

1 **The FBI's Role in the Pearl Harbor Attack**
2 **by Thomas K. Kimmel, Jr., J. A. Williams, Esq., and**
3 **Paul Glyn Williams, Esq.**
4

5 **Introduction**
6

7 Following the Pearl Harbor disaster, FDR's investigating commission, the
8 Roberts Commission, pointed just two fingers of blame: one at Admiral Husband E.
9 Kimmel and the other at Lt. General Walter C. Short, the Navy and Army commanders in
10 Hawaii.¹ However, mounting new evidence clearly demonstrates not only that the Pearl
11 Harbor commanders shouldered the blame unjustly but that the FBI secretly and
12 shamelessly contributed to this result. Specifically, the FBI successfully: (1) shielded
13 investigation of its own failures from all Pearl Harbor investigations; (2) acquiesced to
14 the Commission Chairman's perjury to Congress; (3) secretly influenced Congress'
15 report to protect the FBI at the expense of the Army and Navy; (4) secretly made false
16 accusations against Admiral Kimmel and General Short; and (5) conspired to withhold
17 evidence from the Attorney General.
18

19 **I. FBI Director Hoover Plays the Blame Game**
20

21 In late December 1941, when the horror of the attack on Pearl Harbor was still
22 fresh, public attention was mainly focused on the Pearl Harbor commanders, Kimmel and
23 Short. An important truth was recognized by reporter John O'Donnell, writing in the
24 middle of the Roberts Commission's investigation, in the December 29th edition of the
25 Washington, D.C. *Times Herald*, that FBI Director J. Edgar Hoover was "as much on the
26 spot [from the Roberts Commission] as the already ousted Army and Navy
27 commanders."² O'Donnell reasoned that the FBI had been given jurisdiction over all
28 counterespionage matters for the Territory of Hawaii on September 6, 1939 by
29 Presidential Directive. Accordingly, O'Donnell argued, when Hawaii was overrun by
30 America's chief threat in the Pacific Mr. Hoover should have been in peril of losing his
31 job.
32

33 Much later, the accuracy of O'Donnell's reasoning was validated when Mr.
34 Hoover was confronted on this very issue by the Army Pearl Harbor Board (APHB).³
35 Despite his refusal to testify, instead electing to respond to the APHB queries by letter,
36 Mr. Hoover was forced to admit that in 1941 the FBI, Army Intelligence (G-2) and the
37 Office of Naval Intelligence (ONI) reached an agreement by which the FBI assumed

1 Nine days after the attack President Roosevelt appointed sitting Supreme Court Associate Justice Owen J. Roberts to investigate the Pearl Harbor attack. Forty-seven days after the attack, the Roberts Report blamed Admiral Kimmel and General Short as "solely responsible" for the success of the attack, and declared them "derelict in their duty," while Washington top officials were found to have "fulfilled their obligations." Report of the Joint Committee on the Investigation of the Pearl Harbor Attack Congress of the United States; Pearl Harbor Attack [hereafter PHA], U. S. Congress, Joint Congressional Committee [hereafter JCC] on the Investigation of the Pearl Harbor Attack, 79th Congress, 40 parts, Washington, D.C.: U.S. Government Printing Office, 1946, Part 39, pages 1-21 [Hereafter 39PHA1-21].

2 *Times Herald*, December 29, 1941.

3 The APHB was appointed pursuant to the provisions of Public Law 339, 78th Congress, approved 13 June 1944, to ascertain, report the facts, and make recommendations relating to the Pearl Harbor attack. Its report can be found at 39PHA23-295. One the Board's members wrote a book of his experiences on the Board--see Henry D. Russell, *Pearl Harbor Story*, Mercer University Press, 2001.

1 responsibility for all investigations of “actual or strongly presumptive espionage
2 involving civilians in the United States and in its territories.”⁴

3
4 But Mr. Hoover then tried to sidestep the issue by arguing that informal
5 agreements had modified this arrangement. He claimed that ONI had agreed to exercise
6 joint coverage with the FBI over Japanese counterespionage. Nothing was said about
7 German espionage, which would prove to be important as the Japanese had formally
8 agreed to cooperate with German intelligence early in 1941.⁵ However, Hoover
9 reluctantly admitted that, in fact, these modifications were not made formal until
10 February 9, 1942, after the Pearl Harbor attack. Incredulously, Mr. Hoover argued that
11 since the FBI only had joint responsibility for Japanese counterespionage and not primary
12 responsibility it should be held blameless.⁶

13
14 Why, in light of O’Donnell’s allegations, as partially developed by the APHB
15 investigation, was Mr. Hoover able to escape any responsibility for the Pearl Harbor disaster?
16 Quite remarkably, evidence suggests that Hoover was being shielded from blame by
17 President Franklin Roosevelt. On the very day the *Times Herald* was calling attention to the
18 FBI’s culpability, Mr. Hoover was in communication with the President via a letter to
19 Stephen Early, FDR’s press secretary, expressing evident gratitude and relief about a White
20 House telephone call and message from the President that he had just received. Specifically,
21 Hoover stated:

22
23 You do not know how much I appreciate your call today
24 and the message you gave me. Please thank the President
25 for me. To think that with all his cares and responsibilities
26 he could think of such a matter is just another evidence of
27 his great heart and understanding.⁷

28
29 While this thank-you could seemingly relate to anything, the remainder of Mr.
30 Hoover’s note strongly suggests that he had been relieved of any reason to fear
31 O’Donnell’s allegations that he should share blame for the tragedy at Pearl Harbor:⁸

32
33 So far as O’Donnell’s article is concerned it did make me
34 burn because of its utter falseness. It may be the privilege
35 of such writers in times of peace to vilify public officials,
36 but when we are at war, I do think any criticism or attacks
37 upon an arm of the government should be factually correct.
38 The only view I suppose one must take of O’Donnell’s
39 writings is that they are like a Missouri mule without pride
40 of ancestry or hope of posterity.⁹

4 J. Edgar Hoover to Lt. General George Grunert, President, Army Pearl Harbor Board, dated August 25, 1944, 31PHA3176-3195.

5 See footnote 22 for details.

6 J. Edgar Hoover to Lt. General George Grunert. op.cit.

7 “Hoover to Early, December 29, 1941, Stephen Early Papers, FBI, FDRL. Mr. Hoover’s letter was not classified, but also was not made public until 1975 when the Stephen Early Papers were accessioned to the *Franklin D. Roosevelt Library*.

8 Richard Gid Powers, *Secrecy and Power The Life of J. Edgar Hoover*, The Free Press, 1987, pages 243-244.

9 Hoover to Early, December 29, 1941.op.cit.

1
2 One is left to ponder about FDR's motives in shielding Hoover from blame.
3 Perhaps, the following may help to explain. In two letters to the President dated just five
4 days after the attack, Mr. Hoover claimed he had very secret information that:

5
6 About ten days prior to the Japanese attack. . . . Military
7 Intelligence broke the code, discovered that the messages
8 contained substantially the complete plans for the attack on
9 Pearl Harbor Military authorities in Washington sent
10 by Army radio to the Hawaiian Islands the entire plan for
11 the information of the authorities in Hawaii. On Friday
12 morning, December 5th . . . the signal for the attack was
13 intercepted, which indicated that the attack was to be made
14 on Saturday or Sunday, and this information was sent by
15 Military radio to the Hawaiian Islands.¹⁰
16

17 These letters, which were preceded by a telephone call, and hidden until 1980,
18 effectively assured the President that Kimmel and Short had been warned about the
19 Japanese attack. While in reality there is not a scintilla of evidence that either Kimmel or
20 Short ever received the "complete plans" information, Hoover managed, either
21 intentionally or inadvertently, to focus Roosevelt's attention on the Pearl Harbor
22 commanders and away from the FBI. This is suggested by the President's December 18,
23 1941 Executive Order which established the Roberts Commission and directed it "to
24 ascertain and report the facts relating to the attack," specifying that the commission's
25 purpose was to determine if errors "on the part of United States Army or Navy personnel
26 contributed to" the success of the attack, and "if so, . . . who were responsible therefor."¹¹
27

28 It is unmistakable that if the "complete plans" information were true, it would
29 have been the most important and material fact about the attack—so important, in fact, that
30 it is inconceivable that the attack could ever be adequately investigated without
31 knowledge of it. Remarkably, this information was withheld from the Joint
32 Congressional Committee (JCC) investigation and in fact, Hoover never testified before
33 any Pearl Harbor tribunal.¹²
34

35 Unfortunately, this is not the only instance of Hoover's role in directing blame
36 toward the Hawaiian commanders. Admiral Kimmel spent the rest of his life trying to

10 J. Edgar Hoover letters, and attached memorandum to Steven Early, both dated December 12, 1941, Mr. Edward R. Kimmel FOIPA requests of the FBI No. 64,922 and 60,834, FBI response dated January 10, 1980, "Documents from Mr. Hoover's and Mr. Nichols' Official Files," pp. 54-58. Author's file 2223. Perhaps Hoover's letter could explain Admiral Richardson's bleak assessment of FDR's decision for an immediate investigation. Admiral J. O. Richardson, Admiral Kimmel's predecessor as Commander in Chief United States Fleet, said: "It is my firm belief that, when the President realized the extent of the damage done by the attack on Pearl Harbor, he lost his nerve and lost his head, and ordered the convening of the Roberts Commission, believing that he could best protect his own position by focusing public attention on Pearl Harbor." J. O. Richardson, *On the Treadmill to Pearl Harbor, the Memoirs of Admiral J.O. Richardson*, 1973, p.455.

11 39PHA1.

12 Even more incredible is that Hoover sent essentially the same information to Justice Roberts, including suggestions for how to investigate the matter. But, Roberts did little to investigate these allegations perhaps because if proven untrue he could not have deemed Kimmel and Short "solely responsible" for the attack. See "Why Did the Attack on Pearl Harbor Occur?," by Thomas K. Kimmel, Jr. and J. A. Williams, Esq., *Association of Former Intelligence Officers, Winter/Spring Journal 2009*, pp. 53-59, for details on how Justice Roberts mishandled this information and how Hoover acquiesced to Roberts' dissembling before the JCC—also available at website: www.pearlharbor911attacks.com.

1 correct the compounded misinformation that led a nation to blame him for its lack of
2 preparation. In Kimmel’s words, perhaps the most “infamous lie” was that he and Short
3 refused to communicate with each other when stationed at Pearl Harbor. A lie which was
4 the basis for the May 6, 1958, remarkable accusation by Clarence Cannon, the long
5 tenured Chairman of the House Appropriations Committee, from the well of the House
6 that Kimmel failed to prevent WWII and the Cold War.¹³ Kimmel confronted Cannon
7 and asked where this information came from. Cannon told him that he had learned the
8 story in early 1942 – from the FBI.

9
10 Kimmel instantly began a series of communications with Hoover to identify the
11 source of this incredible information. After two unresponsive replies to his queries, a
12 frustrated Kimmel laid the matter out thusly:

13
14 Congressman Cannon advised me the information given to
15 the [House Appropriations] Committee immediately after
16 Pearl Harbor was from the Federal Bureau of Investigation.
17 I judge from your letter there was no evidence in the
18 Federal Bureau of Investigation in 1942 to the effect that
19 General Short and I were not on speaking terms at the time
20 of the Japanese attack on Pearl Harbor. Is this correct? If
21 this is not correct will you kindly cite the evidence in order
22 that I may learn the name of the individual who instigated
23 this infamous lie.¹⁴

24
25 Hoover never confirmed or denied his accusation because he simply never
26 responded to Kimmel’s letter. However, truth was finally revealed in June 2002, a
27 remarkable thirty-four years after Admiral Kimmel’s death, when Chairman Cannon’s
28 June 28, 1958 letter to Hoover was declassified:

29
30 You told us that at the time of the Pearl Harbor
31 attack Admiral Kimmel and General Short were not on
32 speaking terms This information you gave us in
33 person.¹⁵

34 35 **II. FBI Director Hoover Withholds Relevant and Material Evidence**

36
37 What follows are remarkable examples of the FBI’s ability to withhold relevant
38 and material information from Pearl Harbor investigators when that evidence would have
39 been embarrassing to, or critical of, the Bureau.

40

¹³ See *Facts About Pearl Harbor* by Admiral Kimmel, 1962—available at website: www.pearlharbor911attacks.com for Admiral Kimmel’s response.

¹⁴ Id.

¹⁵ *National Archives and Records Administration* (Hereafter NARA), “Record Group [Hereafter RG] 65, RECORDS OF THE FBI; FBI HQ; Investigative Records; Classified Subject Files, Released Under the Nazi and Japanese War Crimes Disclosure Acts, Classification 100: Domestic Security,” Stack 230, Row 86, Compartment 13, Shelf 01 [Hereafter 230/86/13/01] Classification # 100, File # 000097-01, Section 003, NARA Box# 003, FBI file 100-97-1-500.

1 In 1941, the *Abwehr*, German Military Intelligence, sent spy Dusko Popov to the
2 United States with a questionnaire about American military installations, particularly at
3 Pearl Harbor. Unknown to the *Abwehr*, Popov was in fact a double agent working for the
4 British government who was turned over to the FBI for handling.

5
6 Popov's questionnaire indicated that in 1941 the Axis Powers were interested in
7 water depth and torpedo net use at Pearl Harbor.¹⁶ Torpedo nets were designed to
8 counter air-dropped torpedoes, the kind that caused the majority of the damage inflicted
9 on December 7th. The enemy's interest in torpedo net use and water depth would have
10 been important indicators that Pearl Harbor was a military target for planners of air and
11 submarine attack, because that kind of information was of no use for planners of sabotage
12 attack.

13
14 After the British made the Popov questionnaire public in 1972,¹⁷ the FBI was
15 accused of mishandling Popov, specifically, by failing to share his questionnaire with the
16 U.S. Navy. Responding to mounting pressure, in 1983 the FBI summarily declassified
17 part of its Popov file in order to defend Mr. Hoover's legacy.¹⁸ It clearly showed that the
18 FBI not only gave the Navy, in Washington only, a paraphrased version of the
19 questionnaire but also obtained disinformation from the Navy about torpedo nets for
20 Popov to feed his *Abwehr* superiors. In other words, the FBI again deflected criticism
21 from itself.

22
23 An examination of recently declassified documents suggests a connection
24 between the "complete plans" information and the Dusko Popov matter. Routing slips in
25 the FBI Popov file contain the names, amongst others, of G. C. Burton of the FBI and J.
26 T. Bissell, the head of Army G-2 Counterintelligence in Washington. What is now

16 The questionnaire was not the only basis for a judgment that Pearl Harbor should be put on alert – other information he gave to the Americans, Popov said, was "[Johann] Jebesen's contact with the Japanese delegation to Berlin, [Jebesen's] trip to Taranto, and Baron Gronau's findings and evaluation. . . . [E]ven were this information undervalued, out of prudence it could not have been completely discounted. It was too vital. At the very least, it would have provoked an alert in Pearl Harbor." Dusko Popov, *SPY COUNTER-SPY*, Gosset & Dunlap, New York, 1974, p. 199. The Taranto raid he mentioned was launched by Britain against Italy on November 20, 1940. It involved the use of air-dropped torpedoes, and as Popov indicated, had captured the special interest of the Japanese. When coupled with Popov's questionnaire expressing the Japanese interest in torpedo nets at Hawaii, this intelligence made it, in the words of British Intelligence Officer Ewen Montagu, "incredible that Pearl Harbor should not have been on the alert for a surprise hit-and-run air raid if Hoover had not failed to pass on what [Popov] had brought him." Ewen Montagu, *Beyond Top Secret Ultra*, Coward, McCann, Geoghegan, Inc., New York, 1977, pp. 74-75. Sir William Stephenson, Britain's most important spymaster, found the Popov questionnaire "striking." According to his biographer: He was especially impressed by the fact that it requested data about the harbor depths at Pearl Harbor—so soon after the British had pioneered the use of air-launched torpedoes in shallow water against the Italian base at Taranto. When he saw that, he recalled years later, he "had no doubt that Pearl Harbor was a target, and perhaps the target. Anthony Cave Brown, "C", p. 373, and interview Wm. Stevenson (author—*A Man Called Intrepid*), 1991. Anthony Summers, *Secrecy and Power*, p.129. The British had first used air-dropped torpedoes in shallow water at Mers-el-Kebir against the French Fleet on July 8, 1940.

17 It was Sir John C. Masterman, the Chairman of the British Double-Cross Committee, who disclosed the Popov questionnaire in 1972. His opinion of it was that it "contained a sombre but unregarded warning of the subsequent attack on Pearl Harbor," but it was the American government's job to "draw their deductions from the questionnaire rather than for us to do so." "Nonetheless," he added, "with our fuller knowledge of the case and of the man, we ought to have stressed its importance more than we did." John Masterman, *The Double-Cross System*, Ballantine, 1972, pp. 196-198. Popov himself took issue with this latter view. He thought that the importance of his questionnaire need not be underlined because it "was there for all to see." Dusko Popov, *SPY COUNTER-SPY*, Gosset & Dunlap, New York, 1974, p. 198.

18 David L. Divan FBI memorandum to Roger S. Young, captioned, "'Pearl Harbor, Microdots, and J. Edgar Hoover' Article by John F. Bratzel and Leslie B. Rout, Jr. in 'American Historical Review,' December 1982", dated March 28, 1983, with FOI/PA attachments.

1 known is that Bissell was Hoover's secret source for the "complete plans" information as
2 supplied to FBI Agent Burton.¹⁹

3
4 Additionally, as the head of Army Counterintelligence, Bissell likely had
5 knowledge of another Pearl Harbor spy report—the Von der Osten *Abwehr* spy report. In
6 March of 1941 known *Abwehr* intelligence officer, Ulrich Von der Osten went to Hawaii
7 and obtained a spy report which gave specific details of the defenses at Hawaii including
8 maps and photographs specifically of Pearl Harbor. The report concluded: "This will be
9 of interest mostly to our yellow allies," meaning Japan.²⁰

10
11 Apparently, this intercepted report was not sent to Hawaii, was not sought by the
12 JCC, and remains undisclosed in FBI files.²¹ Its importance²² was lost on investigators
13 because similar intelligence from Dusko Popov was not provided to any of the Pearl
14 Harbor investigations and was not made public until 1972, the year Mr. Hoover died.
15 The opportunity to determine if some of Colonel Bissell's "complete plans" information,
16 which in his own words, he risked his career to report, came from his now known
17 knowledge of the Popov matter, and from his probable knowledge of the Von der Osten
18 *Abwehr* report was lost to history when the FBI chose to keep Popov and Bissell secret
19 from Congressional investigators.²³

20
21 It is now abundantly clear that, prior to the attack, both the FBI and the Navy in
22 Washington had specific intelligence confirming enemy interest in Pearl Harbor as a
23 military target for air attack. Apparently, Kimmel and Short were not given either the
24 Popov or Von der Osten spy reports, because it is hard to imagine that, if they had
25 received either report, this would not have been used against them in subsequent

19 Bissell's name was redacted by the FBI in 1980 when the document was first released publicly. Mr. Edward R. Kimmel FOIPA requests of the FBI, op.cit. Bissell was identified in 2002 when the FBI accessioned the information to NARA. NARA 230/86/13/01.

20 H. Montgomery Hyde, *Room 3603*, Farrar, Straus and Company, New York, 1963, pages 81-87. Also see 29PHA1562. Col. Clausen questioned Col Fielder, the head of Army Intelligence in Hawaii, found out that Hawaii had not been sent Von der Osten's spy report, then dropped the matter just as Justice Roberts dropped the "complete plans" interrogation of Fielder when he found out that Hawaii had not received that informaton. In his 1992 book, *Pearl Harbor Final Judgement*, Clausen makes no mention of Popov, Von der Osten, or John Ter Bush Bissell.

21 28PHA1562, 29PHA1945-46, 30PHA3082.

22 A secretly decoded MAGIC intercept (#44), dated January 30, 1941, from the Japanese Foreign Minister in Tokyo to his diplomats and spies in Washington, Hawaii and elsewhere made clear to U.S. Army and Navy cryptographers Japan's intention to cooperate with German intelligence. It read in pertinent part: "We [Japan] will cooperate with the German and Italian intelligence organs in the U. S. This phase has been discussed with the Germans and Italians in Tokyo and it has been approved." *THE "MAGIC" BACKGROUND OF PEARL HARBOR*, Volume 1, No. 119, translated 2-7-41, page A-77, U.S. Government Printing Office, Washington, D.C., 1977. MAGIC was a codeword for the secret American decoding of Japanese diplomatic and spy communications prior to the Pearl Harbor attack which gave indications of the time, place, reason and deceit plan to cover the attack. Kimmel and Short did not receive the vital MAGIC intelligence. It is also important to understand that the preceding vital intelligence, i.e., intercept #44, was not mentioned at all in the JCC investigation, and not made public until 1977.

23 As reported by the Clarke Investigation, General Spalding testified to the Clarke Investigation that Bissell told him that, "You [Bissell] told him [Spalding] that certain messages had been received, these messages pertaining to Pearl Harbor and were in the files of G-2 and that you deemed it most necessary to destroy them." General Bissell denied telling Colonel Spalding the preceding and stated that he told Spalding that, "I had been directed by the A. C. of S, G-2 [General Miles] to draft a message to the G-2 Hawaiian Department [Colonel Fielder] . . . to be prepared for possible sabotage. . . . I stated that, as I recall it, that I had stayed in the office one evening until about eight o'clock, at the direction of General Miles, who was then the A. C. of S., G-2, and had prepared a message alerting the Hawaiian Department for possible sabotage and stressing the strained relations between the U. S. and Japan. I took the message in to Gen. Miles personally. He read the message and change [sic] it materially, stressing the sabotage angle more than I had. That message, as far as I knew was sent. The draft which I drew Gen. Miles destroyed as it was marked Secret." See 34PHA101. General Bissell did not testify to the JCC, or to any other Pearl Harbor attack investigation except the Clarke Investigation. If the JCC had known about Bissell's "complete plans" information, perhaps they would have been interested in having him explain why he felt compelled to secretly give this information to the FBI after his boss, General Miles, "materially" changed Bissell's proposed warning message to Hawaii. Brigadier General John Ter Bush Bissell should not be confused with General Clayton Bissell, who was Assistant Chief of Staff for Intelligence in 1944 and 1945.

1 investigations. Despite its obvious material relevance, there is no reference to Popov or
2 his questionnaire in the Roberts Commission Report, or any other official Pearl Harbor
3 investigation report.

4
5 In addition, the two primary investigative assistants for the Joint Congressional
6 Committee (JCC) were FBI agents. One, FBI Agent Edward P. Morgan authored the
7 JCC's final report but routinely submitted his work to Mr. Hoover for prior approval.
8 Records of Morgan's submissions to Mr. Hoover indicate very clearly that Mr. Hoover
9 objected to any reference which might be deemed critical of the FBI. Twice in writing,
10 Mr. Hoover ordered that Morgan change his draft to eliminate any hint of criticism of the
11 FBI and only criticize the Army and the Navy. Morgan complied both times.²⁴

12
13 Masterfully, Hoover even attempted to avoid criticism when there was, as of yet,
14 none offered. According to Agent Morgan it was not a part of the JCC's record that a
15 2/15/41 dispatch from Tokyo to Washington requesting a detailed outline of the type of
16 espionage activity directed against the United States and Hawaii was not given to the
17 FBI, even though the FBI was charged with combating espionage. To avoid even a hint
18 of criticism that the FBI might have failed its counterespionage mission, Morgan
19 suggested to Hoover that he contact the JCC's counsel to make it part of the record that
20 "the FBI was not furnished with copies of decoded traffic [i.e., MAGIC²⁵] by the Army
21 or the Navy prior to and during the war."²⁶ As a result, the JCC's final Pearl Harbor
22 Report contains the following language:

23
24 The FBI was charged with combating espionage,
25 sabotage, and un-American activities within the US. On
26 2/15/41, Tokyo dispatched to Washington a detailed outline
27 as to the type of espionage information desired from this
28 country. The FBI was never informed of this vital
29 information necessary to the success of its work, despite the
30 fact that the closest liaison was supposed to exist among the
31 FBI, Naval Intelligence, and Military Intelligence.²⁷

32
33 Brazenly, Mr. Hoover used the JCC report to lay a foundation for his own defense if
34 needed—the same defense as the Hawaiian commanders—that the FBI was denied vital
35 intelligence necessary to the success of its work—just as the Hawaiian commanders had
36 been.²⁸

24 D. M. Ladd memorandum to the Director, "Pearl Harbor Investigation Committee," dated May 27, 1946 with Mr. Hoover's marginal notes in cursive agreeing with recommendations that Morgan change his draft JCC report to only criticize the Army and the Navy. 12PHA311. See FBI memorandum, Ladd to the Director, PEARL HARBOR INVESTIGATING COMMITTEE, May 27, 1946, NARA 230/86/13/03.

25 MAGIC was a codeword for the secret American decoding of Japanese diplomatic and spy communications prior to the Pearl Harbor attack which gave indications of the time, place, reason and deceit plan to cover the attack. Kimmel and Short did not receive the vital MAGIC intelligence.

26 D. M. Ladd memorandum to the Director, "Pearl Harbor Investigation Committee," dated May 27, 1946. op.cit.

27 JCC report, page 261, 40PHA261. Also see "AN APPROACH TO THE QUESTION OF RESPONSIBILITY FOR THE PEARL HARBOR DISASTER," by Edward P. Morgan, United States Government Printing Office, Washington, D.C., 1946, with caveat "(Not to be released to the press, quoted from, published, or paraphrased in any way)," also page 261.

28 Curiously, there are two indications in FBI files that the FBI in Washington did have some access to MAGIC. A note on page "1044," [i.e., page 44 of section 10] which is also listed as page "J-60," of Sterling Adams' FBI report, op.cit, corrects a comment attributed to SAC Shivers that the FBI in Honolulu did not receive

1
2 These combined details were known to the FBI and the high command in
3 Washington. They were not known to the Pearl Harbor commanders, and were not
4 mentioned to the commission that found Kimmel and Short solely blamable for the
5 attack.

6 7 **III. A Spy Named Harry Dexter White**

8
9 On November 26, 1941, Washington and Tokyo were deeply mired in a
10 diplomatic wrestling match. As part of it, Washington sent a Diplomatic Note to Japan
11 issuing various proposals and demands on Tokyo. The Note was later styled by the Army
12 Pearl Harbor Board as “the document that touched the button that started the war,”²⁹
13 largely because its demands were considered humiliating and impossible to meet.
14 Tokyo’s reaction to the Note was known in Washington at the time through MAGIC.
15 Japan’s reaction to the Note caused grave concern.

16
17 This Note’s first³⁰, second³¹, and third³² iterations were written by Harry Dexter
18 White. White was in fact a Soviet spy. This was confirmed in 1995 when the National
19 Security Agency (NSA) declassified VENONA, the US government’s program to decode
20 Soviet spy messages before and during World War II. The FBI had already been told that
21 White was a Soviet spy in 1945, if not sooner, but VENONA confirmed it.³³ White was
22 at the heart of Moscow’s Operation Snow, a 1941 plan to use White to influence
23 American foreign policy against Japan.³⁴

24
25 The following is certain. The Hawaiian Commanders did not know the
26 November 26th American Note had been sent, or its content. They did not know Tokyo’s
27 reaction to it, since vital MAGIC was denied them. The name Harry Dexter White does
28 not appear anywhere in the Pearl Harbor investigations except as the initials “HDW” on
29 one of the prior iterations of the Note he had written.³⁵

30
31 It was the FBI that had jurisdiction over Soviet, German, and Japanese
32 counterespionage matters in Hawaii and the United States. What would have been the

many listed MAGIC messages and in Shivers’ opinion neither did the FBI in Washington. Referring to Shivers’ opinion, the note said, “Inaccurate. Intercepted by [the FBI’s] Wash. [Washington] F. [Field] O. [Office]. Shivers was not advised of interception.” Also, in a Hoover memorandum to the Attorney General (AG), dated August 10, 1945, declassified “5-8-98,” Mr. Hoover cautions the AG that, “It should, of course, be kept confidential that the Bureau is able to decipher the [Japanese] diplomatic code.” FBI file: 100-97-1-25. Perhaps, if the JCC had known of the preceding secret FBI references to MAGIC, it would have been interested in an explanation from Mr. Hoover.

29 29PHA2152, 39PHA137.

30 Congressman Hamilton Fish’s *Memoir of an American Patriot* (Washington: Regnery Publishers, 1991). Jerrod & Leona Schechter, *Sacred Secrets*, Brassey’s Inc., 2002, pp. 22-45.

31 Jerrod & Leona Schechter, *Sacred Secrets*, Brassey’s Inc., 2002, pp. 22-45.

32 19PHA3667-3682.

33 By Issac Levine’s account, Whittaker Chambers told Assistant Secretary of State for Intelligence Adolph Berle, and Issac Levine in a September 2, 1939 meeting that Harry Dexter White, and several others, were Soviet spies. Chambers, and Elizabeth Bentley, both admitted Soviet spies, told the FBI in 1945 that Harry Dexter White was a Soviet spy. At least ten VENONA messages confirmed Harry Dexter White’s Soviet spying in the 1940s, and Soviet archives confirmed it again in the 1990s. Jerrod & Leona Schechter, *Sacred Secrets*, Brassey’s Inc., 2002, pp. 22-45, 114-15, 118, 158-60.

34 Vitali Pavlov, “Operation Snow,” *News of Intelligence and Counter Intelligence*, Moscow, August 1995.

35 19PHA3682.

1 Roberts Commission’s reaction to evidence that the Note “that started the war” was
2 written in the first instance by a Soviet spy—and that the FBI may have known about it?
3 When did the FBI learn of Harry Dexter White’s role in the Pearl Harbor attack? What
4 did it do, if anything, to expose it? If the FBI did not learn of White’s role, why not?
5 That is a question surely appropriate for an investigative commission. Instead, Mr.
6 Hoover was never called to testify and the Roberts Commission never heard the name
7 Harry Dexter White.

9 **IV. The FBI, the Navy, and a “Childish Dispute”**

11 Considering the amount of intelligence information available in 1941 about
12 Japan,³⁶ a key consideration for the Roberts Commission ought to have been why the dots
13 were not connected by the various agencies in the loop. The following episode
14 demonstrates just why the commission should have been concerned, and why it was
15 wrong to lay total blame at the feet of Kimmel and Short.

17 In 1942, Angus M. Taylor, Acting United States Attorney, District of Hawaii, a
18 former FBI agent (1934-1939), sat before the Roberts Commission. The commission was
19 discussing the state of intelligence activities in Hawaii prior to the Pearl Harbor attack.
20 Mr. Taylor testified to a “lack of co-ordination between the federal investigative
21 agencies,” specifically the FBI, the Office of Naval Intelligence and G-2. Taylor sagely
22 reported: “Unless we have intelligence information no officer can operate his fleet...
23 intelligently.”³⁷

25 One event in particular showed a lack of “intelligence information,” and
26 especially bothered Mr. Taylor. It also bothered Col. Henry Clausen, who in 1945
27 investigated the Pearl Harbor affair at the behest of the Secretary of War. The dispute
28 arose over Navy wiretaps placed on the Japanese Consulate in Honolulu by the ONI. In
29 November 1941, Robert Shivers, FBI Special Agent in Charge (SAC) Honolulu,
30 discovered that the ONI had missed one telephone line running from the cook’s quarters.

32 Shivers decided to cover this line himself with an FBI wiretap, and coordinated
33 the effort with Captain Mayfield, local commander of the ONI.³⁸ These wiretaps were
34 extraordinarily sensitive. At the apex of the escalating United States-Japanese diplomatic
35 crisis, Mayfield was duly concerned about the “explosive potentialities” of the wiretaps.³⁹
36 Worst fears were realized when the phone company discovered the FBI wiretap and told
37 the Naval District Intelligence Office.⁴⁰ This deeply upset Shivers, who lodged a formal
38 complaint at the phone company, claiming that the “confidential nature of FBI operations
39 had been compromised.”⁴¹

36 JCC report author, FBI Agent Edward P. Morgan, first described the intelligence available prior to the attack, as “some of the finest intelligence available in the history of the world.” See Morgan’s AN APPRAOCH TO THE QUESTION OF RESPONSIBILTY FOR THE PEARL HARBOR DISASTER, op.cit, p. 253.

Morgan later modified his language in the JCC report, also on p. 253, to, “some of the finest intelligence available in the history of the United States.” 40PHA253. 37 23PHA889-892.

38 Henry Clausen and Bruce Lee, *Pearl Harbor: Final Judgement*, 1992, pp. 124-125.

39 Ibid.

40 Ibid.

41 Ibid.

1
2 Shivers' complaint to the telephone company incensed Mayfield. In his view, the
3 FBI had failed to consult with him before making the complaint, and further, the FBI's
4 actions were a serious breach of security.⁴² There was now a serious dispute between the
5 FBI and the ONI, and it resulted in a breakdown in communications. Mayfield,
6 concerned about his orders from the Chief of Naval Operations to avoid "any possibility
7 of international complications," and angered by the FBI's conduct, threw the baby out
8 with the bathwater and called an immediate halt to all Navy phone taps on the Japanese
9 Consulate one week before the attack.⁴³

10
11 Shorn of these wiretaps, the Navy missed a big clue that an attack was coming.
12 Shivers stated in 1945 that the day after the Navy wiretaps were removed, his FBI
13 wiretap of the cook's quarters revealed "information as to the destruction by the
14 [Japanese] Consul of all his important papers on 3 December 1941."⁴⁴ This signpost of
15 war went unheeded by Mayfield. Such was the breakdown in communications with the
16 ONI that Shivers admitted he had "assumed" the Navy had all the same lines covered as
17 he did and thus had the same information. Sadly, he was wrong.

18
19 Clausen, who headed one of the ten official investigations of the Pearl Harbor
20 tragedy (the Clausen Investigation), said:

21
22 As I listened to this sad story of a childish dispute, a
23 typical, everyday conflict between various law enforcement
24 jurisdictions, I could not help asking myself what would
25 have happened if Mayfield and Shivers had . . . discussed
26 the matter calmly and kept the Navy's phone taps in place.⁴⁵

27
28 Mr. Taylor, the US Attorney who had pointed out the essential need for good
29 intelligence in the operation of the fleet, offered his account at the Roberts Commission:

30
31 **Mr. TAYLOR.** I feel that there has been in existence prior
32 to the invasion . . . a lack of coordination between the
33 federal investigative agencies of this Territory. Now, I am
34 referring specifically to the F. B. I., to the Office of Naval
35 Intelligence, and to G-2. Those three. . . . You get the
36 picture of a very rosy existence . . . but that is not the
37 case...

38 **Admiral STANDLEY.** Then I gather that your criticism is
39 not of individuals but of a system; is that correct?

40 **Mr. TAYLOR.** Well, I think the system is bad, but I think
41 the individuals that are carrying out the system in some
42 instances must broaden their vision, must be able to take

42 Ibid.

43 Ibid..

44 35PHA43-45.

45 Henry Clausen and Bruce Lee, *Pearl Harbor: Final Judgement*, 1992, pp. 124-125.

1 advice from not only their superiors but from men working
2 under them, and I refer to Mr. Robert L. Shivers
3 specifically. . . .

4 **Admiral STANDLEY.** Your criticism, then, is of Mr.
5 Shivers?

6 **Mr. TAYLOR.** On that line, on that one thing, yes, sir.⁴⁶
7

8 Additionally, Shivers was later forced to describe his wiretap as a “WILD CAT
9 TAP,” or one not authorized from above.⁴⁷ The Attorney General did not authorize it,
10 Mr. Hoover did not even know about it, and it was patently illegal.⁴⁸ In 1942 Mr. Hoover
11 unwittingly, and incorrectly, reported to the Attorney General that the FBI only had two
12 wiretaps in Hawaii and both were authorized.⁴⁹ Years later when he found out the truth
13 about the Shivers wiretap, Mr. Hoover gave written instructions not to tell the Attorney
14 General or anyone outside the FBI.⁵⁰
15

16 This was not the last time that Mr. Hoover felt compelled to hide Shivers’ actions
17 from Congressional investigators. Shivers had written to FBI headquarters on March 11,
18 1941 that “[i]t is not conceivable that there could be a hostile attack on the Hawaiian
19 Islands so long as the American fleet is present in Pacific waters.”⁵¹ His opinion found
20 its way into a 500-page FBI report on the FBI’s activities surrounding the Pearl Harbor
21 attack. The report, with Shivers’ opinion contained in it, was now a great embarrassment,
22 so much so that the FBI did not provide it to Congressional investigators in 1945.⁵² An
23 insert in the report stated:
24

25 The information appearing on this page relative to the
26 above surveillance [Shivers’ unauthorized “WILD CAT”
27 TAP”] and the fact that it was in operation are not being
28 furnished to the Attorney General or anyone outside the
29 Bureau.⁵³
30

31 **Conclusion** 32

46 23PHA889-892. It is interesting to note that as soon as criticism was directed primarily to the FBI questioning stopped.

47 FBI Honolulu Radiogram to FBIHQ, dated 11/15/45, FBI File # 100-97-1-Serial 293, NARA 230/86/13/02.

48 “On May 21, 1940, the President directed the Attorney General to authorize the use of wire-tapping upon the approval of the Attorney General.” Mr. Edward R. Kimmel FOIPA requests. op.cit, Enclosure 4, p.9. Author’s file 2223.

49 Hoover first told the AG by memo dated January 26, 1942, that the FBI was “restricted in its intelligence work in the Hawaiian Islands because of being unable to use wire-tapping. . . .” Mr. Edward R. Kimmel FOIPA requests. op.cit. “Documents from Mr. Hoover’s and Mr. Nichols’ Official Files,” p.36. Author’s file 2223.

Hoover later told the AG by memorandum dated February 15, 1942 that the FBI in Hawaii “had only two wiretaps” prior to the attack, and both were authorized by the AG. D. M. Ladd memorandum to the Director, “REMARKS MADE BY PRESIDENT, THEN SENATOR, HARRY S. TURMAN ON THE FLOOR OF THE SENATE FEBRUARY 3, 1942, CONCERNING WIRE TAPPING LEGISLATION AND ITS RELATIONSHIP TO THE ATTACK ON PEARL HARBOR,” dated May 3, 1945, p.3. NARA 230/86/13/02.

50 FBI Special Agent Sterling Adams’ 501 page report, “Memorandum of Pearl Harbor Attack AND BUREAU’S ACTIVITIES BEFORE AND AFTER 12/6/45 by SA Sterling Adams.” FBI file 100-97-1-383X. See the insert at page 130 of Sterling Adams’ report. NARA 230/86/13/01.

51 Shivers letter to FBIHQ March 11, 1941 on page 247 of FBI Special Agent Sterling Adams’ 501 page report, “Memorandum of Pearl Harbor Attack AND BUREAU’S ACTIVITIES BEFORE AND AFTER 12/6/45 by SA Sterling Adams.” FBI file 100-97-1-383X. NARA 230/86/13/01.

52 The report was not declassified until September 27, 1991.

53 See the insert at page 130 of Sterling Adams’ report. op.cit.

1 The FBI had a major role to play in protecting the United States from attack. Its
2 effectiveness in doing so needs reexamination in light of recently-disclosed information.
3 Mr. Hoover, from a position of influence, shielded the FBI from blame by hiding a
4 number of its failures, some of them potentially pivotal. The FBI's role in the Pearl
5 Harbor attack indicates that it was unfair for the Roberts Commission to place sole blame
6 on Admiral Kimmel and General Short.