

106TH CONGRESS
1ST SESSION

H. R. 3050

To provide for the posthumous advancement of Rear Admiral (retired) Husband E. Kimmel and Major General (retired) Walter C. Short on the retired lists of their respective services.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1999

Mr. SPRATT (for himself, Mr. SPENCE, and Mr. SKELTON) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide for the posthumous advancement of Rear Admiral (retired) Husband E. Kimmel and Major General (retired) Walter C. Short on the retired lists of their respective services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. POSTHUMOUS ADVANCEMENT OF REAR ADMI-**
4 **RAL (RETIRED) HUSBAND E. KIMMEL AND**
5 **MAJOR GENERAL (RETIRED) WALTER C.**
6 **SHORT ON RETIRED LISTS.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) The late Rear Admiral (retired) Husband
2 E. Kimmel, formerly serving in the grade of admiral
3 as the Commander in Chief of the United States
4 Fleet and the Commander in Chief, United States
5 Pacific Fleet, had an excellent and unassailable
6 record throughout his career in the United States
7 Navy prior to the December 7, 1941, attack on
8 Pearl Harbor.

9 (2) The late Major General (retired) Walter C.
10 Short, formerly serving in the grade of lieutenant
11 general as the Commander of the United States
12 Army Hawaiian Department, had an excellent and
13 unassailable record throughout his career in the
14 United States Army prior to the December 7, 1941,
15 attack on Pearl Harbor.

16 (3) Numerous investigations following the at-
17 tack on Pearl Harbor have documented that then
18 Admiral Kimmel and then Lieutenant General Short
19 were not provided necessary and critical intelligence
20 that was available, that foretold of war with Japan,
21 that warned of imminent attack, and that would
22 have alerted them to prepare for the attack, includ-
23 ing such essential communiques as the Japanese
24 Pearl Harbor Bomb Plot message of September 24,
25 1941, and the message sent from the Imperial Japa-

1 nese Foreign Ministry to the Japanese Ambassador
2 in the United States from December 6–7, 1941,
3 known as the Fourteen-Part Message.

4 (4) On December 16, 1941, Admiral Kimmel
5 and Lieutenant General Short were relieved of their
6 commands and returned to their permanent ranks of
7 rear admiral and major general.

8 (5) Admiral William Harrison Standley, who
9 served as a member of the investigating commission
10 known as the Roberts Commission that accused Ad-
11 miral Kimmel and Lieutenant General Short of
12 “dereliction of duty” only six weeks after the attack
13 on Pearl Harbor, later disavowed the report main-
14 taining that “these two officers were martyred” and
15 “if they had been brought to trial, both would have
16 been cleared of the charge”.

17 (6) On October 19, 1944, a Naval Court of
18 Inquiry—

19 (A) exonerated Admiral Kimmel on the
20 grounds that his military decisions and the dis-
21 position of his forces at the time of the Decem-
22 ber 7, 1941, attack on Pearl Harbor were prop-
23 er “by virtue of the information that Admiral
24 Kimmel had at hand which indicated neither

1 the probability nor the imminence of an air at-
2 tack on Pearl Harbor”;

3 (B) criticized the higher command for not
4 sharing with Admiral Kimmel “during the very
5 critical period of 26 November to 7 December
6 1941, important information . . . regarding the
7 Japanese situation”; and

8 (C) concluded that the Japanese attack
9 and its outcome was attributable to no serious
10 fault on the part of anyone in the naval service.

11 (7) On June 15, 1944, an investigation con-
12 ducted by Admiral T. C. Hart at the direction of the
13 Secretary of the Navy produced evidence, subse-
14 quently confirmed, that essential intelligence con-
15 cerning Japanese intentions and war plans was
16 available in Washington but was not shared with Ad-
17 miral Kimmel.

18 (8) On October 20, 1944, the Army Pearl Har-
19 bor Board of Investigation determined that—

20 (A) Lieutenant General Short had not
21 been kept “fully advised of the growing tense-
22 ness of the Japanese situation which indicated
23 an increasing necessity for better preparation
24 for war”;

1 (B) detailed information and intelligence
2 about Japanese intentions and war plans were
3 available in “abundance”, but were not shared
4 with Lieutenant General Short’s Hawaii com-
5 mand; and

6 (C) Lieutenant General Short was not pro-
7 vided “on the evening of December 6th and the
8 early morning of December 7th, the critical in-
9 formation indicating an almost immediate break
10 with Japan, though there was ample time to
11 have accomplished this”.

12 (9) The reports by both the Naval Court of In-
13 quiry and the Army Pearl Harbor Board of Inves-
14 tigation were kept secret, and Rear Admiral (re-
15 tired) Kimmel and Major General (retired) Short
16 were denied their requests to defend themselves
17 through trial by court-martial.

18 (10) The joint committee of Congress that was
19 established to investigate the conduct of Admiral
20 Kimmel and Lieutenant General Short completed, on
21 May 31, 1946, a 1,075-page report which included
22 the conclusions of the committee that the two offi-
23 cers had not been guilty of dereliction of duty.

24 (11) The Officer Personnel Act of 1947, in es-
25 tablishing a promotion system for the Navy and the

1 Army, provided a legal basis for the President to
2 honor any officer of the Armed Forces of the United
3 States who served his country as a senior com-
4 mander during World War II with a placement of
5 that officer, with the advice and consent of the Sen-
6 ate, on the retired list with the highest grade held
7 while on the active duty list.

8 (12) On April 27, 1954, the then Chief of
9 Naval Personnel, Admiral J. L. Holloway, Jr., rec-
10 ommended that Rear Admiral Kimmel be advanced
11 in rank in accordance with the provisions of the Of-
12 ficer Personnel Act of 1947.

13 (13) On November 13, 1991, a majority of the
14 members of the Board for the Correction of Military
15 Records of the Department of the Army found that
16 the late Major General (retired) Short “was unjustly
17 held responsible for the Pearl Harbor disaster” and
18 that “it would be equitable and just” to advance him
19 to the rank of lieutenant general on the retired list”.

20 (14) In October 1994, the then Chief of Naval
21 Operations, Admiral Carlisle Trost, withdrew his
22 1988 recommendation against the advancement of
23 Rear Admiral (retired) Kimmel (by then deceased)
24 and recommended that the case of Rear Admiral
25 Kimmel be reopened.

1 (15) Although the Dorn Report, a report on the
2 results of a Department of Defense study that was
3 issued on December 15, 1995, did not provide sup-
4 port for an advancement of the late Rear Admiral
5 (retired) Kimmel or the late Major General (retired)
6 Short in grade, it did set forth as a conclusion of the
7 study that “responsibility for the Pearl Harbor dis-
8 aster should not fall solely on the shoulders of Admi-
9 ral Kimmel and Lieutenant General Short, it should
10 be broadly shared”.

11 (16) The Dorn Report found—

12 (A) that “Army and Navy officials in
13 Washington were privy to intercepted Japanese
14 diplomatic communications...which provided
15 crucial confirmation of the imminence of war”;

16 (B) that “the evidence of the handling of
17 these messages in Washington reveals some in-
18 eptitude, some unwarranted assumptions and
19 misestimations, limited coordination, ambiguous
20 language, and lack of clarification and follow-up
21 at higher levels”; and

22 (C) that “together, these characteristics re-
23 sulted in failure...to appreciate fully and to
24 convey to the commanders in Hawaii the sense

1 of focus and urgency that these intercepts
2 should have engendered”.

3 (17) On July 21, 1997, Vice Admiral David C.
4 Richardson (United States Navy, retired) responded
5 to the Dorn Report with his own study which con-
6 firmed findings of the Naval Court of Inquiry and
7 the Army Pearl Harbor Board of Investigation and
8 established, among other facts, that the war effort
9 in 1941 was undermined by a restrictive intelligence
10 distribution policy, and the degree to which the com-
11 manders of the United States forces in Hawaii were
12 not alerted about the impending attack on Hawaii
13 was directly attributable to the withholding of intel-
14 ligence from then Admiral Kimmel and Lieutenant
15 General Short.

16 (18) Rear Admiral (retired) Kimmel and Major
17 General (retired) Short are the only two officers eli-
18 gible for advancement under the Officer Personnel
19 Act of 1947 as senior World War II commanders
20 who were excluded from the list of retired officers
21 presented for advancement on the retired lists to
22 their highest wartime ranks under that Act.

23 (19) This singular exclusion from advancement
24 of Rear Admiral (retired) Kimmel and Major Gen-
25 eral (retired) Short from the Navy retired list and

1 the Army retired list, respectively, serves only to
2 perpetuate the myth that the senior commanders in
3 Hawaii were derelict in their duty and responsible
4 for the success of the attack on Pearl Harbor, and
5 is a distinct and unacceptable expression of dishonor
6 toward two of the finest officers who have served in
7 the Armed Forces of the United States.

8 (20) Major General (retired) Walter Short died
9 on September 23, 1949, and Rear Admiral (retired)
10 Husband Kimmel died on May 14, 1968, without
11 having been accorded the honor of being returned to
12 their wartime ranks as were their fellow veterans of
13 World War II.

14 (21) The Veterans of Foreign Wars, the Pearl
15 Harbor Survivors Association, the Admiral Nimitz
16 Foundation, the Naval Academy Alumni Association,
17 the Retired Officers Association, the Pearl Harbor
18 Commemorative Committee, and other associations
19 and numerous retired military officers have called
20 for the rehabilitation of the reputations and honor of
21 the late Rear Admiral (retired) Kimmel and the late
22 Major General (retired) Short through their post-
23 humous advancement on the retired lists to their
24 highest wartime grades.

1 (b) REQUEST FOR ADVANCEMENT ON RETIRED
2 LISTS.—(1) The President is requested—

3 (A) to advance the late Rear Admiral (retired)
4 Husband E. Kimmel to the grade of admiral on the
5 retired list of the Navy; and

6 (B) to advance the late Major General (retired)
7 Walter C. Short to the grade of lieutenant general
8 on the retired list of the Army.

9 (2) Any advancement in grade on a retired list re-
10 quested under paragraph (1) shall not increase or other-
11 wise modify the compensation or benefits from the United
12 States to which any person is now or may in the future
13 be entitled based upon the military service of the officer
14 advanced.

15 (c) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) the late Rear Admiral (retired) Husband E.
18 Kimmel performed his duties as Commander in
19 Chief, United States Pacific Fleet, competently and
20 professionally, and, therefore, the losses incurred by
21 the United States in the attacks on the naval base
22 at Pearl Harbor, Hawaii, and other targets on the
23 island of Oahu, Hawaii, on December 7, 1941, were
24 not a result of dereliction in the performance of
25 those duties by the then Admiral Kimmel; and

1 (2) the late Major General (retired) Walter C.
2 Short performed his duties as Commanding General,
3 Hawaiian Department, competently and profes-
4 sionally, and, therefore, the losses incurred by the
5 United States in the attacks on Hickam Army Air
6 Field and Schofield Barracks, Hawaii, and other
7 targets on the island of Oahu, Hawaii, on December
8 7, 1941, were not a result of dereliction in the per-
9 formance of those duties by the then Lieutenant
10 General Short.

○