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NAVY DEPARTMENT  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
Washington

S E C R E T

June 13, 1942.

MEMORANDUM to the Director, Federal Bureau of Investigation.

SUBJECT: Conversation of Mr. Stanley Johnston with respect to  
Newspaper Article regarding Prior Knowledge of Japanese  
Attack on Midway.

1. In the forenoon of Monday, June 8, Mr. Arthur Henning, in charge of the Washington Bureau of the Chicago TRIBUNE, accompanied by Mr. Stanley Johnston, special correspondent of the Chicago TRIBUNE, called at the Navy Department, and were received by Vice Admiral Willson, Chief of Staff to the Commander-in-Chief, in the Commander-in-Chief's office. Present also were Vice Admiral Horne, Vice Chief of Naval Operations; Rear Admiral Hepburn, Director of Public Relations; Captain Lovette, his Assistant; and Rear Admiral Wilkinson, Director of Naval Intelligence.

2. Mr. Henning remarked that Col. McCormick, Publisher of the Chicago TRIBUNE, was anxious to give the Navy Department any information it desired about the subject article, which had appeared in the Sunday morning edition of the Chicago TRIBUNE, of the Washington TIMES-HERALD, of the New York NEWS, and of one or two other papers associated with the TRIBUNE.

3. Mr. Henning stated that Col. McCormick had sent Mr. Johnston, the author of the article, to give such information as he could, and had directed him to answer any questions. As to himself, Mr. Henning stated that he had no knowledge of the matter, nor had the Washington office, and all that he knew was that the article had been sent from Chicago to Washington for the TIMES-HERALD, and the instructions he had received from Col. McCormick, which have just been stated.

4. Admiral Willson then told Mr. Johnston that he had heard very favorably of his work with the Fleet, and that he had just that morning received a report from Admiral Fitch recommending him for bravery under fire and in assistance to wounded personnel. Admiral Willson then asked Mr. Johnston whether he would tell the circumstances whereby he acquired the information as to the Japanese, which he set forth in his newspaper article.

5. Mr. Johnston then discussed the matter as follows:

He had joined the LEXINGTON as a war correspondent in Pearl Harbor, and had proceeded with her to the Coral Sea engagement. He had been present during that engagement, and subsequently had been transferred

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from the LEXINGTON to other vessels, and had finally made the trip from Pearl Harbor to San Diego on the BARNETT, arriving there on the evening of Tuesday, June 2nd. He had been accepted in good faith by the officers wherever he went, and had messed in the wardroom of the LEXINGTON and the BARNETT. There was, of course, a great deal of discussion of the Japanese forces and the Japanese intentions, and he had noted from time to time the mention made, by the officers, of various Japanese ships and of various possible and probable employment to be made of them.

6. He had, in carrying out his job, written a number of articles with relation to the cruise, and particularly the Coral Sea Battle, and had, in fact, remained in San Diego from Tuesday night until Thursday morning to assure the completion of these articles and the transmission of them to the naval authorities for clearance, as he understood his instructions and agreement. He had not written anything prior to Saturday, June 6th, which he had not turned over for such clearance.

7. He left San Diego Thursday morning and arrived in Chicago Saturday, reporting to his newspaper. By that time the news of the Midway battle had appeared, and, with such information as he had obtained, in conversation, from the officers, he believed he was able to reconstruct the Japanese forces engaged, and consequently Saturday evening, in Chicago, he wrote up the story which subsequently appeared in the Sunday morning edition. He gave the story to his Managing Editor about 1:00 A.M., stating that he presumed it would have to be censored or cleared by the Navy. When he went home, about 4:00 A.M., he noticed that in the late edition of the paper his story appeared, and he thought at the time that that was quick work in clearing the story for publication. The meat of the story, including the enumeration of the Japanese forces, was his work, but the headline and the first paragraph wherein the statement was made that "Reliable sources in the Naval Intelligence disclosed here tonight" were inserted by someone else in the newspaper office and were definitely not true, since the article was written solely from information which he had obtained aboard ship and in San Diego.

8. Mr. Johnston stated in this discussion (although later he contradicted this in a private talk with Admiral Willson) that he had not seen any secret dispatch, any copy thereof, or in fact any list of ships similar to the list which he cited in his article; that he had constructed the list only from information given him by officers on the BARNETT and in San Diego and from his own knowledge, as obtained from a thorough study of "Jane's Fighting Ships", of the Japanese Fleet.

9. Admiral Willson then asked if Mr. Johnston expected the officers present to believe that such a list could be constructed from oral information only, which checked absolutely with a given secret dispatch as to the names of the ships, the order in which they were listed, the groups and names of groups in which they were placed, the punctuation, and even actual

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errors in the names of ships. Mr. Johnston said that he could not answer that question, but that he had not seen such a list. Admiral Willson asked Mr. Henning if it was reasonable to believe that this could happen without sighting or copying the list, and Mr. Henning agreed that it was difficult to believe, if the actual comparison was as precise as Admiral Willson stated.

10. Admiral Wilkinson asked Mr. Johnston if he were prepared to admit that he had seen such a list, and the latter replied that he had not. Admiral Wilkinson then asked if Mr. Johnston would hold himself available to appear before such investigatory tribunal as the Navy Department might set up, and Mr. Henning and Mr. Johnston both stated that the latter would be available.

11. Admiral Willson then took Mr. Henning and Mr. Johnston into his own office, and, after a brief discussion with both of them, talked to Mr. Johnston at some length alone. I have no direct information of this conversation, of which I understand Admiral Willson is making a statement. The substance of this conversation is also contained in Mr. Johnston's account of it, as submitted by Mr. Henning to Admiral Willson for review. It will be noted that this statement of Mr. Johnston refers specifically to the conversation held with Admiral Willson alone, and not to that with the group of officers as covered in this memorandum.

T. S. WILKINSON,  
Rear Admiral, U. S. Navy,  
Director of Naval Intelligence.

Vice Admiral Willson advised that Johnston returned on the afternoon of the same day and he, Willson, talked with Johnston alone on this second occasion, at which time Johnston stated, "I lied to you this A.M.". He thereupon changed his story and advised he had found the text of this message written in longhand on a scratch pad on a desk used jointly by Johnston and some of the officers in his room. A memorandum prepared by Vice Admiral Willson concerning this interview follows:

"UNITED STATES FLEET  
HEADQUARTERS OF THE COMMANDER IN CHIEF  
NAVY DEPARTMENT, WASHINGTON, D.C.

June 11, 1942

"MEMORANDUM FOR MR. BIDDLE

"Stanley Johnston was in the status of an authorized correspondent returning from the Coral Sea area in the U. S. Navy transport BARNET.

"The despatch in question was dated 31 May and was received on board that ship that date.

"Johnston when first questioned insisted that he had put together the substance of his article from general conversation on board the BARNET. He later stated that he had found the text as written by him in his article on a sheet of plain paper on a desk which he used jointly with some of the senior officers with whom he was quartered.

"He states that he wrote the substance of the article on Saturday last and turned it over to his managing editor. He claims that the headlines and the statement that the information was obtained in Washington was not his work. He admitted that it was not true.

"Mr. Johnston has returned to Chicago but is holding himself in readiness to return to Washington by air.

RUSSELL WILLSON  
Chief of Staff"

Johnston further advised Admiral Willson that when he gave the story to the Chicago Tribune, he imagined it would be cleared through the Office of Censorship, and when he saw it in the Sunday edition of that paper on June 7, 1942, he was greatly surprised to find that it had been cleared so rapidly. On making inquiry, Johnston stated he learned that the Chicago Tribune deemed it unnecessary to clear this article in view of the fact that it referred to enemy ships and not to ships of the United States Navy.

In connection with both interviews with Stanley Johnston, it should be noted that no notes were taken, the interviews were not recorded, and no statements were reduced to writing concerning this matter.

Captain Holden stated that Lieutenant Commander Paul C. Smith of the Press Relations Section, who was present during the morning interview with Johnston, would be the person to testify concerning statements made by Johnston. In this regard, Lieutenant Commander Smith was interviewed by Special Agent E. J. Gebben at the Navy Department, Washington, D. C., on June 15, 1942, and he advised that he was present in the office of Admiral Willson on the morning of June 8, 1942, when Johnston was questioned concerning the story which had appeared in the Chicago Tribune the day before.

Johnston explained in great detail of his intimate association with the officers of the U.S.S. Lexington and stated that he frequently entered into discussions with them regarding the Japanese fleet and the United States fleet. On many other occasions he overheard conversations and discussions between the officers. After he and a large number of the officers of the U.S.S. Lexington were aboard the U.S.S. Barnett there were many conversations having to do with the Japanese fleet operating in the Middle Pacific. Johnston claimed that he was able to piece together from these various conversations a good estimate as to the numbers and identities of the ships which comprised the Japanese Task Force. He further stated that after he landed in this country on June 2, 1942, he proceeded to Chicago on June 4, 1942, and after arriving there he noticed articles in the newspapers which mentioned the battle being fought off Midway Island. From the number and classification of war ships of the Japanese Navy which were involved and claimed as being damaged or sunk by the United States Navy, Johnston came to the conclusion that the data he overheard in conversations aboard the U.S.S. Barnett must have been related to the ships in the battle off Midway. He consulted the publication known as "Janes Fighting Ships" in writing up his story and the only notes he used were those which he had made while aboard the U.S.S. Barnett relative to certain war ships of the Japanese Navy which he heard mentioned and had discovered at that time were not listed in "Janes Fighting Ships." Johnston maintained that the story as prepared by him did not state that the source of his information was the Office of Naval Intelligence. He also maintained that he did not know that his story would appear under a Washington date line.

Admiral Willson questioned Johnston as to the possibility of his article being phrased and containing almost identical information as a secret Naval dispatch and pointed out to him that the chances of his article

being merely coincidental were very remote, if not impossible. Johnston at the time agreed that there was very little likelihood that he could write an article based upon conversations which he heard aboard a ship and have it outlined in the same manner and even have similar mistakes as a secret Naval dispatch. However, he was not able to furnish any satisfactory explanation. When questioned directly as to whether he saw the dispatch of May 31, 1942, he denied that it was shown to him by any of the officers aboard the USS Barnett.

#### Johnston's Written Statement Concerning Preparation of Article

On June 12, 1942, a messenger left in Admiral Willson's office a note from Mr. Arthur Sears Henning, head of the Washington Bureau of the Chicago Tribune, which purports to set forth the conversation that Johnston had with Admiral Willson, which story Henning requested clearance on in view of the fact he intended to use it in the Chicago Tribune. This story, a photo-static copy of which is attached hereto, deals at some length with the activities of Johnston in the Coral Sea battle, while aboard the USS Lexington, and then sets forth Johnston's version of the interview with Admiral Willson. Admiral Willson instructed Admiral Wilkinson to call Henning and give clearance to this story with the proviso that the portion which attributes advance knowledge of the ships to the Navy and which refers to the confidential Navy dispatch in question be reworded.

Briefly analyzing Johnston's written statement, Johnston points out that it was natural for him to hear the discussions among the officers aboard the USS Barnett concerning the make-up of the Japanese fleet through his close association with top ranking officers of that ship, as well as with top ranking officers of the ill-fated USS Lexington, who were also aboard the USS Barnett. Johnston mentions in the written statement that he retained a memo in his pocket which he showed to Mr. Loy Maloney, editor of the Chicago Tribune, at the office of the Chicago Tribune after hearing news of the Midway battle. Johnston suggested that this was undoubtedly a list of the enemy formations employed in the Midway battle. Johnston in his written statement says that on his desk, apparently aboard the USS Barnett, while he was cleaning up, he saw a piece of paper on which someone had written the names of the Japanese war ships under the headings "Striking Force", "Occupation Force", and "Support Force", and copied the names off the list. The cabin in which Johnston's desk was located was frequented by numerous officers transacting official matters with Commander Mortimer Seligman, executive officer of the USS Lexington, who was rooming with Johnston.

#### Naval Inquiry at San Francisco

On June 11, 1942, a conference was held in the office of Admiral J. W. Greenslade, Commandant, Twelfth Naval District. Present were Admiral Greenslade; Admiral R. P. McCullough, District Intelligence Officer; and Naval Officers Captain W. B. Phillips, Commanding Officer, USS Barnett; Commander Mortimer T. Seligman, Executive Officer, USS Lexington; Lieutenant Fred B. Brewer, Assistant Communications Officer, USS Lexington; and Lieutenant Daniel Bontecou, Communications Officer, USS Barnett. It was revealed during the

conference that Johnston was taken aboard the USS Barnett at sea May 15, 1942, with several officers and men survivors of the USS Lexington. He was quartered with Seligman and Commander Terry, also of the USS Lexington, and reportedly collaborated with Seligman and several unknown Lexington officers in preparing Coral Sea war reports.

After the secret message in question was received and decoded on board the Barnett, May 31, 1942, it was personally delivered by Lieutenant F. C. Brewer. The message was secured in the regular fiber book-type folder with several other messages. Brewer personally carried the folder in a closed condition from officer to officer, handing the folder to each and taking the folder back when each had noted and initialed the message. In the case of Commander Terry, Brewer signed for him because of Terry's illness. Lieutenant Brewer indicated that at no time during the distribution did the message leave the folder. The folder was at all times in the hands of Lieutenant Brewer or the officer to whom he had delivered same. The message was neither read aloud nor discussed in the presence of Johnston, according to Lieutenant Brewer.

During the conference Lieutenant Bontecou made the statement, which was denied by Commander Seligman, that Seligman had remarked that "he had been authorized to show secret messages and letters to Johnston" while on the Lexington.

#### Handling of Secret Message Aboard USS Barnett

Captain W. B. Phillips of the USS Barnett advised that the secret message was received on board the Barnett May 31, 1942, a short time before 3:52 PM, by George Zinser, Seaman First Class, and the encoded message was typewritten by him. This time is set in view of the fact that the time, 3:52 PM appears on the decoded copy. The operator does not normally put the hour of receipt on the encoded copy, as that is placed on the decoded copy by the decoding officer.

The message was decoded by the decoding watch made up of five men from the USS Lexington, namely: Lieutenant F. C. Brewer, Ensigns J. B. Johnson, G. Y. McKinnon, R. E. Hebbler and E. H. Railsback. The name of the man decoding the message can only be determined by interviewing each of these men. Lieutenant Brewer, when interviewed by Admiral Greenslade, June 11, 1942, at San Francisco, was unable to state who decoded the secret message.

Captain Phillips advised that he first saw the secret message on June 1, 1942, at 10:00 AM, when it was brought to him by Lieutenant Daniel Bontecou, Communications Officer of the Barnett. Captain Phillips stated he immediately called for the ship's silhouette book of Japanese naval craft and was advised by Lieutenant C. J. Van Arsdall that the book was obtained the preceding evening by a Lexington officer for and at the direction of Lieutenant Commander Seligman, Executive Officer of the USS Lexington, who was at that time aboard the Barnett. However, the book had been returned at this time and was obtained by Phillips.

Captain Phillips stated that the original decoding of the secret message is now in his possession. He advises it contains the initials of Lieutenant Commander Seligman; Commander H. S. Duckworth, Air Officer; Lieutenant Commander Winthrop Terry, Communications Officer; Commander A. F. Junker, Chief Engineer, all of the U.S.S. Lexington, and his own signature. It is noted Lieutenant Brewer advises the message was also shown to a Lieutenant Davis of the Lexington. Thus, the total number of authorized persons to see the message was seven, although the total number of persons known to have seen it is eight. Captain Phillips cannot recall whether these initials were on the message when read by him on June 1, 1942. They were called to his attention on June 11, 1942, when the message was displayed by him at the inquiry held on that date by Admiral Greenslade.

Captain Phillips stated that the standard message handling practice on the Barnett, in the absence of the presence on ship of guest officers of other ships, is for the Decoding Officer or Communications Officer of the Barnett to personally deliver the message to the Captain of the Barnett and the Executive Officer of that ship for initialing. Thereafter, the message is returned to a safe maintained in the Decoding Room where it is kept until burned.

This standard practice was changed on the Barnett on May 15, 1942, when officers of the U.S.S. Lexington were taken aboard. According to Captain Phillips, the change was made at the request of Lieutenant Commander Seligman, Executive Officer of the U.S.S. Lexington, who pointed out that five of his men were qualified Decoding Officers and could set up and stand regular Decoding Watch on the Barnett during the trip to San Diego. A regular Decoding Watch had not previously been maintained on the Barnett because of the lack of personnel. Since this new personnel was made available through Lieutenant Commander Seligman and since Seligman wanted all messages, even though not addressed to the Barnett, decoded and shown to his men, the practice of receiving and decoding all messages was then adopted.

The standard message handling practice was accordingly changed and Lieutenant F. B. Brewer of the U.S.S. Barnett was ordered to deliver such messages to Seligman and heads of his departments and then to request orders from Seligman for further routings. For Seligman's guidance in giving these further orders to Lieutenant Brewer, Captain Phillips had ordered Seligman to note each message himself, show them to his four department heads, namely, Junker, Duckworth, Terry, and a Commander O'Donnell, Gunnery Officer of the Lexington, and thereafter, the message should follow the standard movement practice of the Barnett referred to above. No express exclusion of other persons was made in the orders issued by Captain Phillips to Seligman as none appeared necessary since the extent of the departure from the standard message handling practice was implied to mean no persons other than those authorized in the departure orders were to see the messages. Captain Phillips stated he did not order any messages shown to reporter Stanley Johnston. He advised further that he did not talk to or communicate at any time with Johnston on board the Barnett.



Handling of Secret Messages at Navy Headquarters

Captain Carl F. Holden, Head of the Communications Section operating under the Commander of the United States Fleet, stated that secret coded messages, when they arrived at the Washington Navy Headquarters, are taken to a special coding section located on the third floor in the near vicinity to Captain Holden's office. There is at all times an officer on duty in this section and after messages have been decoded six copies are made and delivered to Captain Holden's office by an officer. The Decoding Section does not retain any copies of messages after decoding.

The six copies, after they are delivered to Captain Holden's office, are distributed as follows: One copy remains in file in Captain Holden's office; one copy goes to O.P. 20 G. (a section of Operations); one copy to Commander Dyer, Intelligence Officer for the Commander-in-Chief of the United States Fleet; one copy to the Naval Aide of the White House; one copy to the Chart room file; and the last copy is taken by an officer in Captain Holden's office to the following individuals who initial this copy after reading it: Admiral King and the Chief and Deputy Chief of Staff. This latter copy is then returned to Captain Holden's office where it is placed permanently in file. A representative of the Office of Naval Intelligence visits Captain Holden's office at least once each day and examines all secret messages on file and makes appropriate notes from the contents. These notes are then taken to the Office of Naval Intelligence and in the event the message is of importance such as the message in question the officer quite frequently makes extensive notes. These notes are, of course, available to a number of officers assigned to the Office of Naval Intelligence.

Captain Holden explained that it is not possible to identify all persons who might have access to the various copies discussed above and stated that the copy which goes to the Chart room is placed upon a board in that room and that there are a number of senior officers who have access to the room and are privileged to examine messages on this board. He also explained that all the copies are maintained in files which are either locked or are situated in rooms in which there is someone working at all times.

On Sunday, June 7, 1942, Captain Holden checked all six copies of message 311221 and determined that all were in their proper location with the exception of the copy which had been forwarded to the Naval Aide of the White House. He did not make an effort to determine the disposition of that copy. Persons who read the various secret messages are not required to initial same and accordingly it is Captain Holden's belief that it would not be practical at this time to ascertain the identity of persons who may have read this particular secret message.

Interview with Commander Mortimer Seligman, Executive Officer of the U.S.S. Lexington

Commander Mortimer Seligman was interviewed June 12, 1942 by agents of the San Diego office. He stated that Johnston boarded the U.S.S. Lexington at Pearl Harbor April 15, 1942, with credentials from Admiral Nimitz, and had free run of that ship at all times subsequently until the Lexington was sunk.

Johnston was later on the USS Minneapolis, USS Astoria, and USS Barnett, and arrived in San Diego on the latter ship June 2, 1942.

Seligman stated that on the return trip of the USS Barnett, Johnston had a bunk in a passageway or open area near a bunk occupied by Lieutenant Commander Terry, Communications Officer of the Lexington who was ill during the entire trip. Seligman had a bunk by himself in an enclosed space near the bunks of Johnston and Lieutenant Commander Terry.

Seligman advised that the secret naval dispatch in question was received May 31, 1942, apparently by Lieutenant Daniel Bontecou, Communications Officer of the Barnett. Seligman advised that he does not know who decoded the message. He does not recall seeing the message, although he states that he saw his initials on the message in San Francisco. Seligman denied stating that he had at any time indicated that Johnston had a right to see secret messages while on board the Lexington or Barnett. He recalled a conversation with Bontecou to the effect that he had wondered what steps the Navy might take to keep a smart newspaper correspondent from having information that he should not have while the correspondent traveled aboard a warship in Navy maneuvers and battles. He stated that he gave Johnston advice on the Lexington in connection with Johnston's writeups of previous engagements.

Seligman stated that he could not understand why the secret radio dispatch in question was still available in San Francisco when Captain W. B. Phillips stated in San Francisco that he burned messages of this type at the end of each day. Seligman advised that the Japanese force at Midway had been the topic of some conversations aboard the Barnett, but he did not recall Johnston taking part in any of these conversations. He stated that Captain Phillips, Commanding Officer of the USS Barnett, on May 29, 1942, had told him of the carrier dispositions believed to be in a Japanese task force steering eastward and he stated that the Lexington officers were interested in carrier dispositions much more than the dispositions of other Japanese warships. Seligman denied furnishing the confidential Naval dispatch in question to Johnston and stated he did not know who might have furnished it. It was his opinion that Johnston might have overheard conversations or might even have seen the message over the shoulder of an authorized officer who was reading it.

Preservation of Secret Message 311221 Received on U.S.S. Barnett

With reference to the preservation of the initialed copy of the secret message in question on the U.S.S. Barnett, Captain Phillips has explained that Lieutenant Bontecou, serving as Communications and Navigation Officer, did not have time to destroy the messages on hand, including the questioned secret message, before the Navy investigation of this matter was started. When that investigation commenced, the secret message was preserved for the instant investigation.

The Office of Naval Intelligence at San Francisco was unable to advise whether the burning of such messages or the destruction of same within any set period of time is a Navy regulation or custom.

Interview with Lieutenant Daniel Bontecou, Communications Officer of U.S.S. Barnett.

Lieutenant Bontecou states that in conversation with Lieutenant Commander Seligman in the chart room of the Barnett about May 21, 1942, in the presence of Ensign W. D. Stroud, Seligman stated, "On the Lexington we were authorized to show Johnston secret and confidential messages and letters. If Johnston talks too much when he goes ashore, he will be black-balled with his papers." These remarks by Lieutenant Commander Seligman were allegedly prompted by the question of Lieutenant Bontecou directed to Seligman as to whether Bontecou's action in giving to Johnston a few days previous a restricted Coral Sea chart was permissible from a security standpoint. Lieutenant Commander Seligman reportedly replied in the affirmative, and the above quoted remarks were elaboration.

Regarding the handling of the secret message in question, Lieutenant Bontecou advised he removed the message from the safe in the decoding room on the Barnett on the morning of June 1, 1942 and took it to Captain Phillips, who initialed the message and it was thereafter returned to the safe where he intended to leave it until a later time when he would perform his duty of destroying same. He advised that at no time during his handling of the message did he enter the quarters of Seligman and Johnston and has no knowledge of how the message was handled immediately after its receipt on the U.S.S. Barnett.

Interview with Ensign W. D. Stroud, U.S.S. Barnett.

Ensign W. D. Stroud stated he was present in the chart room of the U.S.S. Barnett when Lieutenant Commander Seligman and Lieutenant Daniel Bontecou discussed Johnston's leaving the restricted chart of the Coral Sea mentioned above. He fixed the date by reference to his navigation book, noting the time of entry F when he sighted the sun. This action was fixed as May 21, or May 23, most probably May 21. Ensign Stroud stated that Seligman remarked, "Mr. Johnston was permitted access to all secret and confidential matter. Mr. Johnston will have to be quiet and keep these matters to himself because it would ruin his career as correspondent -- Mr. Johnston would be the one to go to Washington and tell the Secretary of the Navy about the recent engagement." Ensign Stroud stated that Seligman further emphasized that Johnston could be trusted and could see any confidential and secret matter.

Interview with Ensign O. L. Olson, Billeting Officer, U.S.S. Barnett.

Ensign O. L. Olson advised that he quartered reporter Stanley Johnston aboard the U.S.S. Barnett with Lieutenant Commander Seligman at the specific request of Lieutenant Commander Seligman the day they boarded the ship. Ensign Olson was unable to furnish any information regarding conversations or activities in these quarters on his subsequent visits there.

Interview with Lieutenant Commander B. M. Coleman, Chief Gunnery Officer, U.S.S. Barnett.

Lieutenant Commander Coleman was interviewed regarding his

observations during his visits to the quarters of Johnston, Seligman and Terry in order to develop information as to the manner in which Johnston may have obtained a copy of the message in question. Coleman stated he was in these quarters four or five times during the voyage for the purpose of visiting Commander Terry, a personal friend of his who was confined to quarters due to illness. He stated that at no time while in this room did he ever see an officer of the Barnett. Lexington officers observed in the room in addition to Johnston were Lieutenant Commander Seligman, Captain Duckworth, one Junker of the U.S.S. Lexington, and others, whose names he does not know.

Lieutenant Commander Coleman was able to recall details of activities in this room on three separate evenings. On the first evening, of which he could not estimate the date, two Lexington officers other than Seligman were working on a Coral Sea battle chart on a large table in these quarters. While so working, two other Lexington officers entered, glanced at the chart, made remarks regarding the Coral Sea battle and departed. One of the first mentioned pair of Lexington officers was tracing from the chart by means of transparent tracing paper the track of the battle and location of islands. This was very normal function during this voyage. While these persons were so working on the chart, Johnston was seated at the same table with Lieutenant Commander Seligman, both of whom were drinking coffee. Johnston was not working on the chart, but it was visible to him. No messages nor message book was visible on the table at that time. The nature of the conversation between Lieutenant Commander Seligman and Johnston was not known to Coleman. In connection with Johnston's presence when the Lexington officers were making out the battle report, Captain Phillips of the Barnett interposed that he had been told Johnston had been reported to him as doing this with the knowledge and consent of Lexington officers since his knowledge of the area and islands was of great value to the naval officers.

Continuing, Lieutenant Commander Coleman stated that on the second evening, the date of which he could not estimate, he observed Johnston alone at a large table with a typewriter and surrounded by papers which he referred to in typing. He could not recall, but he believes no naval officers were in the room at that time except, of course, Terry, who was ill in bed and in quarters at all times referred to by Coleman. In this regard, it should be stated that Lieutenant Commander Ed Hardin, Medical Officer of the Barnett, who attended Commander Terry in quarters which he shared with Lieutenant Commander Seligman and Johnston, advised that Commander Terry was mentally competent at all times previous to the date of the receipt of the secret message on the Barnett.

On the third evening, the date of which Lieutenant Commander Coleman can only remember as several days previous to June 2, 1942, he entered the room occupied by Commander Terry, Lieutenant Commander Seligman and Johnston and found Lieutenant Commander Seligman, Johnston, Seligman's gunnery officer, whose name is not known to him, and one other Lexington officer, whose name he did not know, seated about a large table. They were engaged in a conversation in which they were trying to determine in their own minds whether a ship of a certain Japanese class designated by a Japanese word or a battle cruiser was another type of vessel. Lieutenant Commander Coleman was unable to recall whether they were referring to any papers in this conversation.

Lieutenant Commander Coleman stated he proceeded to the Officer of the Deck and procured the ship's book of silhouettes of Japanese naval craft and gave it to the men at the table. When they finished with it, he returned it to the Deck Officer personally. No charge-out system is maintained with reference to the handling of this book. However, there is only one such book on the ship. Coleman stated that he presumed the men were discussing Japanese naval craft losses in the Coral Sea battle, which is consistent with their function of preparing war reports on this battle.

Captain Phillips, who was present during the interview with Lieutenant Commander Coleman, interposed that four or five days previous to the date of the receipt on the Barnett of the secret message in question, the Barnett had received other messages which also referred to advance information in possession of the Navy regarding a projected Japanese attack on Midway. In an attempt to determine whether the discussion was regarding ships in the projected Japanese Midway attack or the Japanese Coral Sea losses and thus to determine whether Seligman and the others seated around the table were discussing the contents of secret dispatches with Johnston, Captain Phillips read to Coleman Japanese words which are craft class designations for the Japanese Navy. Also, Coleman was allowed to read the entire article concerning this matter which appeared in the San Francisco Chronicle on June 7, 1942. He stated that he believes the Japanese class name over which the group was puzzled was KIRISHIMAR. Captain Phillips advised that this name was also mentioned in previous secret dispatches mentioned above regarding a projected Japanese Midway attack. None of the persons interviewed could state whether this class name was involved in the Coral Sea battle.

Lieutenant Commander Coleman stated that at no time did he ever see a message or messages folder handled in the presence of Johnston or any messages being given to or discussed in the presence of Johnston.

Interview With Lieutenant Commander Winthrop Terry, Communications Officer, USS Lexington

Lieutenant Commander Terry, who returned to San Diego aboard the USS Barnett, advised that as far as he knows Johnston was never shown any messages on the Lexington, although he had freedom of the ship and Lexington officers had the utmost confidence in him as a result of his credentials from Admiral Nimitz. Commander Terry stated, however, that Johnston was never allowed in the Communications Room of the Lexington. He stated he does not recall seeing the secret message in question on the Barnett and said he was quite ill from about May 22, 1942, and took no part in discussions or other action on the Barnett. He indicated that he does not know how Johnston would have obtained details of the questioned secret message, but his opinion was that he may have overheard conversations carried on in Johnston's presence or read the message over the shoulder of an authorized officer. He stated this may have happened as a result of the close association of Johnston with Lexington officers.

Communiques Issued by the Navy Department, Washington, D. C., Since  
May 31, 1942

There are attached hereto copies of six communiques issued by the Navy Department at Washington, D. C. These comprise the total number of communiques which were issued since May 31, 1942, and it will be noted that they are numbered from 83 to 88.

Change of Japanese Code

Admiral King informed Director John Edgar Hoover on June 15, 1942, that the Japanese had changed the code which they used for secret radio messages two days before the battle of Midway and the code presently being used by the Japanese is not the one from which the information had been obtained regarding the identity of the Japanese ships comprising the task force.

Origin of Secret Message 311221

Captain Carl F. Holden, Communications Officer, United States Navy, stated that secret message #311221 originated with Admiral Nimitz at Honolulu, T. H. The data contained in this message was secured from a number of sources, including radio messages which had been decoded during the previous days and represented the best information available in the office of Admiral Nimitz on May 31, 1942.

Officers, Who Are Possible Witnesses This Case,  
Removed From USS Barnett

On June 15, 1942, Captain W. K. Kilpatrick, Chief of Staff, Western Sea Frontier, advised the Special Agent in Charge at San Francisco that he had received instructions from the Navy Department, Washington, D. C., to effect the removal from the USS Barnett at San Francisco, before its departure from that port, of all Barnett personnel who might possibly be required as witnesses in any criminal proceedings which might be had in connection with this incident. The following names were furnished to Captain Kilpatrick: Captain W. B. Phillips, Lieutenant Commanders Ed Hardin and B. M. Coleman, Lieutenants Daniel Bontecou and R. Brown, Ensigns W. B. D. Stroud, O. T. Olson, Pharmacist Mates William Timothy Needham, Fred J. Marshall, W. A. Roberts and V. J. Maddix, and Officers' Steward E. D. McClammy.

Applicable Statutes For Prosecution

From a review of the Federal Espionage Statutes, it would appear that Title 50, Chapter 4, Section 31(d), United States Code Annotated, has been violated in connection with these acts.

Section 31(d) penalized whoever, lawfully or unlawfully having possession of or access to any writing or note relating to the national defense, wilfully communicates or transmits the same to any person not entitled to receive it. It should be noted that under the facts at hand both reporter Stanley Johnston, who turned over such information to the Chicago Tribune, and the Chicago Tribune, who in turn published the information, would have violated this Statute.

With more complete facts, it may be possible to show a violation of Section 31(b) of the Federal Espionage laws which punishes whoever, for the purpose of obtaining information respecting the national defense with the intent or reason to believe that the information obtained is to be used to the injury of the United States or to the advantage of any foreign nation, copies or obtains any plan or note of anything connected with the national defense. In this regard, it should be pointed out that under the presently known facts it could probably not be proven that reporter Stanley Johnston of the Chicago Tribune had reason to believe that the information was to be used to the advantage of a foreign nation. However, it is noted that on January 13, 1941, the Supreme Court handed down a decision in the cases of *Goria vs. United States* and *Salich vs. United States*, 85 U.S. (L.Ed.) 356, interpreting the Espionage Act of June 15, 1917 (c.30, 40 Stat. 217). The decision applies to certain aspects of Section 31. With reference to the phrase "to be used.....to the advantage of any foreign nation," the Supreme Court stated that no distinction is made between friend or enemy and it was not necessary to prove that the information obtained was to be used to the injury of the United States. The Court commented, "The evil which the Statute punishes is the obtaining or furnishing of this guarded information, either to our hurt or another's gain."

With reference to any possible violation of censorship regulations, Mr. N. R. Howard, Assistant Director in Charge of the Press, Bureau of Censorship, stated he received an inquiry regarding the story which appeared in the Chicago Tribune on June 7, 1942, from one of the news agencies, and following this inquiry he contacted officials at the Navy Department, particularly in the Office of Naval Intelligence, to determine if the statements in the article to the effect that the information was furnished to the Tribune by the Navy were correct. Later on the same day he was contacted by Mr. A. S. Henning of the Washington bureau of the Chicago

Tribune who explained that his managing editor, Maloney, was of the opinion that the story in question did not violate the "ships" clause of the Code of Wartime Practices for the American Press, inasmuch as it pertained to the movement of foreign ships which were not in or near American waters. The specific information concerning ships which newspapers and magazines are asked not to publish, except when such information is made available officially by appropriate authorities, as reflected in the Code of Wartime Practices for the American Press, is quoted as follows:

"The location, movements, and identity of naval and merchant vessels of the United States in any waters, and of other nations opposing the Axis powers, in American waters; the port and time of arrival or prospective arrival of any such vessels, or the port from which they leave; the nature of cargoes of such vessels; the location of enemy naval or merchant vessels in or near American waters; the assembly, departure or arrival of transports or convoys; the existence of mine fields or other harbor defenses; secret orders or other secret instructions regarding lights, buoys and other guides to navigators; the number, size, character and location of ships in construction, or advance information as to the date of launchings or commissionings; the physical setup or technical details of ship yards."

Mr. Howard explained it is very doubtful if the story did actually violate the letter of the Code, but it undoubtedly did violate the spirit of the Code.

According to Mr. Howard, the Office of Censorship in enforcing the Code of Wartime Practices is limited by the fact that there is no penal provision in the Code and accordingly the only effective measure which can be taken against a newspaper violating the Code is to make public the fact that there has been a violation.

Mr. Howard also explained that the Office of Censorship does not maintain an office or a representative in Chicago and the practice has been for the Chicago Tribune and other papers located outside the City of Washington to forward messages to their Washington representatives who, in turn, contact Mr. Howard to secure his approval. Mr. Howard stated he knows, of his own knowledge, that there was no attempt made by the Chicago Tribune to clear the story in question through the Office of Censorship.





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