

106TH CONGRESS  
1ST SESSION

# S. J. RES. 19

Requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 15, 1999

Mr. ROTH (for himself, Mr. BIDEN, Mr. HELMS, Mr. STEVENS, Mr. SPECTER, Mr. THURMOND, Mr. ENZI, Mr. COCHRAN, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. CRAIG, Mr. DOMENICI, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. HOLLINGS, Mr. SMITH of New Hampshire, Ms. COLLINS, Ms. LANDRIEU, Mr. VOINOVICH, and Mr. DEWINE) introduced the following joint resolution; which was read twice and referred to the Committee on Armed Services

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## JOINT RESOLUTION

Requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947

for all other senior officers who served in positions of command during World War II, and for other purposes.

Whereas Rear Admiral Husband E. Kimmel, formerly the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor;

Whereas Major General Walter C. Short, formerly the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor;

Whereas numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6–7, 1941, known as the Fourteen-Part Message;

Whereas on December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general;

Whereas Admiral William Harrison Standley, who served as a member of the investigating commission known as the

Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of “dereliction of duty” only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that “these two officers were martyred” and “if they had been brought to trial, both would have been cleared of the charge”;

Whereas on October 19, 1944, a Naval Court of Inquiry exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper “by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor”; criticized the higher command for not sharing with Admiral Kimmel “during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation”; and, concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service;

Whereas on June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel;

Whereas on October 20, 1944, the Army Pearl Harbor Board of Investigation determined that Lieutenant General Short had not been kept “fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war”; detailed information and intelligence about Japanese inten-

tions and war plans were available in “abundance” but were not shared with the General Short’s Hawaii command; and General Short was not provided “on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this”;

Whereas the reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral Kimmel and Major General Short were denied their requests to defend themselves through trial by court-martial;

Whereas the joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty;

Whereas the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., on April 27, 1954, recommended that Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947;

Whereas on November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that Lieutenant General Short “was unjustly held responsible for the Pearl Harbor disaster” and that “it would be equitable and just” to advance him to the rank of lieutenant general on the retired list”;

Whereas in October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 rec-

ommendation against the advancement of Admiral Kimmel and recommended that the case of Admiral Kimmel be reopened;

Whereas the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that “responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared”;

Whereas the Dorn Report found that “Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war”; that “the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels”; and, that “together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered”;

Whereas, on July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on

Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short;

Whereas the Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list;

Whereas Rear Admiral Kimmel and Major General Short are the only two eligible officers from World War II who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under the terms of the Officer Personnel Act of 1947;

Whereas this singular exclusion from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States;

Whereas Major General Walter Short died on September 23, 1949, and Rear Admiral Husband Kimmel died on May 14, 1968, without the honor of having been returned to their wartime ranks as were their fellow veterans of World War II; and

Whereas the Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation,

the Naval Academy Alumni Association, the Retired Officers Association, and the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest wartime grades: Now, therefore, be it

1       *Resolved by the Senate and House of Representatives*  
 2       *of the United States of America in Congress assembled,*

3       **SECTION 1. ADVANCEMENT OF REAR ADMIRAL KIMMEL**  
 4                               **AND MAJOR GENERAL SHORT ON RETIRED**  
 5                               **LISTS.**

6       (a) REQUEST.—The President is requested—

7               (1) to advance the late Rear Admiral Husband  
 8       E. Kimmel to the grade of admiral on the retired list  
 9       of the Navy; and

10              (2) to advance the late Major General Walter  
 11       C. Short to the grade of lieutenant general on the  
 12       retired list of the Army.

13       (b) ADDITIONAL BENEFITS NOT TO ACCRUE.—Any  
 14       advancement in grade on a retired list requested under  
 15       subsection (a) shall not increase or change the compensa-  
 16       tion or benefits from the United States to which any per-  
 17       son is now or may in the future be entitled based upon  
 18       the military service of the officer advanced.

1 **SEC. 2. SENSE OF CONGRESS REGARDING THE PROFES-**  
2 **SIONAL PERFORMANCE OF ADMIRAL KIMMEL**  
3 **AND LIEUTENANT GENERAL SHORT.**

4 It is the sense of Congress that—

5 (1) the late Rear Admiral Husband E. Kimmel  
6 performed his duties as Commander in Chief, United  
7 States Pacific Fleet, competently and professionally,  
8 and, therefore, the losses incurred by the United  
9 States in the attacks on the naval base at Pearl  
10 Harbor, Hawaii, and other targets on the island of  
11 Oahu, Hawaii, on December 7, 1941, were not a re-  
12 sult of dereliction in the performance of those duties  
13 by the then Admiral Kimmel; and

14 (2) the late Major General Walter C. Short per-  
15 formed his duties as Commanding General, Hawai-  
16 ian Department, competently and professionally,  
17 and, therefore, the losses incurred by the United  
18 States in the attacks on Hickam Army Air Field and  
19 Schofield Barracks, Hawaii, and other targets on the  
20 island of Oahu, Hawaii, on December 7, 1941, were  
21 not a result of dereliction in the performance of  
22 those duties by the then Lieutenant General Short.

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