CONGRESSIONAL RECORD—SENATE
May 24, 1999

maintaining that "these two officers were martyred" and "if they had been brought to
trial, both would have been cleared of the
charge".

(6) On October 19, 1944, a Naval Court of In-
quiry
(A) 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 in-
dicated neither the probability nor the im-
minence of an air attack on Pearl Harbor";
(B) criticized the higher command for not
sharing with Admiral Kimmel "during the
very critical period of 26 November to 7 De-
cember 1941, important information . . .
regarding the Japanese situation"; and
(C) concluded that the Japanese attack and
its outcome was attributable to no serious
fault on the part of anyone in the naval ser-
vice.

(7) On June 15, 1944, an investigation con-
ducted by Admiral T.C. Hart at the direc-
tion of the Navy produced evidence, subse-
tively confirmed, that essen-
tial intelligence concerning Japanese inten-
tions and war plans was available in Wash-
ington, but was not shared with Admiral
Kimmel.

(8) On October 20, 1944, the Army Pearl
Harbor Board of Investigation determined
that:
(A) 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";
(B) detailed information and intelligence
about Japanese intentions and war plans were
available "in abundance", but were not
shared with Lieutenant General Short's Ha-
waii command; and
(C) Lieutenant General Short was not pro-
vided "on the evening of December 6th and
the early morning of December 7th, the crit-
ical information indicating an almost imme-
diate break with Japan, though there was ample
information accomplished this.

(9) The reports by both the Naval Court of
Inquiry and the Army Pearl Harbor Board of
Investigation were kept secret, and Rear
Admi-
lral (retired) Kimmel and Major General
(retired) Short were denied their requests to
defend themselves through trial by court-
martial.

(10) 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.

(11) 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 high-
est grade held while on the active duty list.

(12) On April 27, 1954, the then Chief of Naval
Personnel, Admiral J.L. Holloway, Jr.,
recommen-
ded that Rear Admiral Kimmel be advanced
in grade, in accordance with the provi-
sions of the Officer Personnel Act of 1947.

(13) On November 13, 1991, a majority of the
members of the Board for the Correction of
Military Records in the Department of
Defense, the Army found that the late Major General
(re-
tired) 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 re-
tired list".

(14) In October 1994, the then Chief of Naval
Operations, Admiral Carlisle Troost, withdrew
his 1988 recommendation that the ad-

ADVANCEMENT ON RETIRED LISTS.—(1) The President is requested—
(A) to advance the late Rear Admiral (re-
tired) Husband E. Kimmel to the grade of adm-
iral in the retired list of the Navy; and
(B) to advance the late Major General (re-
tired) Walter C. Short to the grade of lieu-
tenant general on the retired list of the
Army.

(2) Any advancement in grade on a retired
list requested under paragraph (1) shall not increase or otherwise modify the compensa-
tion or benefits from the United States to
which any person is now or may in the future
be entitled based upon the military service
of the officer advanced.

(c) Sense of Congress. It is the sense of
Congress that—
(1) the late Rear Admiral (retired) Husband
E. Kimmel performed his duties as Com-
mander in Chief, United States Fleet, com-
petently and professionally, and, there-
fore, the losses incurred by the United States
in the attacks on the naval base at Pearl
Harbor, Hawaii, and other targets on the is-
land of Oahu, Hawaii, on December 7, 1941,
were not a result of dereliction in the per-
formance of those duties by the then Admi-
rал Kimmel; and
(2) the late Major General (retired) Walter
C. Short performed his duties as Com-
manding General, Hawaiian Department,
competently and professionally, and, there-
fore, the losses incurred by the United States
in the attacks on Hickam Army Air Field
and Schofield Barracks, Hawaii, and other
targets on the island of Oahu, Hawaii, on De-
cember 7, 1941, were not a result of derel-
ic in the performance of those duties by
the then Lieutenant General Short.

AUTHORITY FOR COMMITTEES TO
MEET
COMMITTEE ON INDIAN AFFAIRS
Mr. SMITH of New Hampshire. Mr.
President. I would like to announce
that the Senate Committee on Indian
Affairs will meet during the session of
the Senate on Wednesday, May 26, 1999,
at 9:30 a.m. to conduct a hearing on
American Indian Youth Activities and
Initiatives. The hearing will be held in
room 835, Russell Senate Office Build-
ing.

The PRESIDING OFFICER. Without
objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE
Oversight
Mr. SMITH of New Hampshire. Mr.
President. I ask unanimous consent
that the Subcommittee on Criminal
Justice Oversight, of the Senate Judi-
crary Committee, be authorized to
meet during the session of the Senate
on Monday, May 24, 1999, at 3 p.m. to
hold a hearing in room 226, Senate
Dirksen Office Building, on: "Bureau of
Prisons Oversight: The Importance of
Federal Prison Industries."

The PRESIDING OFFICER. Without
objection, it is so ordered.