
10 dismissed from the Government service as of May 20, 1940.  
11 Thereafter the question of diplomatic immunity naturally did  
12 not arise.

13 So far as the British police were concerned, the evidence  
14 found in Kent's room was such as to convince them of the  
15 necessity of detaining him at Brixton Prison pending investi-  
16 gation of the use he had made of the documents in his possession  
17 and the true implications of his connection with Anna Wolkoff.  
18 Ambassador Kennedy, with the consent of the Department of  
19 State, agreed to Kent's detention.

20 On May 28 a representative of Scotland Yard informed the  
21 Embassy that investigations were proceeding, that the case  
22 became progressively more complex, and that it could not be  
23 cleared up quickly. It was believed, however, that there  
24 would be a case for prosecution against Kent and Anna Wolkoff  
25 under the Official Secrets Act of the United Kingdom.



1 Kent's trial eventually commenced August 8, 1940, and  
2 was attended by the American Consul General. It was held in  
3 camera because of the harmful effects to British counter-  
4 espionage efforts which were to be anticipated if certain  
5 of the evidence became public. Prior to the trial the Amer-  
6 ican Consul General in London had called upon Kent (July  
7 31, 1940) at Brixton Prison. The Consul General informed  
8 him that he would be taken to court the following day and  
9 formally charged with offense under the Official Secrets Act  
10 of the United Kingdom, i.e., obtaining documents for a pur-  
11 pose prejudicial to the safety or interests of the United  
12 Kingdom which might be directly or indirectly useful to an  
13 enemy. The Consul General inquired whether Kent had a lawyer  
14 to represent him, to which Kent replied that he had not,  
15 and that he had not given the matter any thought. The  
16 Consul General advised him that he should be represented  
17 by a lawyer and agreed to assist in getting in touch with  
18 a suitable solicitor. Kent was subsequently placed in touch  
19 with a lawyer, whom he engaged to represent him during the  
20 trial.

21 On October 28, 1940, the jury found Kent guilty of vio-  
22 lating the Official Secrets Act. The sentence was postponed  
23 until completion of the trial of Anna Wolkoff. On November 7,  
24 1940, Kent was sentenced to seven years' penal servitude and  
25 Anna Wolkoff was sentenced to ten years. Kent's attorneys



1 applied for permission to appeal. On February 5, 1941, this  
2 application was rejected by a panel of judges which included  
3 the Lord Chief Justice.

4 In reviewing the Kent case it is important to bear in  
5 mind the circumstances surrounding it. At the time of Kent's  
6 arrest and trial Great Britain was at war and the United  
7 States was not. The case involved a group of people sus-  
8 pected of subversive activities. The evidence relating to  
9 individuals of the group was inextricably mixed, and the  
10 activities of no single suspect could be separated from the  
11 activities of the others. The interest of Great Britain in  
12 such a case, at a time when it was fighting for its exist-  
13 ence, was therefore preeminent. Deep as was the concern  
14 of the Government of the United States over a betrayal of  
15 trust by one of its employees, it is hardly conceivable that  
16 it would have been justified in asking the Government of  
17 Great Britain to waive jurisdiction over an American citizen  
18 in the circumstances described. Kent was within the juris-  
19 diction of the British courts, and all the evidence, witnesses,  
20 et cetera, were available to the British courts. Moreover,  
21 it was, as has been mentioned, in the interest of the United  
22 States to have determined immediately on the spot, where the  
23 evidence was available, whether or not one of its employees  
24 in a position of trust was violating such trust. The question  
25 whether the United States will prefer additional charges against







(19)

1

Senator Brewster: What is the disposal of the matter?

2

Mr. Richardson: It leaves the Tyler Kent business

3

like Mohamet, half-way between heaven and earth. A request

4

is made of the State Department and they reply that they don't

5

think it relevant. It was discussed three or four times in

6

the committee in detail that that was the position of the

7

State Department. We have never received any committee direction

8

as to what it wanted to do with respect to the position taken

9

by the State Department and it stands there now and we offer

10

it so that the record will show that it, at least, was not

11

overlooked.

12

The Chairman: As counsel says this matter was brought

13

up time and time again and no action was taken in the committee.

14

As I recall, nobody ever made a motion to take action. It

15

was left that way.

16

Senator Brewster: If the Chairman will permit, each time

17

I brought it up the Chairman requested me to defer it and

18

said that the matter would be taken up subsequently.

19

The Chairman: I don't recall that.

20

Senator Brewster: Several times you asked me to defer,

21

not to press it.

22

The Chairman: I haven't talked to the Senator from Maine

23

about it or in his presence for at least three months. The

24

conversations were always in the committee.

25

Senator Brewster: That is right.



1 The Chairman: Not as individuals.

2 Senator Brewster: They were always in the committee.

3 Every time the matter was taken up I stated why I felt it  
4 was important for us to have access to this information. And  
5 the last time was when we were trying to complete the record,  
6 I think some time in February, and we had two or three other  
7 matters, the Hull and Stimson matters up, and the Chairman  
8 suggested that we defer further consideration, that we would  
9 take it up subsequently, and I deferred it.

10 The Chairman: I don't recall that. But if there is a  
11 record of it the record will show it.

12 Senator Brewster: It was an executive session; I don't  
13 think we had a record.

14 The Chairman: The Kent matter was brought up in open  
15 session several times, as I recall. Whatever the record shows  
16 I stand by.

17 Senator Brewster: Am I to understand that this matter  
18 is now to be ignored? I certainly do not accept the State  
19 Department's judgment as to what is relevant after the revela-  
20 tions we had from them on various matters, and I think the  
21 record is left in an awkward position, when they are willing  
22 for counsel to look at the record and that has not been done,  
23 as a result of the committee not taking action.

24 I now move that counsel be requested to look at the  
25 record and report to us whether or not there is anything of



1 relevancy.

2 The Chairman: If that will involve any further hearings  
3 and involves an extension of this hearing, so that we cannot  
4 complete this record today, as far as I am concerned, as an  
5 individual member, I vote against the motion.

6 Senator Brewster: I make that motion.

7 The Chairman: In favor of the motion?

8 Senator Brewster: Aye.

9 The Vice Chairman: No.

10 The Chairman: No.

11 Senator Brewster: That makes the record very clear.

12 One more count in the indictment.

13 The Chairman: We are not indicting you.

14 Mr. Lane: Mr. Chairman, with respect --

15 Senator Brewster: I would like to have a roll call on  
16 that.

17 I move that the counsel shall comply with the suggestion  
18 of the State Department that the counsel may examine the Kent  
19 records in the State Department and report to us whether or  
20 not it would appear that they are relevant.

21 Mr. Murphy: Mr. Chairman, may I make a statement on that,  
22 as I wasn't here before.

23 The Chairman: Mr. Murphy.

24 Mr. Murphy: I would like to state that Congressman Keefe  
25 and Congressman Gearhart, members of this committee, spent



1 several hours with Tyler Kent, discussed the matter thoroughly,  
2 and reported to the committee in executive session that Tyler  
3 Kent himself, as well as each of the said members who discussed  
4 the matter with Tyler Kent, stated that he knew nothing about  
5 Pearl Harbor and couldn't contribute anything.

6 Senator Brewster: I would like to make a little statement.

7 I do not think that the gentleman from Pennsylvania, or  
8 the other members of the committee, saw any evidence as to  
9 make us think that statement completes what the situation is.

10 It was thoroughly understood in executive committee dis-  
11 cussions, and I think in the record as well, that there were  
12 some 12 to 1500 messages between a certain Naval person,  
13 otherwise known as Winston Churchill, and Mr. Franklin D.  
14 Roosevelt, which were items about which a great deal of the  
15 preliminaries to this world war evolved, and it is a fair  
16 presumption that in connection with this affair and the alleged  
17 theft of certain of these documents that the State Department  
18 records will disclose these communications which never have  
19 been made available to this committee.

(20) 20 Whether or not they have a relevancy to the preliminaries  
21 to our becoming involved in the war could only be determined  
22 by investigation. That has been clearly and repeatedly stated  
23 as the reason why I felt this record should be looked over.

24 I have never been interested in Mr. Tyler Kent or in  
25 his evidence. I have been offered an opportunity to talk with



1 Mr. Tyler Kent and I have not been interested. But I am  
2 interested in what the record of the State Department shows  
3 as to these communications. And I think that this committee  
4 is making very clear their desire to leave certain dark recesses  
5 unexplored in their continued refusal to even permit counsel  
6 to examine this record and the other records of the State  
7 Department in this connection.

8 Mr. Murphy: Senator Barkley?

9 The Chairman: No.

10 Mr. Murphy: Mr. Cooper?

11 The Vice Chairman: No.

12 Mr. Murphy: Senator Brewster?

13 Senator Brewster: Aye.

14 Mr. Murphy: No.

15 Affirmative one; negative three.

16 The Chairman: The motion is lost.

17 Go ahead.

18 Mr. Lane: With reference to the requests which have  
19 been made on the record by members of the committee throughout  
20 the hearings and with reference to the requests they have  
21 made in writing, counsel is in a position to state that  
22 except for those brought to our attention just prior to this  
23 time, in this meeting, all of the requests have been answered  
24 by the various departments, one way or another. Those in  
25 writing from the various members were in general answered in



1 writing by the counsel to the various committee members,  
2 transmitting the replies of the Department. Those that were  
3 on the record we tried to answer by putting the material either  
4 in the record itself or advising the member who asked the  
5 question and asking whether he desired the information be  
6 placed in the record.

7 Senator Brewster: I understand your statement on the  
8 Kent affair was in the record, was it; your statement of the  
9 discussions and the letter was put in?

10 Mr. Lane: Yes, sir.

11 Mr. Richardson: Mr. Chairman, in continuation of making  
12 the record complete, I should like to call the committee's  
13 attention to a letter from the War Department under date  
14 of April 29, 1946 with reference to a request of Senator  
15 Brewster of April 16; a letter of April 30, 1946 to me from  
16 Grace G. Tully, which is self-explanatory; together with a  
17 letter of May 3, 1946 to me from the Secretary of State,  
18 signed by Herbert S. Marks, which is self-explanatory; letter  
19 of May 13, 1946, from Commander Baecher of the Navy Department  
20 in response to my request of April 25, 1946, which is self-  
21 explanatory.

22 May they be extended on the record?

23 The Chairman: So ordered.

24 (The matter above referred to is as follows:)



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WARD & PAUL, WASHINGTON, D. C.

WAR DEPARTMENT

WASHINGTON

Room 4D761

The Pentagon

29 April 1946

MEMORANDUM FOR MR. RICHARDSON:

With reference to your memorandum of April 25 forwarding Senator Brewster's request of April 16 for all communications between the British Government in London and our Government in Washington on November 25, 26 and 27, 1941, a search of the War Department files discloses no such communications.

/S/ ROBERT M. DIGGS

Captain, AUS

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17 May 1946

MEMORANDUM

To: Mr. Seth W. Richardson.

In response to your request dated April 25, 1946, for "copies of communications concerning Japan and/or the Far East which were transmitted between the British Government in London and our Government in Washington on November 25, 26 and 27, 1941, and which now appear in the Navy Department files",



gs 2

1 you are advised that a search of the pertinent files of the  
2 Navy Department reveals no dispatches of this nature.

3 There are, however, in Navy files, messages between  
4 the Navy Department and the British Admiralty for 25, 26 and  
5 27 November 1941, copies of which were furnished prior counsel  
6 on 14 November 1945, as follows:

7	November	251005Z	Admiralty to OpNav
8	"	251114Z	Admiralty to OpNav
9	"	251205Z	Admiralty to CNO
10	"	251733	OpNav to Admiralty
11	"	252229	Admiralty to Spenavo
12	"	261728A	Admiralty to OpNav
13	"	262251	OpNav to Spenavo for Admiralty
14	"	270015Z	Admiralty to OpNav
15	"	271250Z	Admiralty to OpNav

16 You will probably recall from our conversations and the  
17 correspondence of the undersigned with prior counsel, that in  
18 view of the understanding between the Navy Department and the  
19 British Admiralty, none of the messages referred to above, nor  
20 any others between the Navy and the Admiralty, should be made  
21 public until first there has been obtained the consent of the  
22 British Admiralty. The obtaining of such consent may possibly  
23 require a considerable period of time. Since it is not known  
24 whether you desire that there be obtained the consent of the  
25



gs 3

1 British Admiralty to the publication of the above mentioned  
 2 messages, no proceedings will be initiated by the Navy toward  
 3 that end unless and until further advice is received from you.

4 /S/ John Ford Baecher.

5 Commander, USNR.

6 - - - - -  
 7 DEPARTMENT OF STATE

8 WASHINGTON

9 May 3, 1946

10 Dear Mr. Richardson:

11 I refer to your letter of April 25, 1946 requesting  
 12 "copies of communications concerning Japan and/or the Far  
 13 East which were transmitted between the British Government  
 14 in London and our Government in Washington on November 25,  
 15 26, and 27, 1941".

16 Enclosed are photostatic copies of four documents which  
 17 are being furnished in accordance with your request. After  
 18 a careful search of the Department of State files, these docu-  
 19 ments, other than those already furnished to the Joint Committee,  
 20 appear to be the only communications between the United States  
 21 and the British Governments relating to Japan and/or the Far  
 22 East covering the three days specified. The documents which have  
 23 already been furnished are the following:

24 (1) Conversation between the Secretary of State and

25 the British Ambassador, which attached memorandum



gs 4 1 from the British Embassy, November 25, 1941

2 (Exhibit 18);

3 (2) Message "For the President from the Former Naval  
4 Person", November 26, 1941 (Exhibit 23); and

5 (3) Conversation between the Under Secretary of State  
6 and the British Ambassador, November 27, 1941  
7 (Exhibit 18).

8 Sincerely yours,

9 /S/ Herbert S. Marks

10 Assistant to the Under Secretary

11 The Honorable

12 Seth W. Richardson, General Counsel,

13 Joint Committee on the Investigation

14 of the Pearl Harbor Attack,

15 Congress of the United States

16 - - - - -

17 3000 Connecticut Avenue,

18 Washington, D. C.

19 April 30, 1946.

20 Dear Mr. Richardson:-

21 After receiving your letter of April 25th, I again  
22 went through the files of the late President Roosevelt and I  
23 find the only communications between our government and the  
24 British Government on the dates you mention were sent to your  
25 Committee. They are as follows:



gs 5

1 Message from the former Naval Person to the Presi-  
 2 dent, dated November 26, 1941, and signed by Ambassador Winant.  
 3 I quote the beginning of the message - "Your message about Japan  
 4 received today. Also full accounts from Lord Halifax of dis-  
 5 cussions and your counter project to Japan on which Foreign  
 6 Secretary has sent some comments."

7 Copy of a "Memorandum of Conversation", dated Novem-  
 8 ber 25, 1941 - Subject "Suggested changes in Modus Vivendi" which  
 9 Secretary Hull had with the British Ambassador, and attached to  
 10 it a memorandum given to Secretary Hull by the British Ambassador.

11 Also, I find a message from the President to the  
 12 former Naval Person, dated November 24, 1941 which starts as  
 13 follows: "On November 20th the Japanese Ambassador communicated  
 14 to us his proposals for a Modus Vivendi".

15 I hope the above information will be of some help to  
 16 you.

17 Very sincerely yours,

18 /S/ GRACE G. TULLY

19 Honorable Seth W. Richardson,  
 20 General Counsel,  
 21 Joint Committee on the Investigation  
 22 of the Pearl Harbor Attack,  
 23 201 Senate Office Building,  
 24 Washington, D. C.

25 P. S. I am sorry but I have no record of any telephone commu-



gs 6 1 nications which might have taken place on any of these dates.

2  
3 CONGRESS OF THE UNITED STATES

4 JOINT COMMITTEE

5 ON THE INVESTIGATION OF THE

6 PEARL HARBOR ATTACK

7 May 20, 1946

8  
9 Senator Owen Brewster

10 Room 248, Senate Office Building

11 Washington, D. C.

12 Dear Senator:

13 Reference is made to your letter of April 16, 1946 in which  
14 you suggested that the Committee should have available all  
15 communications between the British Government in London and  
16 our Government in Washington on November 25th, 26th and 27th  
17 of 1941, including any trans-Atlantic telephone communications  
18 during those days. Reference is also made to my memorandum to  
19 you dated April 17, 1946 concerning your request.

20 There are enclosed herewith the following replies to your  
21 request:

22 1. Reply of Miss Grace G. Tully concerning the files  
23 of the late President Roosevelt

24 2. Reply of the Department of State, with attached  
25 photostats of documents



gs 7

1 3. Reply of the War Department

2 4. Reply of the Navy Department

3 Unless you desire that some of this material should become a  
4 part of the committee record, I do not contemplate offering  
5 it in evidence. I shall depend upon you to advise me as to  
6 your wishes in the matter.

7 Yours very truly,

8 /S/ Seth W. Richardson

9 General Counsel

10

AL-71

WARD &amp; PAUL, WASHINGTON, D. C.

11 Mr. Richardson: A request was made of me to ascertain  
12 from the War Department whether any copy of the Stimson  
13 diary, so-called, was in the possession of the War Department,  
14 and on May 22, 1946 I contacted the War Department and I have  
15 here the written statement of Mr. Robert N. Diggs, representing  
16 the War Department, as follows:

17 "MEMORANDUM FOR MR. RICHARDSON:

18 "With reference to your oral request today for a copy  
19 of Secretary Stimson's diary, I am advised by the Office of  
20 the Secretary of War that the diary was not regarded as an  
21 official War Department record, and that the War Department  
22 has no copy of it."

23 That, I think, completes all of the record that we have.

24 That would complete all requests and all other sources which  
25 are identified in the record except as we had the discussion



1 this morning.

(21)

2 I have this to say to the committee, that we have received  
3 from the Printing Office two copies of the page-proofs of  
4 the exhibits. They are the only two copies we have to date  
5 in our office. These two copies of all exhibits to date have  
6 been placed in folders, and are plainly marked for the purpose  
7 of facilitating examination of them. They are available for  
8 any member of the committee who wants to use them. That,  
9 of course, is preliminary to the final copies of all.

10 The Chairman: That is all counsel has to submit by way  
11 of evidence?

12 Mr. Richardson: That is correct.

13 Senator Brewster: When will the printed copies, do you  
14 think, be available, what is the latest estimate?

15 Mr. Lane: We have the entire transcript up to today's  
16 hearing in page-proof form. It has to be footnoted to take  
17 care of the requests and the answers, to tie them together.  
18 That has been done but it hasn't been revised by the Printing  
19 Office. We have in page-proof form all of the exhibits up  
20 to those introduced today and it is anticipated that as soon  
21 as the Printing Office can handle the material introduced  
22 today they will be in shape to furnish a final print.

23 The Chairman: How many bound volumes will the testimony  
24 and the exhibits all make up when finally printed?

25 Mr. Lane: We estimate 36 volumes, Senator.



1           The Chairman: I hope we can adjourn Congress sometime  
2 during July so I can spend the rest of the year reading them.

3           Senator Brewster: I still am not clear as to when you  
4 think those might be available.

5           Mr. Lane: It probably won't be before three weeks from  
6 today.

7           The Chairman: You mean all of them?

8           Mr. Lane: All.

9           The Chairman: There will be some available?

10          Mr. Lane: The prior proceedings have been set in type  
11 and page-proofed. There is a copy in the office of each  
12 member of the committee and the entire transcript.

13          The Chairman: The committee doesn't have to wait until  
14 they are bound up in printed form to have them available.

15          Mr. Lane: No, sir. And the committee doesn't have all  
16 copies of the exhibits. We have these two copies that are  
17 complete.

18          Senator Brewster: There was some question about the  
19 Military Intelligence reports. Do you know about those that  
20 were requested? I have a copy of it here. I don't know whether  
21 this has been put in the record.

22          Mr. Richardson: I don't know about that.

23          Mr. Lane: I don't believe that is in the record. I have  
24 never seen it before.

25          Mr. Richardson: I have no objection to putting these



1 in the record as an exhibit.

2 The Chairman: What are they?

3 Mr. Richardson: It is entitled "Military Intelligence  
4 estimate, January 1st to July 1st, 1941, prepared by G-2 of  
5 the War Department."

6 Senator Brewster: We have the last six months in. I  
7 thought this should be in. Those are not complete. On what  
8 basis they were selected I do not know. I don't know whether  
9 those relate to the Far East. Do you know what the basis  
10 was?

11 Mr. Masten: I have never seen them before, Senator.  
12 I understood they had been gotten through a request of yours.

13 Senator Brewster: They skip around.

14 The Chairman: How long has this been available?

15 Mr. Masten: Either Mr. Hannaford or Mr. Gesell had  
16 them and sent them to Senator Brewster, about three or four  
17 months ago.

18 The Vice Chairman: Apparently Mr. Graves presented it  
19 here. Where did he get it?

20 Mr. Richardson: From Senator Brewster's office, un-  
21 doubtedly.

22 The Chairman: I thought where a Senator made a request  
23 through the committee that the document came back to the  
24 committee, not just to the member who made the request.

25 Mr. Richardson: Mr. Chairman, it has happened that where



1 a committee member made a request for some documentary  
2 evidence, the moment it came in, for facility, it was trans-  
3 mitted to that Senator. Now, this has undoubtedly come in  
4 under the earlier regime and I have never seen it or had my  
5 attention called to it. Since this is all official I see  
6 no reason for not putting it in the record.

7 The Chairman: I have no objection to it being put in.  
8 I was curious as to why a document like that would come in  
9 months ago and show up on the last day.

10 Mr. Richardson: I can't help you on that.

11 The Chairman: All right. Without objection let it be  
12 printed.

13 Mr. Lane: We ask that be given exhibit No. 182.

14 The Chairman: So ordered.

15 (The document was marked as  
16 Exhibit 182.)

(22) 17 The Chairman: Is that all counsel has to offer?

18 Mr. Richardson: I think that completes the record.

19 Just one moment. Let me be clear on this matter of  
20 Senator Brewster's request.

21 If those documents that are asked for in his letter to  
22 me are included in the record as of this date --

23 The Vice Chairman: Do you mean Senator Brewster or  
24 Senator Ferguson?

25 Mr. Richardson: Senator Ferguson.



1 If they are to be included in the record we will then  
2 endeavor to get the documents and see that they go in physically.

3 The Chairman: They are, as I understood it, to be in-  
4 cluded in the record as of today.

5 Of course, there is this disadvantage about that, and it  
6 applies to everything else that goes in, that we haven't had  
7 a chance to see it, none of the committee knows what the  
8 documents contain, or what statements are made. We are rather  
9 blind on that subject. But in order that nobody can be  
10 prejudiced by it, it was understood that that would go in as  
11 of today and be a part of today's record.

12 Mr. Murphy: Mr. Chairman, may I inquire as to whether  
13 or not all of the interrogatories, some 238 of Senator Brewster  
14 to Secretary Stimson, are now a part of the record?

15 Mr. Masten: You mean those not answered?

16 Mr. Murphy: Yes.

17 Mr. Lane: They are all in the record.

18 The Chairman: All asked, whether answered or not, all  
19 are made a part of the record.

20 Mr. Lane: Yes, sir.

21 Mr. Murphy: That also holds true of Secretary Hull?

22 The Chairman: The same applies.

23 Senator Brewster: Mr. Chairman, I want to make a speech.

24 The Chairman: Here?

25 Senator Brewster: Yes.



1 The Chairman. This is not the proper time. (Laughter)

2 You have something you want to say?

3 Senator Brewster: Yes. I will not tax the time of the  
4 committee unduly.

5 I think the unusual if not irregular character of the  
6 situation is illustrated by the comment of the Chairman when  
7 he spoke about having this material go into the record which  
8 none of the committee members have seen. We have sat here and  
9 seen a vast stack go in, which, so far as I know, no member  
10 has seen, or had opportunity to see. I think that officially  
11 illustrates the somewhat unjudicial character of the termina-  
12 tion of this. I would not call it a legislative divergence  
13 of the minority, but it certainly departs very considerably  
14 from the original program of the committee and from the scope  
15 of the investigation, which has covered a lot of ground, had  
16 a lot of latitude, and brought to light a lot of things.

17 On the other hand there have been certain twilight zones  
18 and brown-outs into which the committee has not been permitted  
19 to penetrate under the policy pursued by those who control  
20 the action.

21 Before the record closes I want to make it clear that I  
22 do not feel that we have covered the ground we should have.  
23 We have gotten 75 or 80 percent of what we went after and it  
24 has been a matter of great interest and value to the American  
25 people and has carried out to that extent the very lofty purpose



1 which the Chairman outlined when he presented his original  
2 resolution sometime ago.

3 On the other hand we have faced these problems, and I  
4 want to just enumerate three or four of the items which it  
5 seems to me leave us still not in a sufficiently good position  
6 to pass finally on the matters which we were authorized and  
7 directed to carry out.

8 One is the matter of the Philippine situation, which was  
9 clearly within the scope of the committee as stipulated by  
10 the Chairman and the Senator from Illinois in colloquy at  
11 the time the resolution was introduced; and outside of the  
12 discussion with Admiral Hart when he appeared in connection  
13 with certain other matters that has not been at all explored.

14 In my judgment it has a vitally important bearing on  
15 the circumstances surrounding Pearl Harbor.

16 The refusal to have the Grew diary and the Stimson diary  
17 available for examination of the committee I feel is a  
18 further unfortunate aspect of the matter as it seems to me  
19 clear, from what excerpts we have been permitted to see, that  
20 they had a vitally important bearing, and I do not believe  
21 that this committee can fulfill its functions by permitting  
22 any other individuals, either inside or outside of Government,  
23 to determine what is and what is not relevant. I believe  
24 that is a matter for the determination of the committee.

25 The unfortunate aspect of Mr. Hull's illness is something



1 which is clear and we have done the best we could to meet  
2 that.

3 The telephone communications between London and Washington  
4 during the period before Pearl Harbor is something which we  
5 have not been able, apparently, to run down. Miss Tully  
6 advises she has no record. It seems to me incredible that  
7 communications of that importance between the heads of state  
8 were not made a matter of record. If they were not made a  
9 matter of record it seems to me there was serious dereliction.  
10 If they were made a matter of record I believe that this  
11 committee should have knowledge regarding them.

12 I think that covers some of the items. There are many  
13 other unexplored fields in the higher echelons which it  
14 seems to me most unfortunate that the committee has not been  
15 able to explore and expose.

16 I want to conclude by saying that I do not feel this  
17 investigation should be terminated at this time or at this  
18 point and I have so voted consistently in the committee. I  
19 wanted this to be a matter of public record at this time.

20 The Chairman: The Chair wishes to state in connection  
21 with what the Senator from Maine has stated that he thinks  
22 that this committee has made as exhaustive, meticulous, careful,  
23 an investigation of the pertinence or related facts connected  
24 with the Pearl Harbor attack as any committee ever made of  
25 anything in connection with an episode, incident, or the



1 official conduct of men in any branch of our Government.

2 At the time this resolution was introduced by me I was  
3 interrogated by Senator Lucas as to whether it was broad enough  
4 to include an inquiry into the Philippine situation, which  
5 involved an attack the following day after Pearl Harbor, and  
6 I stated that it was, and I still maintain that the resolution  
7 was broad enough to do that.

8 The committee has never taken any action to follow up  
9 that. Nobody on the committee ever made a motion that we go  
10 to the Philippines or that we investigate the Philippine end  
11 of it.

12 Evidently the committee felt that after going into the  
13 immediate related facts pertaining to Pearl Harbor that it  
14 was not essential or necessary that we go into the Philippine  
15 end of it, which may or may not have involved somebody who  
16 happened to be in charge in the Philippines at the time.

17 So far as these records of telephone conversations are  
18 concerned, I think this committee, and counsel, have felt,  
19 and the President of the United States, who issued orders  
20 with reference to the examination of documents in the State,  
21 War and Navy Departments, and other departments, and in the  
22 White House, realized that Miss Tully, who had been in charge  
23 of those documents, was a reputable, responsible woman of  
24 long experience and high character, I think the committee  
25 felt that she had brought to the attention of counsel everything



1 in the President's papers that had any relationship to this  
2 investigation.

3 So far as the diaries of Mr. Grew and Secretary Stimson  
4 are concerned, when Mr. Grew was on the stand he was asked  
5 by the committee with respect to diaries kept in Japan con-  
6 sisting of some 13 volumes, many of which contained private  
7 comments and private entries that had nothing to do with Pearl  
8 Harbor, and the question was raised, although the committee  
9 never took a vote on it, whether the diary should be requested,  
10 as I recall now, but the Chair would say, speaking for himself,  
11 that he would not have voted, and would not now vote, to require  
12 Mr. Grew to give his diary, his private diary, kept over a  
13 long period of years, in his capacity as a diplomat, to make  
14 it public and exhibit it before this committee.

15 The same applies to Mr. Stimson. If he had been able  
16 to appear as a witness members of the committee might have  
17 examined him about entries in his diary or about statements  
18 that he was able to refresh his mind on from reading his diary.  
19 But my attitude about compelling him to make public his private  
20 diary, from which he has taken anything that has a pertinency  
21 or relationship to this investigation, I certainly would not  
22 have voted, as a member, to require him to make that diary  
23 public.

24 I am perfectly willing to take full responsibility as an  
25 individual member for that attitude. That is my attitude. I



1 think that we have made a thorough, complete, broad investi-  
2 gation of this whole matter. I have no doubt that we have,  
3 as part of the evidence in this record, voluminous as it is,  
4 many things that really have no bearing upon the attack on  
5 Pearl Harbor, because they have gone in because members re-  
6 quested them. If they had any relationship to it, well and  
7 good, and if they didn't, why, no harm was done.

8 I feel that this committee has devoted itself assiduously,  
9 in the midst of great work in other fields of legislation, to  
10 the task set for it by the Congress of the United States, and  
11 personally I feel that it has fulfilled its duty to the  
12 fullest extent expected or required by the country.

13 Mr. Murphy: Mr. Chairman --

14 The Chairman: The gentleman from Pennsylvania.

15 Mr. Murphy: I would like to state that Ambassador Grew,  
16 former Ambassador Grew, stated that if his complete diary  
17 were to be placed in the record that it would seriously impair  
18 the work of every American diplomat and Ambassador or repre-  
19 sentative in the foreign field, and that it would seriously  
20 interfere with the protection of American security in future  
21 years, and for that reason I would have voted, had it come  
22 to a vote, against insisting upon the presentation of the  
23 diary.

24 Senator Brewster: I would not want anything I have said  
25 to infer a lack of appreciation of the amount of time which



1 the Chairman and the other very busy members and very re-  
2 sponsible members of both bodies have given.

3 In my experience I have never witnessed more time and  
4 diligence given to a specific matter than in this case and  
5 I think that should continue to be a matter of record.

6 On the other hand, I do feel, as I stated, about this  
7 unexplored field. I am a little disturbed at the Chairman  
8 making a point of the fact that this has not been made an  
9 issue or a matter of a motion, so in order to correct the  
10 record I would like to complete the record and to make the  
11 three motions which, apparently, are essential in order to  
12 leave no doubt as to the position of the members.

13 So I move that the committee should further explore  
14 the occurrences at Manila and Clark Field and the Philippines  
15 on December 7 and December 8, 1941.

16 The Chairman: I suppose from a technical standpoint,  
17 in view of the action the committee has taken about closing  
18 the hearings today, I could declare that motion out of order,  
19 but I will not do so.

20 Senator Brewster: The hearing and the record has not  
21 been closed.

22 The Chairman: The hearing and the record has been closed.  
23 We will vote on it. Do you want a roll call?

24 Senator Brewster: No.

25 The Chairman: As many in favor of the motion say aye;



1 opposed; the motion is lost.

2 Senator Brewster: I move that the committee request that  
3 the Grew Diary be made available for examination of the  
4 committee and counsel to determine the relevant portions which  
5 can be made a part of the record without detriment to the  
6 public interest.

7 Mr. Murphy: Mr. Chairman, may I state that means asking  
8 Mr. Grew to produce 10 volumes.

9 The Chairman: As many in favor of that motion say aye;  
10 opposed; motion lost.

11 Senator Brewster: I move the same request be made for  
12 the Stimson diary, under the same circumstances and conditions.

WARD & PAUL, WASHINGTON, D. C

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1 I point out I do not contemplate the publicity which the  
2 other gentleman has mentioned, but it shall be a matter for  
3 the committee to determine as to the relevancy and importance.

4 The Chairman: As many in favor of the motion say "aye";  
5 opposed, "no". Motion lost.

6 I should have said a while ago when I was responding to  
7 the suggestions of the Senator from Maine, that the committee  
8 feels very grateful to counsel, who have, in all cases, abandoned  
9 their legal pursuits, their law practice, and the peace and  
10 quietude which they would have otherwise enjoyed, to assist this  
11 committee; first, in the case of Mr. Mitchell and his assistants,  
12 Mr. Hannaford, Mr. Masten and Mr. Gesell who, I think, in the  
13 gathering of evidence and in going through the records and the  
14 comprehensive preparation of this investigation, did as magnifi-  
15 cent a piece of work as was ever done by any counsel for any  
16 committee in the Congress of the United States.

17 Unfortunately, Mr. Mitchell and Mr. Gesell were compelled  
18 to retire from the investigation because of their private  
19 interests, and the probability as has turned out to be the  
20 fact, that the hearing would drag on beyond the time which they  
21 could devote to it; and in January, I think it was, we secured  
22 the services of Mr. Seth Richardson and Mr. Kaufman, of New York,  
23 and others, to take up where Mr. Mitchell and Mr. Gesell and  
24 others left off, to pursue this investigation to its ultimate  
25 conclusion. It was a difficult task which they assumed in



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1 stepping into the investigation, in the midst of it, and  
2 grabbing up the loose threads and the continuity of the testimony,  
3 in order to move on with it, and they did that in a manner which  
4 I feel sure is imminently satisfactory to the committee, with a  
5 devotion to duty that has never been excelled to my knowledge;  
6 and, as a matter of fact, notwithstanding the change of counsel  
7 we lost very little time by reason of that. So that the testimony  
8 went on continuously and has now been completed.

9 I want to thank the counsel, all of them, from the top  
10 to the bottom, both sets and all sets, and all their assistants,  
11 the girls that worked with them and for them. I want to thank  
12 the F.B.I. who were assigned to us by Mr. Hoover for the very  
13 efficient and outstanding work they have done.

14 I wish also to take advantage of this opportunity to thank  
15 the press who have been diligent in their attendance upon the  
16 hearings, who have been fair in reporting the hearings. Obviously,  
17 in a long drawnout hearing like this, over months, it is impossible  
18 for the newspapers to carry the testimony in full so that the  
19 people who read can get a full account of the testimony and what  
20 really happened. That is perfectly obvious and it is inherent  
21 in the newspaper field. It isn't possible that they could  
22 print every day all that everybody said. But the press has been  
23 diligent, it has been fair, it has been, I think, constructive,  
24 and I want to, on behalf of the committee, thank the press and  
25 the reporters who have sat with us here since last September,



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1 in undertaking to make the public aware of what we were doing  
2 and let the public make up its own mind about this episode out  
3 in the Pacific Ocean, which they may have done by now or will do  
4 when the final conclusion is reached.

5 I think one of the valuable things, whatever else may  
6 happen, or whatever else may be said about the investigation,  
7 whatever the report may contain, one of the valuable things  
8 and maybe the most valuable of all is the fact that all these  
9 people involved in this unfortunate affair have had an oppor-  
10 tunity to tell their story in public and to have it reported  
11 so that the people could read it, hear it, and make up their  
12 own minds with respect to it.

13 That has been a real service for which I am sure the  
14 committee in its entirety is grateful.

15 I was about to include another group. The liaison repre-  
16 sentatives from the War, Navy and State departments who have  
17 from the beginning worked with counsel and with the committee  
18 in finding and sorting the official testimony and records which  
19 we have called for. They have been very efficient and always  
20 at the beck and call of the committee and its counsel. We are  
21 very grateful to them.

22 I also wish to include in what I said about the press the  
23 radio. That is a new field of intelligence and information.  
24 It is so important that we have set apart the radio press, and  
25 they are recognized as a part of the informational set-up in



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1 the United States.

2 All, radio, press, liaison, F.B.I., and everybody who has  
3 assisted the committee, have our everlasting gratitude; and if  
4 I have left out anybody, consider yourself included.

5 Senator Brewster: As a representative of the minority,  
6 and since we have had some matters on which we haven't agreed,  
7 I wish to associate myself with the expressions of apprecia-  
8 tion of our distinguished chairman and particularly wish to  
9 thank the press who I think have done an extraordinary job and  
10 have given the American public a fair analysis.

11 I also wish to thank our distinguished counsel and his  
12 associates who have labored in season and out of season in  
13 what was sometimes seemingly an impossible situation.

14 The Vice Chairman: Now that we are all in accord, it would  
15 be a good time to close.

16 The Chairman: Yes.

17 The Chair will announce that today officially closes the  
18 record of this hearing, and the committee will now stand  
19 adjourned, subject to call by the Chair, and I hope we will  
20 be able to call you early next week.

21 (Whereupon, at 12:15 p.m., the committee adjourned.)

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