

● PSF:CF: Navy Dept. Jan. - June 1944

4

THE WHITE HOUSE
WASHINGTON

January 5, 1944.

L. F. Navy

MEMORANDUM FOR:

The President.

There is forwarded, herewith, a recommendation for the award of the Distinguished Service Medal to Air Vice Marshal Robert Victor Goddard, R.N.Z. Air Force, for distinguished and exceptionally meritorious service while serving as Chief of Staff and Air Officer Commanding, R.N.Z. Air Force, from Dec. 1941 to July 1943.

I recommend your approval in view of Admiral King's endorsement -- "In view of the high position of Air Vice Marshal Goddard and the fact that the N.Z. Air Force has been a potent factor of strength integrated into the U.S. South Pacific Command, I am inclined to the opinion that this should be treated as an exceptional case." The Secretary of the Navy has approved the recommendation for the award.

The State Department has been consulted and has no objection to this award.

Very respectfully,

W. T. Brown
WILSON BROWN.

x50-B

20031

THE SECRETARY OF THE NAVY
WASHINGTON

~~CONFIDENTIAL~~

4 January 1944

MEMORANDUM FOR THE PRESIDENT:

1. There is forwarded, herewith, a recommendation for the award of the Distinguished Service Medal to Air Vice Marshal Robert Victor Goddard, C.B., C.B.E., R.A.F., Royal New Zealand Air Force. x357
2. In accordance with your memorandum to the Secretary of War and the Secretary of the Navy, dated 18 December 1942, awards of this character to foreign officers of the rank of Captain (Navy) or above, are to be referred to you personally. Your approval is requested. x48-7
3. It will be noted that the Secretary of the Navy has approved the recommendation. The State Department has been consulted and has no objection to this award.

Frank Knox
x18

*FIC
OIC
FDC
1-6-44*

*copy initialed by the President
and ret'd to Navy -*

Franklin D. Roosevelt Library
DECLASSIFIED
DOD DIR. 5200.9 (9/27/52)

Date- 2/11/59

Signature- *Carl L. Spencer*

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON

December 14, 1943

(SC)P15/EF13-48

Serial 036700A

~~CONFIDENTIAL~~

SIXTH ENDORSEMENT to
ComAirSoPac conf. Ltr.
P15/sha serial 0751 of
29 September 1943.

From: The Secretary of the Navy.
To: The Navy Department Board of
Decorations and Medals.

Subject: Recommendation for award of Distinguished
Service Medal, Air Vice Marshal Robert
Victor Goddard, C.B., C.B.E., R.A.F.,
R.N.Z.A.F.

1. The award of the Distinguished Service
Medal to Air Vice Marshal Goddard is approved.

FRANK KNOX

Franklin D. Roosevelt Library
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DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Spicer

Cominch File

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

FF1/P15(28)(G)

Serial: 04217

13 DEC 1943

CONFIDENTIAL

FIFTH ENDORSEMENT to
ComAirSoPac conf. ltr.
P15/sha serial 0751 of
29 September 1943.

From: Commander in Chief, United States Fleet
and Chief of Naval Operations.
To : The Secretary of the Navy.
Subject: Recommendation for award of Distinguished
Service Medal, Air Vice Marshall Robert Victor
Goddard, C.B., C.B.E., R.A.F., R.N.Z.A.F.

1. In view of the high position of Air Vice Marshal Goddard and the fact that the New Zealand Air Force has been a potent factor of strength integrated into the United States South Pacific Command, I am inclined to the opinion that this should be treated as an exceptional case. It is therefore recommended that the Secretary of the Navy give consideration to the desirability of awarding the Distinguished Service Medal to Air Vice Marshal Goddard.

E. J. KING.

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DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Paul L. Spicer

NAVY DEPARTMENT
WASHINGTON

QB-HBY

18 November 1943

~~Conf~~

End—4 to
ComAirSoPac Conf. Ltr.
P15/ sha Serial 0751
of 29 September 1943.

From: The Navy Department Board of Decorations and Medals.
To: The Secretary of the Navy.
Via: The Commander in Chief, United States Fleet.
Subj: Recommendation for award of Distinguished
Service Medal, Air Vice Marshal Robert Victor
Goddard, C.B., R.A.F., R.N.Z.A.F.

1. In view of the policy recommended by the Vice Chief of Naval Operations and concurred in by the Commander in Chief, United States Fleet and the Navy Department Board of Decorations and Medals and approved by the Secretary of the Navy, namely that the Distinguished Service Medal shall be awarded to personnel of foreign armed forces only in the most exceptional circumstances, and that the Legion of Merit be normally used for such purposes, the Board recommends that Air Vice Marshal Robert Victor Goddard, R.A.F., R.N.Z.A.F., be awarded the Legion of Merit in the degree of Commander.

A. E. WATSON

CC: Bd of Dec & Medals
Cominch

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DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/11/54

Signature- Carl L. Spier

COMINCH FILE

UNITED STATES FLEET
Headquarters of The Commander In Chief
Navy Department, Washington, D.C.

FF1/P15
Serial 03930

16 Nov 1943

CONFIDENTIAL

THIRD ENDORSEMENT on
ComAirSoPac Conf. Ltr.
P15/sha Serial 0751
of 29 September 1943.

From: Commander in Chief, United States Fleet.
To: The Secretary of the Navy (Board of Decorations and Medals).
Subject: Recommendation for award of Distinguished Service Medal,
Air Vice Marshal Robert Victor Goddard, C.B., C.B.E., R.A.F.,
R.N.Z.A.F.

1. The Commander in Chief, United States Fleet concurs in the recommendation that Air Vice Marshal Robert Victor Goddard, C.B., C.B.E., R.A.F., R.N.Z.A.F., be awarded the Distinguished Service Medal.

R.S. EDWARDS,
Chief of Staff.

Copy 500
CominCh
ComAirSoPac

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DECLASSIFIED
DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Spicer

Cincpac File
Pac-FO52-wlw
Pl5/SOL

Serial 02562

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
Headquarters Of The Commander In Chief

27 Oct 1943

2nd Endorsement on
ComAirSoPac Conf.Ltr.
Pl5/sha Serial 0751
of 29 September 1943.

~~CONFIDENTIAL~~

From: Commander in Chief, U.S. Pacific Fleet.
To: The Secretary of the Navy.
Via: Commander in Chief, U.S. Fleet.
Subject: Recommendation for award of Distinguished
Service Medal, Air Vice Marshal Robert Victor
Goddard, C.B., C.B.E., R.A.F., R.N.Z.A.F.

1. Forwarded, recommending that Air Vice Marshal
Robert Victor Goddard, C.B., C.B.E., R.A.F., R.N.Z.A.F., be award-
ed the Distinguished Service Medal.

C.W.NIMITZ

Copy to:
ComSoPac
ComAirSoPac

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DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature-

Carl L. Spicer

ComSoPac File
Pl5 (05A)

SOUTH PACIFIC FORCE
Of The United States Pacific Fleet
Headquarters Of The Commander

~~CONFIDENTIAL~~

Serial 01820

15 Oct 1943

FIRST ENDORSEMENT to:
ComAirSoPac CONF. ltr.
Pl5/sha serial 0751
dated September 29, 1943.

From: The Commander South Pacific Area and South Pacific Force.
To: The Secretary of the Navy.
Via: The Commander in Chief, U.S. PACIFIC FLEET.
Subject: Recommendation for award of Distinguished Service Medal,
Air Vice Marshal Robert Victor Goddard, C.B., C.B.E.,
R.A.F., R.N.Z.A.F.

1. Forwarded, recommending the award of the Distinguished Service Medal to the subject named officer.

W. F. HALSEY

Franklin D. Roosevelt Library
DECLASSIFIED
DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Spicer

Pl5/sha

Serial 0751

United States Pacific Fleet
AIRCRAFT SOUTH PACIFIC FORCE

~~CONFIDENTIAL~~

29 Sept 1943

From: Commander Aircraft, South Pacific Force.
To: The Secretary of the Navy.
Via: (1) Commander South Pacific Force.
(2) Commander In Chief, Pacific Fleet.
(3) Commander In Chief, U.S.Fleet.
Subject: Recommendation for award of Distinguished Service Medal, Air Vice Marshal Robert Victor Goddard, C.B., C.B.E., R.A.F., R.N.Z.A.F.

1. It is recommended that a suitable award be presented to Air Vice Marshal Robert Victor Goddard, C.B., C.B.E., R.A.F., for his outstanding work as Chief of Air Staff and Officer Commanding, Royal New Zealand Air Force, from December 1941 to July 1943. During the period of his command, Air Vice Marshal Goddard planned and put into effect the policy which has built the operational strength of the Royal New Zealand Air Force into a potent and integral part of the fighting air forces of the South Pacific. He accomplished this program without sacrifice of the concurrent obligation of the R.N.Z.A.F. in the training of air crews and ground personnel under the Empire Air Training Scheme. Through his forceful persuasion the R.N.Z.A.F. has expanded steadily and rapidly in spite of keen competition in allocation of personnel and the limited availability of material. His early realization of the importance of offensive air power in the Pacific War and his determination that New Zealand should do at least its share in that field are worthy of substantial recognition.

2. It is recommended that Air Vice Marshal Goddard be awarded the Distinguished Service Medal with the following citation.

Air Vice Marshal Robert Victor Goddard,
C.B., C.B.E., R.A.F., R.N.Z.A.F.

"For distinguished and exceptionally meritorious service while serving as Chief of Staff and Air Officer Commanding, Royal New Zealand Air Force, from December 1941 to July 1943. Air Vice Marshal Goddard, during the period of his command, originated and activated the air policy which has made the R.N.Z.A.F. a united operational force in the South Pacific.

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DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Spicer

P15/sha

Serial 0751

United States Pacific Fleet
AIRCRAFT SOUTH PACIFIC FORCE

CONFIDENTIAL

Subject:

Recommendation for award of Distinguished
Service Medal, Air Vice Marshal Robert Victor
Goddard, C.B., C.B.E., R.A.F., R.N.Z.A.F.

He provided for the air defense of New Zealand during the early days of the war when the Japanese threat of invasion was of grave import. As that threat subsided, Air Vice Marshal Goddard turned his attention most effectively toward making the R.N.Z.A.F. an offensive weapon. The enviable combat record of his squadrons during the crucial phases of the Guadalcanal Campaign and subsequent actions bears witness to his success. In addition to these efforts, Air Vice Marshal Goddard has been responsible for the effective contributions of New Zealand to the comprehensive Empire Air Training Scheme. His driving determination to build up and improve the Royal New Zealand Air Force and his record for achievement along these lines is in the highest traditions of the United Nations and has made an important contribution to the successful prosecution of the war in the South Pacific Area."

AUBREY W. FITCH

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DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- *Carl T. Spicer*

C. F. Navy
Pers 328-MSD
(SC) P15/EP 56

THE SECRETARY OF THE NAVY
Washington, D.C.

~~CONFIDENTIAL~~

24 January 1944

MEMORANDUM FOR THE PRESIDENT:

1. There is forwarded, herewith, for your approval a recommendation of the Navy Department Board of Decorations and Medals for the award of the Legion of Merit, degree of Commander, to the following Peruvian Officer:

x287-A

REAR ADMIRAL ENRIQUE A. LABARTHE, PERUVIAN NAVY

x357-B

2. It will be noted that the Secretary of the Navy has approved the recommendation of the Navy Department Board of Decorations and Medals. The State Department has been consulted and has no objection to this award.

3. If the President approves this award, it is requested that the attached certificate be signed.

Frank Knox

FRANK KNOX

x18

*Certificate Signed 1-29-44
Ret'd to Navy 1-29-44*

Franklin D. Roosevelt Library
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DOD DIR. 5200.9 (9/27/58)

Date- 2/11/54

Signature- Carl L. Spicer

W. C. Spicer

QB4-HBY
24 January 1944

~~CONFIDENTIAL~~

End--1 to CNO Conf Ltr
(SC)P15/EF56 Op-16-A-5
P15/OQ/EF56 Serial 081916
dated 22 Jan. 1944.

From: The Navy Department Board of Decorations and Medals.
To: The Secretary of the Navy.

Subj: Legion of Merit Award to Rear Admiral Enrique A. Labarthe,
Peruvian Navy.

1. The Board recommends approval of the award of the Legion of Merit, Degree of Commander, to Rear Admiral Enrique A. Labarthe, Peruvian Navy, for his service as set forth in the basic correspondence.
2. The Board has been informed by the Department of State that that Department has no objection to this award.

A. F. WATSON

End--2
APPROVED: 24 JAN 1944

FRANK KNOX

The Secretary of the Navy

CC: Bd of Dec & Medals

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DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Spier

In reply refer to Initials
and No.

NAVY DEPARTMENT
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON

(SC)P15/EF56
Op-16-A-5
P15/OQ/EF56
Serial 081916

22 JAN 1944

CONFIDENTIAL

~~CONFIDENTIAL~~

From: Chief of Naval Operations
To: Secretary of the Navy
(Board of Decorations and Medals)

Subj: Legion of Merit Award to Rear Admiral Enrique A. Labarthe,
Peruvian Navy

Encl: (A) Information re subject officer

1. It is understood that subject officer will be leaving the United States shortly to return to Peru. On the occasion of the termination of his present duties as Naval Attache to the Peruvian Embassy and as a member of the Inter-American Defense Board, it is considered desirable that he be presented with the Legion of Merit Award, Degree of Commander. Admiral Labarthe is the senior Latin American Naval Delegate to the Board. He has been recommended for the award by Lieutenant General S. D. Embick, U.S.A., Chairman of the Board, and this recommendation was concurred in by Vice Admiral A. W. Johnson, U.S.N., the United States Naval Delegate to the Board.
2. It is recommended that Admiral Labarthe be awarded the Legion of Merit, Degree of Commander, just prior to the termination of his duties in Washington.
3. Enclosure (A) contains a recommended citation and other information concerning subject officer.

F. J. HORNE
Vice Chief of Naval Operations
Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Spicer

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PERU

Name: Enrique A. Labarthe

Official Mail Address: Peruvian Embassy, Washington, D. C.

Rank and Position: Rear Admiral Peruvian Navy - Naval Attache, Naval Commissioner, and Delegate to the Inter-American Defense Board.

Decoration: Legion of Merit - COMMANDER.

Citation: For exceptionally meritorious conduct in the performance of outstanding services to the Government of the United States. As Naval Delegate to the Inter-American Defense Board, as Naval Commissioner, and as Naval Attache from Peru, Rear Admiral Labarthe has extended the most friendly personal and professional cooperation in naval affairs of mutual interest. By his consistent loyalty in this respect he has made an important contribution to our unified efforts in a common hemispheric defense.

ENCLOSURE (A) TO SERIAL 081916

Franklin D. Roosevelt Library ~~CONFIDENTIAL~~

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DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Speck

January 27, 1944: Sentence confirmed, subject to the recommendation of the Secretary of the Navy, which is approved. Lieutenant Parlett will be released and restored to duty. Franklin D. Roosevelt.

January 28, 1944:
Returned to the Navy.

THE WHITE HOUSE

WASHINGTON

January 25, 1944.

MEMORANDUM FOR:

The President.

1. The Record of the General Court Martial, herewith attached, indicates the following:

- x 5153-P
x 18-E
- (a) First Lieutenant Tom B. Parlett, U.S. Marine Corps Reserve, was tried in the Southwest Pacific under two charges: (1) "Drunkenness" (on a public street in the City of Vila, Island of Efate, New Hebrides), and (2) "Conduct to the Prejudice of Good Order and Discipline" (using abusive, obscene and threatening language to a member of the Military Police in the course of the same incident covered by the first charge).
 - (b) A nolle prosequi on a third charge (drinking in company with an enlisted man on a public street) was entered by the Convening Authority prior to trial.
 - (c) Lieutenant Parlett plead guilty to both charges and specifications thereunder, and was sentenced to be dismissed from the service.
 - (d) Lieutenant Parlett submitted a statement in which he plead mitigating circumstances: A weakened physical condition caused by undulant fever, long service in the tropics during which time he had had only an occasional opportunity to have a drink, the nervous tension naturally caused by forthcoming operations (he was enroute to the Gilbert Islands landings). He also pointed to an excellent Service Record and reputation.
 - (e) In view of the facts brought out in the statement referred to above, his previous good record and the favorable impression made by him on the court, all members thereof recommended Lieutenant Parlett to the clemency of the Reviewing Authority. The Convening Authority approved the proceedings, findings and sentence, but recommended that the sentence of dismissal be held in abeyance pending the successful completion of a probationary period of twelve (12) months.
 - (f) This latter recommendation has been concurred in by The Commandant of the Marine Corps and the Acting Secretary of the Navy.

2. I recommend that the sentence of dismissal be remitted on the condition that Lieutenant Parlett conduct himself in a manner satisfactory to the Secretary of the Navy for a period of twelve (12) months immediately following the date of promulgation, otherwise, the sentence of dismissal to be executed at any time during the said period at the discretion of the Secretary of the Navy. (It is understood that this latter procedure in such cases has recently been approved by the President.)

Very respectfully,

Chester C. Wood

Chester C. Wood
Captain, U.S. Navy

Assistant Naval Aide to the President

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By Deputy Archivist of the U.S.

APR 11 1974

By W. J. Stewart Date

x 18
x 50-73
See Notation Above

THE SECRETARY OF THE NAVY
WASHINGTON

29 JAN 1944

(SC) A1-3/VV

CONFIDENTIAL

MEMORANDUM FOR THE PRESIDENT:

On June 15, 1943 you approved an increase in the Navy and Marine Corps Aircraft Program from 27,500 planes to 31,447 planes.

As a result of a further thorough study of Navy and Marine Corps requirements through 1945, I recommend for your approval an increase in the Navy and Marine Corps Aircraft Program from 31,447 planes to 37,735 planes.

This increase is largely caused by the planned increase of our Carrier strength and the use thereof.

The major increases in the program are:

Carrier Planes	3,112
Training Planes	789
Contingency Reserve	1,604
All Other	783
Total Increase	6,288

This program was approved by the Joint Chiefs of Staff on 27 January 1944.

Frank Knox

FRANK KNOX

x18

x18-E
x249 official
x18-I

OIC
JDR
2-2-44
copy initialed by the
President and sent
to Navy.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- Carl L. Spicer

White House -

Please sign
original and copy.

C.F.
Navy

29 January 1944

CONFIDENTIAL

MEMORANDUM FOR THE PRESIDENT:

1. There is forwarded, herewith, for your approval a recommendation of the Navy Department Board of Decorations and Medals for the award of the Legion of Merit in the degree indicated to the following Australian Officers:

x357-B

degree of OFFICER

Sub Lieutenant J. R. Keenan, ^x R.A.N.V.R.
Lieutenant R. L. Firth, ^x R.A.N.V.R.
Flying Officer J. A. Corrigan, ^x R.A.A.F.

2. It will be noted that the Secretary of the Navy has approved the recommendation of the Navy Department Board of Decorations and Medals. The State Department has been consulted and has no objection to these awards.

3. If the President approves these awards, it is requested that the attached certificates be signed.

Ralph A. Bard

RALPH A. BARD

Acting

x18

UK
full
1-29-44

*orig. Initialed and
Rtd to navy*

Franklin D. Roosevelt Library

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DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl T. Spicer

*Certificate for each of
the above named officers
signed 1-31-44
Rtd to Navy 2-1-44*

White House File Copy

x48-15

CONFIDENTIAL

QB4-DAS
31 December 1943

Fourth Endorsement
to Com3rdAmphFor Conf. Ltr.
FE25/PL5 Serial 0386 of
14 October 1943.

From: Navy Department Board of Decorations and Medals.
~~The Senior Member of the Navy Department Permanent Board of Awards~~

To : The Secretary of the Navy.

Via : (1)
(2)

Subject: Coast watching personnel - Recommendation for citations.

Reference:

1. Considered at the meeting of the Board of ~~Awards~~ Decorations and Medals held 23 December 1943.

2. Recommendation: The Board concurs with the Second and Third Endorsements and recommends that the below listed officers be awarded the Legion of Merit, Third Degree:

KEENAN, J. R., Sub Lieutenant, RANVR
FIRTH, R. L., Lieutenant, RANVR
CORRIGAN, J. A., Flying Officer, RAAF

3. Inasmuch as the services of Major Donald G. Kennedy, B.S.I.P.D.F., have previously been recognized by the award of the Navy Cross no further recommendation is made in his case.

A. E. WATSON

Navy Department

APPROVED 7 JAN 1944

FRANK KNOX

The Secretary of the Navy

CC: Dec & Medals

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Spear

COMINCH FILE

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

FF1/P15(27)

Serial: 04208

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

13 DEC 1943

THIRD ENDORSEMENT on
Com3rdAmphFor Conf. Ltr.
FE25/P15 Serial 0386 of
14 October 1943.

From: Commander in Chief, United States Fleet
and Chief of Naval Operations.
To : The Secretary of the Navy.
Subject: Coast watching personnel - Recommendation
for citations.

1. Forwarded, concurring in the recommendations
as set forth in basic correspondence.

E. J. KING.

RECEIVED S-C FILES

Room 2055

13 DEC 1943

ROUTE TO:-

732 D + M

Op File No. P15/EF13-45

Doc. No.

Copy No. ... 3. of 3.

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DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature-

Carl L. Spicer

Cincpac File

Pac-F052-wlw
P15/SOL

Cincpac File

Serial 02851

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
HEADQUARTERS OF THE COMBANDANT IN CHIEF
FLEET OF THE COMMANDER IN CHIEF

2nd Endorsement on
Com3rdAmphFor.Conf.
Ltr.FE25/P15 Serial
0386 of 14 October
1943.

20 NOV 1943

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

From: Commander in Chief, U. S. Pacific Fleet.
To: The Secretary of the Navy.
Via: Commander in Chief, U. S. Fleet.
Subject: Coast watching personnel - Recommendation
for citations.
Reference: (a) ComSoPac Ltr. P15/(05A) Serial 001095
dated 24 June 1943.

1. Forwarded, concurring with the recommendation
of the Commander South Pacific Force that the below listed
officers be awarded the Legion of Merit, Third Degree.

KEENAN, J. R., Sub Lieutenant, RANVR.
FIRTH, R. L., Lieutenant, RANVR.
CORRIGAN, J. A., Flying Officer, RAAF.

2. In reference (a), Major Donald G. Kennedy,
B.S.I.P.D.F., was recommended for the Navy Cross for conduct
during the period from May 1942 to June 1943.

C. W. NIMITZ

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Copy to:
ComSoPac
Com3rdAmphFor

Date- 2/11/59

Signature- Carl L. Spicer

12 0446

P15/(05A)

SOUTH PACIFIC FORCE
OF THE UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMANDER**CONFIDENTIAL**

Serial: 02011

29 OCT 1943

FIRST ENDORSEMENT to:
ComJrdAmphFor. COMF.
ltr. FE25/P15 serial
0386 of 10/14/43.

From: The Commander South Pacific Area and
South Pacific Force.
To : The Secretary of the Navy.
Via : The Commander in Chief, U.S. PACIFIC FLEET.
Subject: Coast watching personnel - Recommendation
for citations.

1. Forwarded, recommending the award of the
Legion of Merit, Third Degree, in the cases of the below
listed officers:

KEENAN, J. R., Sub Lieutenant, RANVR.
FIRTH, R. L., Lieutenant, RANVR.
CORRIGAN, J. A., Flying Officer, RAAF.

J. F. SHAFROTH
Deputy Commander
South Pacific

Franklin D. Roosevelt Library

DECLASSIFIED

12 0446

DOD DIR. 5200.9 (9/27/88)

Date- 2/11/59

Signature- Carl L. Spicer

FE25/P15

THIRD AMPHIBIOUS FORCE
Office of the Commander

07/jm

Serial: 0386

14 October 1943.

CONFIDENTIAL

CONFIDENTIAL

From: Commander Third Amphibious Force.
To: Commander South Pacific.

Subject: Coast watching personnel - Recommendation
for citations.

Enclosures: (A) Comthirdphib ltr FE25/P15 serial 0374
dated 7 October 1943.
(B) Comthirdphib ltr FE25/P15 serial 0378
dated 7 October 1943.
(C) Comthirdphib ltr FE25/P15 serial 0379
dated 9 October 1943.
(D) Comthirdphib ltr FE25/P15 serial 0377
dated 7 October 1943.

1. Enclosures (A) to (D) inclusive are forwarded herewith for consideration.
2. The coastwatching personnel have provided a very valuable service in giving timely information of enemy movements and the rescuing of allied personnel whether ground, air or naval. They have served under no major headquarters here but have served all as best they could within limits of their personnel and communication.
3. Attention is invited to the fact that citations have been drafted in specific terms but it may be desired that, to preserve the secrecy of Coast Watcher Operations until some future date, they be rewritten in more general and less revealing terms.

Franklin D. Roosevelt Library

T. S. WILKINSON.

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

/s/ CARL E. MORCK,
By direction.

Date- 2/11/59

Signature-

Carl L. Spicer

12 0446

ENCLOSURE (A)

Serial 0374

7 October 1943.

CONFIDENTIAL~~CONFIDENTIAL~~

From: Commander Third Amphibious Force.
To: Commander South Pacific.
Subject: Award of Navy Cross to Major D. G. KENNEDY,
B.S.I.P.D.F., recommendation of.
Enclosure: (A) Sample Citation.

1. Major D. G. Kennedy has served as coast watcher in southern NEW GEORGIA from May 1942 up to 21 August 1943. In addition to obtaining and transmitting most valuable information regarding Japanese movements, Major KENNEDY led several offensive operations against the enemy in SEGI, killing numerous Japanese, capturing barges and obtaining valuable documents. During all this period he successfully eluded Japanese patrols and was successful in preventing interruption of transmission by the radio station which he established. In an assignment which requires, for successful fulfillment, the utmost in courage, resourcefulness, and determination, Major KENNEDY is considered to have distinguished himself by the most extraordinary heroism.

2. It is strongly recommended that Major KENNEDY be awarded the Navy Cross.

/s/ T.S. WILKINSON.

Franklin D. Roosevelt Library

DECLASSIFIED**DOD DIR.** 5200.9 (9/27/56)

Date- 2/11/59

Signature- *Carl L. Spicer*

**SOUTH PACIFIC FORCE
Of The United States Pacific Fleet
Headquarters of the Commander**

In the name of the President of the United States
the Commander South Pacific Area and South Pacific Force, takes
pleasure in presenting the NAVY CROSS to

MAJOR D G KENNEDY, B.S.I.P.D.F.

for services as set forth in the following

CITATION:

"For distinguishing himself by extraordinary heroism against an armed enemy during his assignment as coast watcher in southern NEW GEORGIA from May 1942 until 21 August 1943. Major KENNEDY established station ZQJ5 at SEGI, and organized extensive patrols, which from time to time carried on offensive operations against the enemy and succeeded in killing many Japanese, capturing barges, and obtaining valuable documents. Although in constant danger of discovery and capture by enemy forces, and often thereby forced to relocate his station and facilities, he obtained and transmitted information regarding the location and movements of enemy ships, barges, and aircraft, which has been of invaluable assistance in the operations of reconnaissance patrols, in the formulation of battle plans and the composition of our forces and has led to the interception and destruction of numerous enemy ships and aircraft. His performance of duty in an extremely hazardous assignment was throughout exceptionally courageous and effective, and in the highest traditions of the naval service."

**W.F. HALSEY,
Admiral, U.S. Navy.**

Temporary Citation

12 0446

ENCLOSURE (B)

FE25/P15

Serial 0378

THIRD AMPHIBIOUS FORCE
Office of the Commander

97/cpw

~~CONFIDENTIAL~~

C-O-N-F-I-D-E-N-T-I-A-L

7 October 1943

From: Commander Third Amphibious Force.
To: Commander South Pacific.
Subject: Award of Silver Star Medal to Sub Lieutenant
J. R. KEENAN, R.A.N.V.R., recommendation of.
Enclosure: (A) Sample Citation.

1. Sub Lieutenant J. R. KEENAN, in company with Lieutenant H. E. JOSSELYN, R.A.N.V.R., set up station NRY at MUNDI MUNDI on VELLA LAVELLA on 14 October 1942. Subsequently in March 1943, he established station PLG at LUMSIS, BOUGAINVILLE, where, with the aid of a forward observation post he reported on Japanese activity at BUKA PASSAGE and gave warning of enemy aircraft movements south of RABAU and the BUKA airdrome. He remained at this post until overrun by Japanese patrols early in June 1943, and was later evacuated from the Island. Sub Lieutenant KEENAN is considered by his conduct during the above mentioned period, to have displayed the qualities of courage, resourcefulness, and determination necessary for successful fulfillment of a difficult and dangerous mission; and has furnished extremely valuable information over a long period of time.

2. It is strongly recommended that Sub Lieutenant KEENAN be awarded the Silver Star Medal in recognition of his services hereinabove set forth.

/s/T.S. WILKINSON.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Spicer

SOUTH PACIFIC FORCE
Of The United States Pacific Fleet
Headquarters of the Commander

In the name of the President of the United States, the Commander South Pacific Area and South Pacific Force takes pleasure in presenting the SILVER STAR MEDAL to

SUB LIEUTENANT J. R. KEENAN, R.A.N.V.R.

for service as set forth in the following

CITATION:

"For distinguishing himself conspicuously by gallantry and intrepidity in action during his assignment as coast watcher on VELLA LAVELLA from 14 October 1942 to 12 February 1943, and on BOUGAINVILLE from March 1943 until June 1943. Sub Lieutenant KEENAN assisted in the establishment of station NRY on VELLA LAVELLA, and established station PLQ in BOUGAINVILLE. Although in constant danger of discovery by enemy forces, he obtained and transmitted information regarding the location and movements of enemy ships and aircraft which has been of invaluable assistance in the formulation of battle plans, has led to the interception and destruction of enemy ships and aircraft, and has provided warnings leading to the successful avoidance and repulse of enemy attacks. His performance of duty in an extremely hazardous assignment was throughout exceptionally courageous and effective, and in the highest traditions of the naval service."

W. F. HALSEY,
Admiral, U.S. Navy.

Temporary Citation

12 0246

ENCLOSURE (5)

12 0446

ENCLOSURE (C)

COPY

File No. FE25/P15

THIRD AMPHIBIOUS FORCE

Serial 0379

Office of the Commander

07/my

9 October 1943

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

From: Commander Third Amphibious Force.
To : Commander South Pacific.
Subject: Award of Silver Star Medal to Lieutenant
R.L. FIRTH, R.A.N.V.R.; Recommendation of.
Enclosure: (A) Sample citation.

1. Lieutenant FIRTH served as coastwatcher in VELIA LAVELIA from 12 February 1943 to 18 September 1943. He took over the operation of station NRY, and on 13 August 1943 set up station BOB at BARAKOMA. Although handicapped by ill health and numerous difficulties with equipment, he collected and transmitted, by means of natives when his equipment broke down, information regarding the enemy activities in the area to which he was assigned. In a duty which requires courage, resourcefulness, and determination for successful accomplishment, Lieutenant FIRTH is considered to have been successful and to have distinguished himself by gallantry and intrepidity in action.

2. It is strongly recommended that Lieutenant FIRTH be awarded the Silver Star Medal in recognition of his services hereinabove set forth.

T. S. WILKINSON.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (8/27/58)

Date- 2/11/59

Signature- Carl L. Spicer

COPY

SOUTH PACIFIC FORCE
Of The United States Pacific Fleet
Headquarters of the Commander

In the name of the President of the United States, the
Commander South Pacific Area and South Pacific Force
takes pleasure in presenting the SILVER STAR MEDAL to

Lieutenant R. L. FIRTH, R.A.N.V.R.

for service as set forth in the following

CITATION:

"For distinguishing himself by extraordinary
heroism against an armed enemy during his assign-
ment as coastwatcher in VELIA LAVELIA from 12
February 1943 to 18 September 1943. Lieutenant
FIRTH took over the operation of station NRY, and
later established station BOB at BARAKOMA. Although
in constant danger of discovery and capture by
enemy forces, and handicapped by ill health and
failure of equipment, Lieutenant FIRTH obtained
and transmitted information regarding enemy activities
in VELIA LAVELIA which has been of invaluable assist-
ance in the planning of offensive operation against
that Island and in the preparation of defenses
against enemy activities. When the flow of infor-
mation was threatened, Lieutenant FIRTH solved
this difficulty by using natives to get messages
through to our forces. His performance of duty
in an extremely hazardous assignment was through-
out exceptionally courageous and effective, and
in the highest traditions of the naval service."

W. F. HALSEY,
Admiral, U.S. Navy.

Temporary Citation

12 0445

ENCLOSURE (D)

12 0446

ENCLOSURE (D)

COPY

THIRD AMPHIBIOUS FORCE

File No. FE25/P15

Office of the Commander

07/cpw

Serial 0377

~~CONFIDENTIAL~~

7 October 1943.

From: Commander Third Amphibious Force
To : Commander South Pacific.
Subject: Award of Silver Star Medal to Flying Officer
J. A. CORRIGAN, R.A.A.F., recommendation of.
Enclosure: (A) Sample Citation.

1. On 8 January 1943 Flying Officer CORRIGAN established station VER at REKATA BAY where he was able to report on Japanese activity on SUAVANA POINT and surrounding islands. He remained at this station until 11 April 1943 when he returned to LUNGA. On 7 May 1943 he left to undertake an extensive patrol in the NEW GEORGIA Group. On this patrol this officer investigated enemy positions and installations behind VILA, MUNDA, VIRU HARBOUR, and SEGI and was able thereby to give very useful information just prior to the attack on REINDOVA. Before this attack took place, however, this officer returned to the MUNDA area to make arrangements for native patrols for use by the landing parties, and proceeded to RICE Anchorage to be there on the arrival of troops in that area. He then operated in close liaison with Colonel LIVERSEDGE throughout the attack on ENOGAI and BAEROKO. He is considered to have distinguished himself by gallantry and intrepidity in action, in difficult assignments requiring for successful fulfillment courage, resourcefulness, and determination.

2. It is strongly recommended that Flying Officer CORRIGAN be awarded the Silver Star Medal in recognition of his services hereinabove set forth.

T. S. WILKINSON.

Franklin D. Roosevelt Library
DECLASSIFIED
DOD DIR. 5200.9 (9/27/58)

Date- 2/11/59

Signature- Carl L. Spicer

COPY

SOUTH PACIFIC FORCE
Of The United States Pacific Fleet
Headquarters of the Commander

In the name of the President of the United States,
The Commander South Pacific Area and South Pacific Force
takes pleasure in presenting the SILVER STAR MEDAL to

FLYING OFFICER J. A. CORRIGAN, R.A.A.F.

for service as set forth in the following

CITATION:

"For distinguishing himself conspicuously by gallantry and intrepidity in action during his assignment as coast watcher and in making extensive patrols in the SOLOMON and NEW GEORGIA ISLANDS from 8 January 1943 to 31 August 1943. Flying Officer CORRIGAN established station VER at REKATA BAY from which he reported on Japanese activity on SUAVANA POINT and surrounding islands, and from 7 May 1943 conducted extensive patrols in the NEW GEORGIA Group, obtaining information which was extremely valuable in the formulation of plans for the attack on RENDOVA. His arrangement for native patrols for use by landing parties in the MUNDA area was of great assistance to successful landings, and his operation in close liaison with the commanding officer of troops throughout the attacks on ENOGAI and BAEROKO contributed materially to their successful outcome. His performance of duty in extremely hazardous assignments was throughout exceptionally courageous and effective, and in the highest traditions of the naval service."

W. F. HALSEY,
Admiral, U. S. Navy.

Temporary Citation

C. F. Navy
SECRET

THE SECRETARY OF THE NAVY
WASHINGTON

Pers328-TRS

11 February 1944

MEMORANDUM FOR THE PRESIDENT:

1. There is forwarded herewith for your approval a recommendation of the Navy Department Board of Decorations and Medals for the award of the Legion of Merit in the degree of Commander to Brigadier Robert Amos Row, New Zealand Expeditionary Force, in recognition of his outstanding service to the Government of the United States. *x357-10*

2. It will be noted that the Secretary of the Navy has approved the recommendation of the Navy Department Board of Decorations and Medals. The State Department has been consulted and has no objection to this award. *x48-7*

3. If the President approves this award, it is requested that the attached Certificate be signed.

Frank Knox

FRANK KNOX

x18

*Certificate signed 2-15-44
Ret'd to Sec. Navy 2-15-44*

Franklin D. Roosevelt Library
DECLASSIFIED
DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- *Carl L. Spicer*

QB4-HBY
28 January 1944

~~SECRET~~

Fifth _____ Endorsement
to
CTG 31.1 Secret Ltr.
FE25-2/P15 (0087a)
of 9 Dec. 1943.

From: The Navy Department Board of Decorations and Medals.
~~The Senior Members of the Navy Department Permanent Board of Awards.~~

To : The Secretary of the Navy.

Via : (1)
(2)

Subject: Brigadier Robert Amos Row, New Zealand Expeditionary
Force - Recommendation for award of Legion of Merit.

Reference:

Decorations and Medals
1. Considered at the meeting of the Board of ~~Awards~~ held 22 January 1944.

2. Recommendation: The Board concurs with the Third Endorsement and recommends that Brigadier Robert Amos Row, New Zealand Expeditionary Force be awarded the Legion of Merit, degree of Commander for services described in the basic correspondence.

A. E. WATSON

APPROVED 5 FEB 1944

Ralph A. Bard

The Secretary of the Navy
Acting Secretary of the Navy

CC: Bd of Dec & Medals
Secy's Files

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- *Carl L. Spicer*

COMINCH FILE

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

SECRET

FF1/P15

Serial: 00163

17 JAN 1944

~~SECRET~~

replied to.

FOURTH ENDORSEMENT to
CTG 31.1 Secret Ltr.
FE25-2/P15 (0087a)
of 9 December 1943.

From: Commander in Chief, United States Fleet
and Chief of Naval Operations.
To: Secretary of the Navy.
Subject: Brigadier Robert Amos ROW, New Zealand
Expeditionary Force - Recommendation for
award of Legion of Merit.

1. I concur in the recommendation of the
Commander in Chief, U. S. Pacific Fleet.

/s/ E. J. KING.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature-

Carl L. Spicer

Cincpac File
Pac-052-jls
P15

UNITED STATES PACIFIC FLEET
AND PACIFIC OCEAN AREAS
HEADQUARTERS OF THE COMMANDER IN CHIEF

Serial 0454

SECRET

~~SECRET~~

3rd Endorsement on
CTG 31.1 Secret Ltr.
FE25-2/P15 (0087a)
of 9 December 1943.

JAN 9 1944

From: Commander in Chief, U. S. Pacific Fleet.
To: The Secretary of the Navy.
Via: Commander in Chief, U. S. Fleet.
Subject: Brigadier Robert Amos ROW, New Zealand
Expeditionary Force - Recommendation for
award of Legion of Merit.

1. Commander in Chief, U. S. Pacific concurs
with the recommendation of Commander South Pacific Area
and South Pacific Force that Brigadier Robert Amos ROW,
New Zealand Expeditionary Force be awarded the Legion of
Merit, degree of Commander.

/s/ C. W. NIMITZ.

Copy to:
Comsopac
Com3rdPhibFor

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- Carl L. Spicer

COMSOPAC FILE SOUTH PACIFIC FORCE
Pl5/(06) OF THE UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMANDER

~~SECRET~~

Serial: 0017

1 JAN 1944

~~SECRET~~

SECOND ENDORSEMENT to
CTG 31.1 ltr. FE25-2/
Pl5 Secret serial
0087a of 9 December
1943.

From: The Commander South Pacific Area and
South Pacific Force.
To : The Secretary of the Navy.
Via : The Commander in Chief, U.S. Pacific
Fleet.
Subject: Brigadier Robert Amos ROW, New Zealand
Expeditionary Force - Recommendation for
award of Legion of Merit.

1. Forwarded, recommending the award of the
Legion of Merit in the degree of Commander.

/s/ J. F. SHAFROTH
Deputy Commander
South Pacific

Copy to:
Com3rdAmphFor
ComLandCraflots.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature-

Carl L. Spencer

File No. FE25/ THIRD AMPHIBIOUS FORCE
P15 OFFICE OF THE COMMANDER

00/jz

Serial 00620

SECRET

13 December 1943.

S-E-C-R-E-T

FIRST ENDORSEMENT to
CTG 31.1 ltr. FE25-2/
P15 Secret serial
0087a of 9 Dec. 1943.

From: Commander Third Amphibious Force.
To : Commander South Pacific.
Subject: Brigadier Robert Amos ROW, New Zealand
Expeditionary Force - Recommendation for
award of Legion of Merit.

1. Forwarded, concurring in recommendation of
basic letter.

2. The draft citation aptly describes, without
overstatement, Brigadier ROW's accomplishments. The success
at small cost of the seizure of the TREASURY ISLANDS was in
large part due to Brigadier ROW's cooperation throughout with
the Attack Force Commander, Rear Admiral FORT, his ability and
his leadership.

/s/ T. S. WILKINSON.

Copy to:
ComlandCraftFlots.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- Carl T. Spicer

File No.

FE25-2/ P15

Serial 0087a

S-E-C-R-E-T

LANDING CRAFT FLOTILLAS
SOUTH PACIFIC FORCE
OFFICE OF THE COMMANDER

SECRET

9 December 1943.

From: Commander Task Group THIRTY-ONE POINT ONE.
To : Commander South Pacific Area and South Pacific Force.
Via : (1) Commander Task Force THIRTY-ONE.

Subject: Brigadier Robert Amos ROW, New Zealand Expeditionary Force -
Recommendation for award of Legion of Merit.

Reference: (a) Comsopac ltr P15/(05a), serial 01330, dated
11 August 1943.
(b) ComTaskGroup 31.1 ltr A16-3(1), Serial 0061a,
dated 10 November 1943.

Enclosure: (A) Sample citation.

1. The Commander Task Group THIRTY-ONE POINT ONE takes pleasure in recommending Brigadier Robert Amos ROW, New Zealand Expeditionary Force, for the Legion of Merit of the proper degree, for services set forth in the enclosed sample citation.

/s/ G. H. FORT.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- *Carl L. Spicer*

SOUTH PACIFIC FORCE
Of the United States Pacific Fleet
Headquarters of the Commander

In the name of the President of the United States, the Secretary of the Navy takes pleasure in awarding the LEGION OF MERIT to

BRIGADIER ROBERT AMOS ROW, NEW ZEALAND EXPEDITIONARY FORCE

for service as set forth in the following

CITATION:

"For exceptionally meritorious conduct in the performance of an outstanding service as Commander Landing Force during the occupation of the TREASURY ISLANDS, SOLOMON ISLANDS on October twenty-seventh, nineteen hundred forty three. Brigadier ROW carefully and completely planned his operation, and rigorously trained the Allied Landing Force, composed of the 8th New Zealand Brigade and of units of the United States Army, Navy, and Marine Corps. His courageous and well executed assault on the TREASURY ISLANDS on October twenty-seventh, nineteen hundred forty three in the face of enemy mortar, machine gun, and sniper fire, followed by his determined operations, quickly overcame all organized enemy opposition and played a vitally important part in the success of current Allied operations in the South Pacific. His actions are worthy of high commendation and are in keeping with the highest traditions of any military service."

/s/ FRANK KNOX

Temporary Citation.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- Carl T. Spivey

February 15, 1944: The sentence of general court-martial as mitigated in the foregoing case of First Lieutenant Richard R. Juby, U. S. Marine Corps Reserve, is hereby confirmed, subject to the recommendation of the Secretary of the Navy, which is approved. He will be released from arrest and restored to duty.

THE WHITE HOUSE
WASHINGTON

Franklin D. Roosevelt.

February 15, 1944.

DECLASSIFIED

MEMORANDUM FOR:

By Deputy Assistant of the U.S.

The President.

By W. J. Stewart Date APR 11 1974

x18-E
x18-E
x5153-J
x
First Lieutenant Richard R. Juby, U. S. Marine Corps Reserve, was tried on the charge of Involuntary Manslaughter. The specification charged that Lieutenant Juby failed to act with due caution and circumspection during an alert at night, and in a position very close to the enemy lines. Specifically, he fired at a point of suspicious movement in the brush without challenging, and as a result hit and mortally wounded a Marine Corps Private.

Lieutenant Juby first plead guilty. He then made a statement which was considered by the court to be inconsistent with the plea, and as a result the court rejected the plea of "Guilty" and proceeded as if a plea of "Not Guilty" had been made. The testimony was clear-cut. Orders had been given to challenge before firing within the battalion area. In shooting prior to challenging, Lieutenant Juby did disobey orders. The mitigating circumstances, however, were very strong. The position was only a few hundred yards back of the front lines; sniper fire had been encountered in a similar position a short time previously; the suspicious movement in the brush continued longer than was to be expected if the movement was caused by a Marine in getting to his foxhole; infiltration to the position was thought possible by Lieutenant Juby; Lieutenant Juby was extremely mindful of his responsibility in protecting his battery against capture.

The court found Lieutenant Juby guilty of the charge and sentenced him to dismissal and twelve (12) months imprisonment at hard labor. However, in view of the mitigating circumstances, the absence of evil motive, and the previous good character of the accused, all members of the court strongly recommended clemency.

Lieutenant Juby was graduated from the University of Tampa, Tampa, Florida on June 9, 1942. He entered the Officer's Candidate Class of the Marine Corps Reserve soon afterward and received his commission as a Second Lieutenant on July 18, 1942.

The Convening Authority, Major-General Turnage, approved the proceedings, findings and sentence, but concurred in the recommendation for clemency. The Commandant of the Marine Corps recommended that the period of imprisonment be remitted outright and that the dismissal be remitted subject to twelve (12) months probation. The Secretary of the Navy remitted the period of imprisonment and recommended that the sentence of dismissal be confirmed by the President, but that it be remitted on condition that Lieutenant Juby conduct himself in a manner satisfactory to the Secretary of the Navy for a period of twelve (12) months.

This action would be in general accordance with the President's action on recent cases. Approval is recommended.

Very respectfully,

Chester C. Wood
Chester C. Wood

Assistant Naval Aide to the President

SEE ABOVE.

note to Navy 2-16-44

x50-10

C. F.

~~SECRET~~

THE SECRETARY OF THE NAVY
WASHINGTON

Pers328-trs

18 February 1944

MEMORANDUM FOR THE PRESIDENT:

1. There is forwarded herewith for your approval a recommendation of the Navy Department Board of Decorations and Medals for the award of the Legion of Merit in the degree of Commander to Commodore G. N. Oliver, Royal Navy, in recognition of his outstanding service to the Government of the United States.

2. It will be noted that the Secretary of the Navy has approved the recommendation of the Navy Department Board of Decorations and Medals. The State Department has been consulted and has no objection to this award.

3. If the President approves this award, it is requested that the attached Certificate be signed.

Frank Knox

FRANK KNOX

x18

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- Carl F. Spicer

Certificate signed 2-18-44
Rtd to Navy 2-21-44

copy of this memo
initialed by the President
2-19-44
Rtd to Navy 2-21-44

x48-A

~~SECRET~~

~~SECRET~~

QB4-DAS
5 January 1944

Third Endorsement
to ComNavNaw Secret ltr.
Pl5 Serial 00866 of 6
December 1943.

Navy Department Board of Decorations and Medals.

From: The Senior Member of the Navy Department Permanent Board of Awards.

To : The Secretary of the Navy.

Via : (1)
(2)

Subject: Commodore G. N. Oliver, Royal Navy - recommendation for award
of the Legion of Merit, Degree of Commander.

Reference:

1. Considered at the meeting of the Board of Decorations and Medals held 30 December 1943.
2. Recommendation: The Board concurs with the Second Endorsement and recommends that Commodore G. N. Oliver, Royal Navy, be awarded the Legion of Merit, degree of Commander.

A. E. WATSON

Navy Department

APPROVED JAN 13 1944

FRANK KNOX

The Secretary of the Navy

CC: Dec & Medals

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- *Carl L. Spicer*

COMINCH FILE

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

FF1/P15

Serial: 002792

~~SECRET~~

SECRET

19 DEC 1943

SECOND ENDORSEMENT to
ComNavNaw Secret Ltr.
P15 Serial 00866 of
6 December 1943.

From: Commander in Chief, United States Fleet
and Chief of Naval Operations.
To : The Secretary of the Navy.
Subject: Commodore G. N. Oliver, Royal Navy -
recommendation for award of the Legion
of Merit, Degree of Commander.

1. I concur in the recommendation of the Commander
United States Naval Forces, Northwest African Waters.

E. J. KING.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature-

Carl L. Spicer

~~SECRET~~

NAVY DEPARTMENT
WASHINGTON

QBL-HBY
16 December 1943

~~SECRET~~

End-1 to
ComNavNaw secret ltr.
P15 Serial 00866 of
6 December 1943.

From: The Navy Department Board of Decorations and Medals.
To: The Commander in Chief, United States Fleet.
Subj: Commodore G. N. Oliver, Royal Navy - recommendation for
award of the Legion of Merit, Degree of Commander.

1. Inasmuch as a flag officer is involved, comment and recommendation
are requested.

H. G. Patrick
Captain, USN, (Ret.)

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature-

Carl L. Spicer

File No.
P15

UNITED STATES NAVAL FORCES
NORTHWEST AFRICAN WATERS

Serial: 00866

DEC 6 1943

~~SECRET~~

SECRET

From: Commander United States Naval Forces, Northwest African Waters.
To : The Secretary of the Navy.
Subject: Commodore G. N. Oliver, Royal Navy - recommendation for award of the Legion of Merit, Degree of Commander.
Reference: (a) AINAV 288, of 30 December 1942.
(b) General Order 197, of 16 July 1943.
Enclosure: (A) Proposed Citation.

1. Commodore Oliver served under me as Commander of the Northern Attack Force during the amphibious invasion of Italy. As a reward for his inspiring leadership and faithful service, I recommend him for the award of the Legion of Merit, Degree of Commander.

2. Enclosure (A) is the proposed citation.

H. K. HEWITT

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature-

Carl L. Spicer

~~SECRET~~

UNITED STATES NAVAL FORCES
NORTHWEST AFRICAN WATERS

AWARD

The Secretary of the Navy, in the name of the President of the United States, awards the Legion of Merit to

COMMODORE G. N. OLIVER, ROYAL NAVY

CITATION

For exceptionally meritorious conduct in the performance of outstanding services as the Commander of a Task Force during the amphibious invasion of Italy.

Commodore Oliver, exercising great skill and with meticulous attention to detail, effectively developed and coordinated the complicated plans for the employment of a composite Allied Attack Force in landing assault troops, supplies and mechanized equipment of the Allied Fifth Army over the beaches in the Gulf of Salerno on 9 September, 1943. He led this Force with courage and determination to successfully accomplish the assigned mission against strong enemy opposition. In efficiently directing the unloading operations of succeeding convoys, he contributed materially to the support of the invasion forces during a critical maintenance period, thereby enabling them to advance into enemy occupied territory.

The extraordinary ability, aggressive leadership, and outstanding devotion to duty displayed by Commodore Oliver reflected great credit upon himself and the Naval Service.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature-

Carl L. Spicer

~~SECRET~~

18 February 1944

MEMORANDUM FOR MAJOR JOHN H. DILLON, USMCR:

It is requested that the Legion of Merit Certificate forwarded, herewith, in the case of Commodore G. N. Oliver, Royal Navy, be signed by the Secretary of the Navy before forwarding to the President.

By direction of Navy Department
Board of Decorations and Medals.

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature-

Carl L. Spicer

THE SECRETARY OF THE NAVY
WASHINGTON

Serial 092723-05

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

22 FEB 1944

MEMORANDUM FOR THE PRESIDENT

My dear Mr. President:

Further review of the Naval Construction Program indicates that a cancellation of six (6) PCE(R)'s is practicable and is recommended by the Commander-in-Chief United States Fleet and Chief of Naval Operations.

There is a total of nineteen (19) ships in the PCE(R) Program. This cancellation leaves thirteen (13) in the Program, and can be made without any waste of material.

Your approval of this cancellation is requested.

Yours sincerely,

Frank Knox

FRANK KNOX

*x18 Misc. Naval Bldg. Folder
x18-R*

x18
Franklin D. Roosevelt Library

DECLASSIFIED

DDO DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature-

Carl L. Spicer

*copy initialed by the
President and ret'd
to Navy 2-26-44
The Sec. office.*

*FK
OK
LOR*

THE SECRETARY OF THE NAVY

WASHINGTON

FFL/A4-3
(SC)L11-7/EF12
Serial: 06000A

26 FEB 1944

SECRET - SECURITY
~~SECRET - SECURITY~~

NS.
C. F.
Navy

MEMORANDUM FOR THE PRESIDENT:

Subject: Proposed Transfer of Four Destroyer Escort Vessels to Brazil.

x11

1. The Commander in Chief, United States Fleet has recommended to me the transfer under lend-lease of four destroyer escort vessels to Brazil. The vessels in question are now employed on escort duty in the South Atlantic Force and would continue in the same duty after transfer.

2. The Brazilian Navy is now operating eight large and eight small sub-chasers under similar previous transfers. Commander South Atlantic Force speaks highly of the effectiveness of these Brazilian manned ships.

3. The proposed transfer would release 40 officers and 732 men to man an equal number of newer and faster destroyer escorts now nearing completion.

4. I recommend the transfer of the above-mentioned vessels be authorized.

Frank Knox
x18

*copy initialed
by the President
and ret'd to Sec
Navy.*

*JIC
OIC
JDC
2-28-44*

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DECLASSIFIED

DOD DIR. 5200.9 (9/27/59)

Date- 2/10/59

Signature- *Carl L. Spicer*

x4193

*L. F.
Navy*

THE WHITE HOUSE
WASHINGTON

March 4, 1944.

MEMORANDUM FOR:

THE PRESIDENT.

Subject: List of Sixteen (16) Line and Nine (9) Naval
Aviator Captains for Temporary Promotion to
Rear Admiral.

1. In compliance with your instructions of 2 March a brief of the records of each of the nominees is enclosed herewith. ~~These records indicate that~~ Admirals Nimitz, Ingersoll and Halsey and about eight other officers occupying sea billets submitted the original lists from which final selections were made. I am assured by Admiral Jacobs that there can be no question about the outstanding qualities of all nominees.

2. The only one to have been passed over by previous boards is the #1 man — Commodore L. F. Reifsnider. He has been decorated twice this war for outstanding service in amphibious operations and appears to have proven in war his qualifications for Flag rank.

3. All of the Naval Aviator Captains have had adequate command experience at sea to qualify for Flag rank and most of the Line Captains have also had Executive and Command experience at sea — many with distinction during the present war. The nominees who have not yet had Command experience will be given an important Command in the near future and will not be nominated for a spot promotion until they have had such Command experience.

Very respectfully,

Wilson Brown
WILSON BROWN.

x 50-B

*UK
JMR*

Mr Muller

Send back to the

Navy

This was attached to
the post records as
mentioned in the Pres.
memo to Adm. Pasan

Navy Dept. folder
2-44

THE WHITE HOUSE
WASHINGTON

March 2, 1944.

MEMORANDUM FOR

ADMIRAL BROWN

Will you let me have the
past records of these people?
How many were passed over before
and how many times?

F. D. R.

Transmitting carbon of memorandum from the
Secretary of the Navy, 2/29/44, for the
President, together with carbon of list of
16 line and 9 Naval Aviator Captains for
temporary promotion to Rear Admiral. Original
papers retained for our files.

THE WHITE HOUSE
WASHINGTON

March 2, 1944.

MEMORANDUM FOR

ADMIRAL BROWN

Will you let me have the
past records of these people?
How many were passed over before
and how many times?

F. D. R.

Records ret'd to navy

THE WHITE HOUSE
WASHINGTON

March 1, 1944.

MEMORANDUM FOR:

The President.

The officers on this list have been carefully chosen by a war-time selection board as eligible for spot promotions. They will be nominated only when they are required to fill essential Flag billets. Approval of the list is recommended.

Very respectfully,


WILSON BROWN.

THE SECRETARY OF THE NAVY

WASHINGTON

20 FEB 1944

~~SECRET~~

MEMORANDUM FOR THE PRESIDENT:

Your approval is requested of the enclosed list of sixteen (16) line and nine (9) Naval Aviator Captains for temporary promotion to Rear Admiral.

Fifteen senior Admirals, Vice Admirals, and Rear Admirals, were requested to submit a list of fifteen (15) line Captains and eight (8) Naval Aviator Captains whom they considered to be of flag officer caliber for service at sea in time of war.

The lists were tabulated and a conference was called by me at which were present the Commander-in-Chief, U. S. Fleet, the Vice Chief of Naval Operations, the Chief of Staff, Commander-in-Chief, U. S. Fleet, the Deputy Chief of Naval Operations (Air), the Chief and Assistant Chief of Naval Personnel and the Chief of the Bureau of Aeronautics.

The list enclosed was unanimously arrived at as a result of the conference.

The Captains on the enclosed list will be nominated to you for promotion only when they are required to fill essential flag billets in the Naval establishment.

Frank Knox
X 18

X550

*F.K.
Q.K.
F.P.R.
copy submitted
& returned to Navy
3/4/44*

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DDO DIR. 5200.9 (9/27/88)

Date- 2/10/59

Signature- Carl L. Spicer

CAPTAINS RECOMMENDED FOR TEMPORARY
PROMOTION TO RANK OF REAR ADMIRAL.

Line Captains

<u>Signal No.</u>	<u>Name</u>	<u>Class</u>	
174	L. F. Reifsnider	'10	Spot Commodore
351	Paul Hendren	'13	
372	R. W. Hayler	'14	
412	J. H. Brown, Jr.	'14	
445	G. F. Hussey, Jr.	'16	Chief of Bureau of Ordnance.
454	W. A. Kitts, 3rd	'16	Asst. Chief of Bureau Ordnance.
455	B. J. Rodgers	'16	
456	F. E. Beatty	'16	
505	C. P. Cecil	'16	
520	F. G. Fahrion	'17	
523	I. N. Kiland	'17	
536	F. C. Denebrink	'17	
547	T. R. Cooley	'17	
554	A. R. McCann	'17	
566	James Fife, Jr.	'18	Spot Commodore
569	V. R. Murphy	'18	

Naval Aviator Captains

<u>Signal No.</u>	<u>Name</u>	<u>Class</u>	
537	F. B. Stump	'17	
577	C. A. F. Sprague	'18	
652	G. R. Henderson	X 18	Spot Commodore
661	A. M. Pride	X 18	
671	M. F. Schoeffel	'19	
673	R. A. Ofstie	'19	
675	M. B. Gardner	'19	
708	W. D. Sample	'19	
710	T. H. Cassady	'19	

THE WHITE HOUSE
WASHINGTON

March 6, 1944.

MEMORANDUM FOR

HON. FRANK KNOX: x18

I think that before we do anything further in connection with the Elk Hills oil reserve, you should have a further talk with Carl Vinson. He thinks that the Congress will prefer to buy out Standard's property rather than put through the unit agreement proposed.

F.D.R.

x56-6 Elk Hills Folder

x419

DECLASSIFIED
By Deputy Archivist of the U.S.
By W. J. Stewart Date FEB 11 1972

THE WHITE HOUSE
WASHINGTON

March 6, 1944.

MEMORANDUM FOR

THE SECRETARY OF THE NAVY:

I have signed the 90-day extension
of the temporary operating agreement with
Standard Oil Company of California.

x I had a talk the other day with
Chairman Vinson of the Naval Affairs
Committee and I wish that you and Harold
Ickes would arrange to have an appointment
with him as soon as possible to take up
the whole question (a) of Elk Hills and
(b) the final policy of centralizing
national oil reserves in a board of the
Secretaries of War, Navy and Interior. x25

I gather that the Naval Affairs
Committee is inclined to favor the
acquisition by the Government of the
oil company squares at Elk Hills. x4451

F.D.R.

x6
x4435
x56
x56-66

4

THE SECRETARY OF THE NAVY

WASHINGTON

March 4, 1944

My dear Mr. President:

There is submitted herewith for your approval a proposed agreement again extending the Rescission and Temporary Operating Agreement, dated September 8, 1943, between Navy and Standard Oil Company of California, relating to Naval Petroleum Reserve No. 1 (Elk Hills). I recommend approval. If you do approve, please affix your signature in the place indicated on page 2 of each copy.

You will recall that the agreement so to be extended was first approved by you on September 8 and provided for the temporary operation by Standard of the Reserve for a period of 90 days. You will also recall that the agreement was extended, with your approval, for an additional period of 90 days to March 6, subject to cancellation by Navy at any time on 30 days' notice. The purpose of the original 90-day period was to afford Navy and Standard an opportunity to explore the possibilities of a permanent arrangement relating to their respective lands within the Reserve. Such an arrangement was arrived at, and the purpose of the first extension was to give the various interested agencies of the Government and the Congress further opportunity to consider the matter.

In my letter of February 1, 1944, I reminded you that the Temporary Operating Agreement would expire on March 8 (I should have said March 6) and I expressed the hope that the future control and management of the field would be settled by the time of such expiration. Unfortunately, however, it has not been possible to do this in the time available, and we are faced with the necessity of a further extension of the temporary arrangement. The extension now proposed is for another period of 90 days, subject to cancellation by Navy at any time on 30 days' notice.

A solution agreeable to those concerned in the Executive Branch of the Government has been formulated. Legislation authorizing such a permanent arrangement as that proposed and also covering other matters relating to the Oil Reserves has cleared the

Budget and, I am advised, is in accord with your program. I am now awaiting a final opinion from the Attorney General as to the effect of this legislation. Upon receipt of such opinion, I hope that the bill will be introduced in the Congress and that hearings will promptly be resumed before the Naval Affairs Committee of the House.

The form of extension agreement has been approved by the Attorney General, as indicated in the enclosed copy of letter from him, dated February 24, 1944, and has been executed by Standard. I have also sent a copy to the Secretary of the Interior and he has expressed no disagreement with the course proposed. It will be executed by me upon its return with your approval endorsed thereon.

Sincerely yours,

Frank Knox

The President
The White House

Approved 3-4-44
Attd to Navy 3-6-44

C
O
P
Y

OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D. C.

February 24, 1944

My dear Mr. Secretary:

I have your letter of February 19 concerning the Rescission and Temporary Operating Agreement between Navy and Standard Oil Company of California with respect to Naval Petroleum Reserve No. 1. Your letter draws attention to the fact that this agreement will expire March 6, 1944, and you submit for my approval an extension of the agreement for an additional period of ninety days, subject to cancellation by the Navy at any time on thirty days' notice.

Inasmuch as consideration of a permanent policy for the Reserve is to be undertaken by the House Naval Affairs Committee on the basis of proposed amendatory legislation, I concur in your view that the temporary agreement should be extended for the designated period and on the terms and conditions now in force.

Sincerely yours,

/s/ Francis Biddle

x 10

The Honorable
The Secretary of the Navy
Washington, D. C.

**EXTENSION OF
RESCISSION AND TEMPORARY OPERATING AGREEMENT**

AGREEMENT, entered into this *7th* day of March, 1944, between the UNITED STATES OF AMERICA, acting by and through the Secretary of the Navy, (hereinafter referred to as "Navy"), and STANDARD OIL COMPANY OF CALIFORNIA, a corporation organized and existing under the laws of Delaware, (hereinafter referred to as "Standard").

Recitals

(a) Navy and Standard entered into a Rescission and Temporary Operating Agreement, dated September 8, 1943, relating to Naval Petroleum Reserve No. 1 (Elk Hills), (hereinafter referred to as the "Reserve"), which, among other things, provided for temporary operation of the Reserve by Standard, on the terms and conditions therein specified, for a period of 90 days from the date thereof.

(b) At the expiration of said 90-day period Navy and Standard, by an agreement dated December 8, 1943, extended the temporary operation of the Reserve by Standard under the Rescission and Temporary Operating Agreement for an additional 90 days.

(c) Such additional 90-day period will expire on March 6, 1944, and it is the desire of Navy and Standard further to extend the temporary operation of the Reserve by Standard under the Rescission and Temporary Operating Agreement for the purposes stated therein.

NOW, THEREFORE, Navy and Standard, in consideration of the premises and of the mutual undertakings herein contained, do hereby agree as follows:

1. The temporary operation of the Reserve by Standard in accordance with the Rescission and Temporary Operating Agreement, dated September 8, 1943, as extended by the agreement dated December 8, 1943, shall be continued for a period of ninety (90) days following March 6, 1944; and said Rescission and Temporary Operating Agreement shall be deemed to be extended for such period of time. All of the terms and conditions of said Rescission and Temporary Operating Agreement shall continue in full force and effect during such period of extension.

2. During such period of extension, and at any time after March 6, 1944, Navy may, upon thirty (30) days' written notice to Standard, terminate Standard's right to operate the Reserve under the Rescission and Temporary Operating Agreement as so extended.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

THE UNITED STATES OF AMERICA

By _____
Secretary of the Navy

STANDARD OIL COMPANY OF CALIFORNIA

By (S) F. D. Bryant
Vice-President X

I, FRANKLIN D. ROOSEVELT, President of the United States of America, on this 4th day of March, 1944, do hereby approve the execution of the foregoing Agreement by the Secretary of the Navy.

(S) Franklin D. Roosevelt
President of the United States

OFFICE OF WAR MOBILIZATION

WASHINGTON, D. C.



JAMES F. BYRNES
DIRECTOR

February 29, 1944

file

MEMORANDUM FOR THE PRESIDENT:

SUBJECT: Elks Hill Reserve

I recommend that you do not intervene in this matter.

I am advised by Chairman Vinson of the House Naval Affairs Committee that his Committee would prefer for you not to take part in this matter, that every Democrat on the Committee is opposed to the Unit Operations Plan and desires the Navy to condemn the private lands within the Elks Hill Reserve. He says that a sub-committee of the Appropriations Committee sat with his Committee and that sub-committee is opposed to Knox's plan.

You have previously indicated that it was your personal desire that condemnation of the private holdings within the Elks Hill Reserve should be had. Congress apparently is in agreement on this policy and is prepared to give legislative authorization for such course. I, therefore, think that you should not intervene and should permit Congress to proceed in accordance with its ideas which are in agreement with yours.

It is my understanding that the Secretary of the Navy has recommended the Unit Operations Plan because of the large appropriation required to cover condemnation cost. If Congress is, however, disposed to appropriate the necessary money, there is no reason why the Administration should oppose their views, and undertake to justify the contract.

The President of the company came to see me. His principal objection to condemnation is the money would be paid at one time and taxes would be high at this time. That is not sufficient to cause you to intervene.

JFB
JAMES F. BYRNES



Office of the Attorney General

Washington, D.C.

February 19, 1944

MEMORANDUM FOR Mr. Justice Byrnes

FROM The Attorney General

You have requested my opinion on the wisdom, from a policy standpoint, of the Navy's proposed unit plan contract with Standard of California in connection with the Elk Hills Oil Reserve, provided Congress amends the Naval Reserve Act to permit the execution of such a contract. On the assumption of Congressional authorization after consideration, in addition to hearings already held, of the matters suggested in my letter to the Bureau of the Budget of February 2, 1944 (copy attached), my opinion is there would be no sufficient policy objection to deter the execution of the contract. I am also assuming that the cancellation clause suggested by me is retained and appropriate disposition is made of other suggestions as to details made by me to the Navy.

The contract, while permitting limited production during the primary period, charges this production against Standard's share of the common pool in the geological structure. After the primary period the contract gives Navy control over all production except that provision is made for enough production to meet Standard's current costs of operation in the Reserve and its current taxes upon its lands, equipment, and interests under the contract. The alternative to such a contract, in my opinion, is condemnation entailing the outlay of a large sum of money. I realize that any such contract might subject the administration to political criticism but on the merits I believe that if Congress authorizes it and the Secretary of the Navy recommends it to the President, the President would be acting soundly in approving the contract.

Wm. H. Wood

PF:HLB

February 2, 1944

Mr. F. J. Bailey
Assistant Director, Bureau of the Budget
Washington, D. C.

My dear Mr. Bailey:

By letter of January 5, 1944, you requested an expression of my views with respect to a revised draft of a proposed bill, submitted by the Navy Department, to amend the Act of June 4, 1920, as amended, "relating to the conservation, care, custody, protection and operation of the naval petroleum and oil-shale reserves."

The proposed bill is in large measure an outgrowth of the efforts of the Navy Department to reach a satisfactory and valid agreement with Standard Oil Company of California for the cooperative or unit operation of Naval Petroleum Reserve No. 1 (the Elk Hills properties). It will be recalled that a contract dated November 20, 1942, was entered into and, after reference to this Department by the President and a recommendation by me that the contract be rescinded, it was in fact rescinded by the parties. On August 18, 1943, the rescission agreement, together with a temporary operating agreement, was approved by me and, after submission also to the Secretary of the Interior, was approved by the President on September 8. The temporary operating agreement ran until December 8 and has been extended for an additional three months' period. Meanwhile, the Navy Department drafted a proposed new contract and submitted it to me for an opinion concerning its legality under existing law. In an opinion dated November 24, 1943, I reviewed the proposed contract in detail and concluded that under existing law there was doubt with respect to authority for its execution and that it should not be executed on behalf of the United States without more specific approval by Congress than is found under present statutes.

On December 8, 1943, at a hearing before the House Naval Affairs Committee, I presented that opinion and testified concerning

the proposed contract. For your information I enclose herewith a copy of that testimony, which can also be found in the Congressional Record for December 8, 1943, at pp. A5741-A5744. In my testimony I summarized the principal objections to the rescinded contract and pointed out the respects in which, in my judgment, the proposed new contract would meet these objections. I also pointed out for the consideration of the Committee the questions of policy involved in a choice between condemnation of the privately owned properties in Naval Petroleum Reserve No. 1 and a unit or cooperative plan of operation.

With this background, I shall discuss the essential objectives of the proposed bill.

1. The bill would authorize contracts, such as the proposed contract drawn by the Navy Department, for joint, unit or other cooperative plans of exploration, conservation, development, use, and operation of lands owned by the United States within the reserves and lands within or near the reserves owned or leased by private interests. The desirability of such authority can best be considered in terms of the specific contract which is proposed.

The proposed contract provides for the development and operation of the Reserve as a unit, making all wells, equipment, and facilities on the lands of either Navy or Standard available for use by Navy or by the operator selected by it. The interests of Navy and Standard in the oil and gas within the Reserve are defined by percentages, initially determined to be the following (omitting fractions): Shallow oil zone—Navy 64 per cent, Standard 36 per cent; dry gas zone—Navy 77 per cent, Standard 23 per cent; Stevens (deep) zone—Navy 65 per cent, Standard 35 per cent. Production from the Reserve is to be allocated in the following manner: During a primary period Standard is permitted to receive from the shallow oil zone 15,000 barrels of oil per day, on a quarterly average. The primary period is defined as the shortest of the following three periods: (a) until 6 months after cessation of hostilities between the United States and all countries now at war with us; (b) until Standard shall have received from production from the shallow oil zone 25,000,000 barrels of oil; (c) until Standard shall have received from production from the shallow oil zone one-third of its share of the estimated recoverable oil in that zone, as determined by the Engineering Committee. All oil received by Standard during the primary period is charged against its interest in the shallow oil zone. After the primary period Navy is authorized to suspend production from the entire Reserve, subject to the right of Standard to receive daily sufficient oil to cover its

current costs of operation in the Reserve and its current taxes upon its lands, equipment, and interests under the contract. In no event may Standard, without approval by Navy, receive production from any zone after its withdrawals therefrom have equaled one-third of its share of the estimated recoverable oil in that zone. After the primary period, whatever production is authorized by Navy would be charged to the respective shares of Navy and Standard in such proportions as to bring their shares of production into balance with their shares of ownership of the subsurface oil.

The safeguarding of the interests of the United States would rest to a considerable degree on the engineering determinations under the contract, particularly the estimates of relative shares of the United States and of the private interests in the oil in the various subsurface zones. The proposed contract provides for such determinations to be made and revised from time to time by a joint Engineering Committee, with final decision in the Secretary of the Navy in the event of any disagreement within the Committee. A further question of an engineering character which is basic to the proposed agreement is whether the unit plan of operation should embrace the entire Reserve or should be limited to that portion of the Reserve, in the eastern part of the field, which is peculiarly checkerboarded with Navy and Standard lands. I assume that this question will be adequately explored before the Congressional committees. In my testimony before the House Committee I stressed the advisability of including in any such contract a termination clause, and I am informed that such a clause has now been prepared for inclusion, giving to the Secretary the right to terminate on six months' notice.

2. The bill would authorize the production of the Navy's oil from the reserves whenever, in the opinion of the Secretary of the Navy as approved by the President, the national defense so requires. The bill would also authorize the undertaking of programs of exploration, prospecting and development designed to prepare the reserves for future production in time of emergency. Under existing law production for these purposes is not authorized. The bill, if enacted, would constitute a determination that occasion now exists for relaxing the restriction heretofore imposed by Congress on the development of the naval petroleum reserves.

3. The bill would authorize the use of Navy's oil produced from the reserves for the payment in kind of costs chargeable to the United States in connection with the development and operation of the reserves. This provision, by dispensing to some extent with the necessity for appropriations, raises a question of policy which I assume will also be canvassed with the committees.

4. The bill would extend the powers of purchase and condemnation to all lands within or near any of the reserves. The Act of June 30, 1938, contains the power of condemnation only with respect to lands or leases in Naval Petroleum Reserve No. 1. It should be observed, however, that the proposed bill authorizes purchase or condemnation only in the event of the inability of the Secretary of the Navy to make arrangements which he finds satisfactory for exchanges of land or agreements for conservation or for unit or cooperative plans of development and operation. Whether the power of purchase or condemnation should thus be limited either in the absence of any agreement or in the event that an agreement has been executed is a question to which the attention of Congress should be directed.

5. The bill would bring the oil-shale reserves under the scope of the Act in the same manner as the petroleum reserves. At present the former are excepted.

It seems clear that there are but two feasible methods of dealing with the Elk Hills properties in order to meet the problem of drainage caused by the pattern of public and private ownership of lands within the Reserve. One method is condemnation, and the other is a contract for unit control and operation. The unit plan agreement as proposed by the Navy Department would give the Government substantial control over all the oil in the Reserve after a maximum of 25,000,000 barrels had been taken by Standard out of its own share; the shares of ownership would be determined and revised by the Engineering Committee and, in case of disagreement, by the Secretary of the Navy. Condemnation would give us both ownership and control of all the oil in the Reserve at a cost which is necessarily uncertain until resolved by the verdict of the jury. The actual amount of a verdict in a condemnation suit cannot, of course, be foretold.

Several matters of detail in the language of the proposed bill have been taken up with representatives of the Navy Department, in the interest of greater clarity, and hence it does not seem necessary to encumber this letter with those suggestions concerning points of drafting.

Sincerely yours,

Attorney General.

file

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON

February 12, 1944

Dear Mr. Russell:

In accordance with our conversation with you and Mr. Searls on Wednesday, I enclose herewith a copy of the draft bill in the form in which it is being re-submitted to the Bureau of the Budget today. I also enclose, for your information, a copy of Secretary Knox's memorandum to the President commenting upon the proposed Unit Plan Contract and a copy of the Secretary's summary of the contract prepared for the President's use.

I believe that the draft bill is now in a form satisfactory to both the Budget Bureau and the Department of Justice. Mr. Searls, you will recall, suggested that it might be politically desirable to limit the condemnation power to Reserve No. 1 (Elk Hills) and lands lying on the same geologic structure as that Reserve. This limitation could be accomplished by revising the first sentence in paragraph (b) of the draft bill to read as follows:

"In the event of the inability of the Secretary of the Navy to make arrangements he finds satisfactory for exchanges of land or agreements for conservation as authorized under the preceding paragraph, or for contracts for joint, unit or other cooperative plans with respect to lands or leases as authorized under the first paragraph of this Act, he is hereby authorized, with the approval of the President, to acquire such privately owned lands or leases within the reserves or outside thereof but on the same geologic structure by purchase, or, in the case of such lands or leases within naval petroleum reserve numbered 1 or outside thereof but on the same geologic structure, by condemnation."

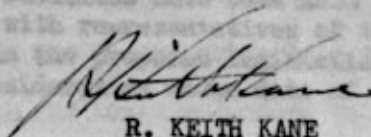
The Navy Department would I am sure have no insuperable objection to such a limitation of the condemnation power if it is ultimately decided upon as a matter of Administration policy. It is our view, however, that it fails to take sufficient account of the operating problem now presented in Reserve No. 2 (Buena Vista Hills), and would unduly restrict the scope of what the Navy might otherwise be able to accomplish with respect to the conservation in the ground of the oil remaining in that Reserve. It also lacks the virtue of uniformity of application in terms to all the Reserves alike, irrespective of the fact that the actual exercise of the condemnation

power would now appear to be academic insofar as Reserve No. 3 (Teapot Dome) and Reserve No. 4 (Alaska) are concerned.

It is our own feeling, for whatever it is worth, that the extension of the condemnation power contemplated by the bill as presently drafted would be well received in the Congress. It should be borne in mind in this connection that the statute contemplates the use of the power only as a last resort and only in the event of the inability of the Secretary to make satisfactory agreements. Moreover, so far as opposition from the so-called "independents" is concerned, although there are certain operating lessees in Reserve No. 2 who are commonly termed "independents" and who naturally would not look with favor upon any step which might result in the ultimate restriction of their production, the greatest opposition would very naturally come from Standard Oil Company of California which is the fee owner of every other section of land in that Reserve and the producer of the major proportion of oil coming out of that structure.

I shall be glad to make myself available to discuss these matters further with you if you desire, and to supply you with such further information as you may need.

Sincerely yours,



R. KEITH KANE x
Special Assistant to
The Secretary of the Navy

Donald Russell, Esq., x
The White House.

(Sec. War Mobilization Com.)
x 5330-13

C O P Y

OFFICE OF THE SECRETARY
JAG:L:LJC:mw

DEPARTMENT OF THE NAVY
WASHINGTON

February 14, 1944

The Director
Bureau of the Budget
Executive Office
of the President
Washington, D. C.

Sir:

This is in further reference to the proposed bill "To amend the part of the Act entitled 'An Act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes', approved June 4, 1920, as amended, relating to the conservation, care, custody, protection and operation of the naval petroleum and oil-shale reserves".

Primarily to clarify provision for unit plan agreements, revisions have been made pursuant to conferences with representatives of the Department of Justice in the proposed legislation transmitted for your consideration under date of January 1, 1944.

This revision, which is intended to supersede the proposed legislation previously transmitted, is enclosed herewith.

Information is requested as to whether or not the proposed legislation so revised is in accord with the program of the President.

Respectfully,

(Sgd.) Frank Knox

Enclosures.

A B I L E

To amend the part of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, as amended, relating to the conservation, care, custody, protection and operation of the naval petroleum and oil-shale reserves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the part of the Act of June 4, 1920 (41 Stat. 813) amended by the Act of June 30, 1938 (52 Stat. 1252, 34 U.S.C. 524) as so amended is hereby amended as follows:

(a) The first paragraph of such amended part is amended to read as follows:

"The Secretary of the Navy is directed to take possession of all properties within the naval petroleum and oil-shale reserves as are or may become subject to the control and use by the United States for naval purposes; to explore, prospect, conserve, develop, use, and operate the same in his discretion, subject to approval by the President, directly or by contract, lease, or otherwise, including, in the case of naval petroleum reserves numbered 1 and 2, contracts for joint, unit or other cooperative plans of exploration, prospecting, conservation, development, use, and operation of lands owned or controlled by the United States within such reserves numbered 1 or 2 and lands owned or leased by private interests therein or outside thereof but on the same geologic structure, such use and operation to be for the protection,

conservation, maintenance and testing of the naval petroleum in the aforesaid reserves or for the production of petroleum whenever and to the extent the Secretary, with the approval of the President, finds required for the national defense or for otherwise carrying out the provisions of this Act; and to use, store, exchange for other petroleum or refined products thereof or for services rendered or expenses incurred in the development, use, or operation of the reserves, or sell the oil and gas products produced under authority of this Act, and those from all royalty oil and gas from lands in the naval reserves, for the benefit of the United States, subject to the applicable limitations and restrictions of this Act; and to exercise exclusive jurisdiction and control over those lands within the borders of naval petroleum reserves numbered 1 and 2 which are embraced by leases granted pursuant to the provisions of the Act of Congress approved February 25, 1920, entitled 'An Act to promote the mining of coal, phosphate, oil, oil-shale, gas, and sodium on the public domain' (41 Stat. 437)."

(b) The third paragraph of such amended part is amended to read as follows:

"In the event of the inability of the Secretary of the Navy to make arrangements he finds satisfactory for exchanges of land or agreements for conservation as authorized under the preceding paragraph, or for contracts for joint, unit or other cooperative plans with respect to lands or leases as authorized under the first paragraph of this Act, he is hereby authorized, with the approval of the

President, to acquire such privately owned lands or leases within the reserves or outside thereof but on the same geologic structure by purchase or condemnation. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such sums shall be expended under the direction of the President, who shall submit to the Congress estimates therefor in the manner prescribed by law: Provided, That the Secretary of the Navy shall report annually to the Congress all purchase and condemnation proceedings entered into under the authority herein granted."

(c) The last paragraph of such amended part is amended by striking out the following words and punctuation:

"Provided, That nothing herein contained shall be construed to permit the development or operation of the naval oil-shale reserves."

ESQUARY
OR
PROPOSED NAVY-STANDARD CONTRACT

1. The purpose of the contract is not only to conserve all of Government's oil in Elk Hills but also withhold from market all but a maximum of 25,000,000 bbls. of Standard's oil (estimated at 200,000,000 bbls.). This without cost to the U. S.
2. Whenever we elect to operate (in time of war) all lands in Reserve No. 1 are to be operated as a unit under Navy's control. Navy may operate itself or select any operator it chooses.
3. The oil is to be divided on the basis of scientific engineering studies. Percentages are presently fixed at roughly 64% to Navy, 36% to Standard. Percentages are to be revised as development furnishes new data; and any resulting adjustments are to be fully retroactive.
4. Standard is to be permitted to withdraw 15,000 bbls. a day for duration of war plus six months but, in no event, more than 25 million bbls. or 1/3 of Standard's interest in Shallow Zone, whichever is less. All oil so withdrawn is to be charged against Standard's total share. The remainder of Standard's oil may be withdrawn only when Navy permits. Navy may, when legally authorized, draw upon its own share at any time; and may sell it to anybody.
5. Costs are to be shared ultimately by Navy and Standard over the life of the contract in accordance with their percentage participations in the oil. Standard throws in existing production facilities valued at approximately \$2,000,000 greater than Navy's. Navy will not have to spend a dollar until it decides to produce some of its own oil.
6. The Secretary of the Navy decides all disputes; and he may, with the President's approval, terminate the contract at any time on 6 months' notice.

CO
PY

January 13, 1944

Comment on Proposed Navy-Standard Contracts:

In general, the proposed contract between Navy and Standard means in effect that Standard is ready to turn over its holdings in the Reserve to the control and management of the Government, reserving the right only to withdraw some of its own oil now when it is needed anyway in the war effort and the right to get its proper share of the remaining oil later if, as, and when the Government, in its absolute discretion, decides more oil should be produced in the national interest.

Specifically, the contract would accomplish the following:

(1) It would eliminate drainage, the problem which has bedeviled the administration of the Reserve since it was originally set aside, and would assure to each party neither more nor less than its fair share of the oil.

(2) It would assure the continued production of 15,000 barrels of crude a day from the Reserve during the war period, to this extent reducing the mounting deficit in the production of crude in the West Coast area. Admiral Horne has told the House Naval Affairs Committee that this amount is the minimum which the Reserve must contribute now for this war, and that he will insist upon its continued production even if condemnation occurs. The entire production at this rate under the contract would be deducted from Standard's share of the pool, thus keeping Navy's share wholly intact and at least 2/3 of Standard's share as well.

(3) Control, including the right to limit production now to 15,000 barrels a day and virtually to shut in the field, even including Standard's wells, 6 months after hostilities cease, would be vested in the Navy.

(4) Even during the war, if it should appear that the quantity of oil withdrawn by Standard under the contract on account of its share of the pool will exceed (a) 1/3 of its

estimated share or (b) 25 million barrels of oil, whichever is less, the Secretary of the Navy could prohibit further production from the field if war conditions permit.

(5) The purposes of the Naval Reserves Act would be accomplished, namely, protection and conservation in the ground of the naval petroleum, — without expense to the United States.

(6) The presence of a competent operator on the field to perform services in the maintenance, exploration, or development of the field would be assured to the same extent as if the Government owned all the lands and leased them to a private operator, following the practice of the Land Office with respect to public lands.

(7) Condemnation would be avoided at a time when the Government is being widely criticised for unnecessary acquisitions of property at great Federal expense and at the expense of local and county taxpayers. Condemnation in this instance would also involve substantial risks because the field is insufficiently developed to permit accurate estimates of value. The Government might well end up by having paid more to Standard than its properties were worth.

* * * *

The whole matter has been discussed with Justice Byrnes and he approved the contract method. The contract itself has been approved by the Secretary of the Interior. The Attorney General has stated that the contract achieves the basic purposes of the Act and that he cannot say that it is not authorized, but he recommends certain clarifying amendments in order to remove any possibility of doubt. Such amendments are being prepared in collaboration with the Attorney General and will shortly be introduced.

* * * *

A copy of the draft contract, and of a brief summary thereof, are enclosed herewith.

(2491)

Amor

THE WHITE HOUSE
WASHINGTON

56-6

Elk Hills

February 7, 1944.

MEMORANDUM FOR

J.F.B. x 5330

What do you think?

F.D.R.

Letter from the Secretary of the Navy, 2/1/44,
to the President, with enclosures, in re
temporary operating agreement with Standard
Oil Company of California with respect to
Elk Hills. Copies of same retained for our
files.

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ENL:K:b

February 1, 1944

My dear Mr. President:

The temporary operating agreement with Standard Oil Company of California with respect to Elk Hills expires on March 8. It is really imperative that our policy for future control and management of the field be settled well in advance of this date or I fear that great confusion and unnecessary expense to the Government will result.

You have before you my own recommendation as between contract and condemnation. I favor the contract. Justice Byrnes told me that he preferred this method and Harold Ickes agrees with me. The contract itself has been studied by Harold and he tells me that he approves of it.

Whichever course we follow, legislation is required. The power of condemnation as provided in existing law must be extended and our authority to produce for the war emergency must be confirmed by Congress. We are also seeking clear authority in light of an opinion of the Attorney General to make contracts of the nature I am recommending.

The Naval Affairs Committee is awaiting the appropriate amendments to the Naval Reserve Act which the Navy has prepared and which are now in the process of being cleared by the Budget Bureau. Hearings will be resumed as soon as the bill is introduced. Hearings before the Public Lands Committee on another bill affecting the Reserves are currently proceeding. The sentiment in that Committee seems to be favorable to the Navy in respect of its management of the Reserves and the majority of the Committee seems clearly opposed to condemnation.

It would be very helpful if you would see fit to send to Carl Vinson a letter substantially along the lines of the draft I am submitting herewith. This would aid us I am sure in working out a satisfactory solution of the problem before our temporary agreement expires on March 8. A copy of your letter to me of March 21, 1942, referred to in the draft letter to Vinson, is attached for your convenient reference.

Sincerely yours,

Frank Knox

The President,
The White House.

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My dear Carl:

Reference is made to our discussion the other day about the Elk Hills matter and your earlier inquiry as to whether I had any views other than those contained in my letter to Secretary Knox of March 21, 1942. In that letter I stated that if satisfactory arrangements could not be made with the private owners in the Reserve, then the Secretary was authorized to proceed by condemnation.

Secretary Knox has discussed with me in some detail the proposed Unit Plan Contract with Standard of California, and it has impressed me as an entirely satisfactory arrangement within the meaning intended by my letter. I have all along been concerned more with the results achieved than with the form which the transaction might take, and I have been especially hopeful, as my letter indicates, that the cost to the Government might be kept as low as possible. The new contract which the Secretary has negotiated seems to me to be wholly responsive to my instructions on both counts. It effects conservation in the ground of all of the Government's oil as well as most of Standard's, permits the production currently of some of Standard's oil which is badly needed in the war effort, and eliminates the troublesome problem of drainage — all at no cost to the Government. Under the circumstances, then, there appears to be no need for condemnation. As legislation is apparently required, I hope that we may count upon your assistance.

Sincerely yours,

The Honorable Carl Vinson
House of Representatives
Washington D C

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THE WHITE HOUSE,
Washington, March 21, 1942.

The Honorable the SECRETARY OF THE NAVY.

MY DEAR MR. SECRETARY: I am in hearty agreement with the recommendation in your letter to me of February 23, 1942, that we proceed to acquire at the earliest possible date the privately owned lands lying within naval petroleum reserves No. 1 in California. However, I question the advisability of drilling the proposed test wells, and feel that the need for the acquisition of these lands as quickly as possible is so great that the delay incident to the drilling of such wells should not be permitted. In order to protect the oil within that reserve, I think that not only privately owned lands lying within the limits of the reserve but also contiguous lands lying within the same geologic structure should be acquired in order to afford permanent protection.

Accordingly, you are authorized to proceed immediately with negotiations toward the purchase, if possible, of all lands lying within the geologic structure in which naval petroleum reserve No. 1 is located. In this connection, I suggest the advisability of arranging for paying for such lands through the years on a royalty basis over and above a minimum price based on their lowest estimated yield. If satisfactory arrangements cannot be promptly concluded with the owners, then you are authorized to institute condemnation proceedings through the Department of Justice.

You are also authorized to submit to the Director of the Bureau of the Budget estimates for such funds as may be necessary to accomplish this objective.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

WHITE HOUSE
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THE SECRETARY OF THE NAVY

WASHINGTON

February 1, 1944

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Sincerely yours,

Frank Knox

The President,
The White House.

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House of Representatives
Washington D C

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Accordingly, you are authorized to proceed immediately with negotiations toward the purchase, if possible, of all lands lying within the geologic structure in which naval petroleum reserve No. 1 is located. In this connection, I suggest the advisability of arranging for paying for such lands through the years on a royalty basis over and above a minimum price based on their lowest estimated yield. If satisfactory arrangements cannot be promptly concluded with the owners, then you are authorized to institute condemnation proceedings through the Department of Justice.

You are also authorized to submit to the Director of the Bureau of the Budget estimates for such funds as may be necessary to accomplish this objective.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

November 24, 1943

The Secretary of the Navy

My dear Mr. Secretary: In your letter of November 4, 1943, you requested my opinion concerning the legality of a proposed unit plan contract with Standard Oil Company of California relating to Naval Petroleum Reserve No. 1. Because of the length and detailed character of the provisions of the proposed contract, it seems desirable to give a summary of its essential terms before proceeding to consider the question of statutory authority for its execution.

I

The proposed contract provides for the development and operation of the Reserve as a unit, making all wells, equipment and facilities on the lands of either Navy or Standard available for use by Navy or by the operator selected by it. The interests of Navy and Standard in the oil and gas within the Reserve are defined by percentages, initially determined to be the following (omitting fractions): shallow oil zone--Navy 64 per cent, Standard 36 per cent; dry gas zone--Navy 77 per cent, Standard 23 per cent; Stevens (deep) zone--Navy 65 per cent, Standard 35 per cent. These percentages are subject to revision by an Engineering Committee as further data become available concerning the commercially productive formations underlying the surface of the respective parties. Such adjustments are retroactive to November 20, 1942, the date as of which operations under the rescinded contract began. The Engineering Committee consists of six members, all required to be experienced petroleum engineers or petroleum geologists, three appointed by Navy and three by Standard. Determinations by the Committee are to be binding if unanimous. If not unanimous, the Committee must refer the matter to the Secretary of the Navy who on his own motion may, and on request of Standard shall obtain an advisory report from an independent engineer, and thereafter the Secretary is to make a binding decision.

Production from the Reserve is to be allocated in the following manner. During a primary period Standard is permitted to receive from the shallow oil zone 15,000 barrels of oil per day, on a quarterly average. The primary period is defined as the shortest of the following three periods: (a) until six months after cessation of hostilities between the United States and all countries now at war with us; (b) until Standard shall have received from production from the shallow oil zone 25 million barrels of oil; (c) until Standard shall have received from production from the shallow oil zone one-third of its share of the estimated recoverable oil in that zone, as determined by the Engineering Committee. All oil received by Standard during the primary period is charged against its interest in

the shallow oil zone. Navy has the privilege during the primary period of causing production to be increased, for itself, until the amount received by it equals its share under the percentage participations established; thereafter production would be allocated currently between Navy and Standard in accordance with their percentage participations, saving to Standard the right to its guaranteed production during the primary period. After the primary period Navy is authorized to suspend production from the entire Reserve, subject to the right of Standard to receive daily sufficient oil to cover its current costs of operation in the Reserve and its current taxes upon its lands, equipment and interests under the contract. In no event may Standard, without approval by Navy, receive production from any zone after its withdrawals therefrom have equaled one-third of its share of the estimated recoverable oil in that zone. Navy may permit production from the Reserve after the primary period in excess of that to be taken by Standard under the foregoing authority to meet costs and taxes. In that event Standard may receive only one-third of what its percentage participation in the production from any zone would have been if the amounts received by Navy and Standard from such zone were in balance with their percentage participations therein; Navy is to receive the remainder of the production from such zone until it has brought its share into balance with the percentage participations in that zone. (Thus, apparently, if Navy permits 9,000 barrels per day to be withdrawn after the primary period, and if its percentage participation is $6\frac{2}{3}$, Standard could withdraw not 3,000 barrels but only 1,000 barrels per day.) The same formula is to be employed during the primary period if Navy permits production from a zone other than the shallow oil zone. After the parties have come into balance with their respective percentage participations in any zone, all production therefrom is to be received by them, respectively, in accordance with their percentage participations. Whenever any zone shall become substantially exhausted, and the production received by Navy and by Standard has not, for any reason, been in balance with their percentage participations, an adjustment is to be made in future allocations of production from other zones; and on termination of the contract when the field is exhausted there shall be an appropriate cash adjustment if necessary.

Operations are to be carried on under the direction of an Operating Committee composed of two members, one appointed by Navy and one by Standard. This Committee is to determine the number of wells, their location, depth, rate of production, and the like. Any disagreement is to be referred to the Secretary of the Navy for final determination.

Neither party is to have an exclusive or preferential right to purchase the share of oil produced by the other. Navy may employ Standard or any other operator to carry out the contract, but if

Standard is selected, its compensation is limited to cost to itself.

Costs are to be borne ultimately by Navy and Standard in accordance with their relative percentage participations in production. Current payment of costs, however, follows a different pattern. In general, each party is to pay costs currently in proportion to its current production. The cost of drilling exploratory wells is dealt with by special provisions, described below in connection with a more detailed discussion of the expenditures involved under the contract.

The contract is to remain in effect so long as oil, gas, and associated hydrocarbons can be produced from the Reserve in paying quantities. There is no provision for earlier termination.

II

The question whether the contract is authorized does not present simply a question whether administrative action is within the scope of the powers conferred by Congress. The problem relates more specifically to the authority to enter into a commitment involving the expenditure of public money and the disposition of public property. It must be viewed, therefore, in the light of the general principle requiring express sanction for the disposal of such property, and the restrictions on contracts involving expenditures. R. S. section 3732, 41 U.S.C. section 11, provides:

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year.

The authority contemplated by R.S. 3732 must be one which "expressly or by necessary implication" authorizes the transaction in question. See Chase v. United States, 155 U.S. 489, 502, holding that statutory authority to "establish post offices" does not give sanction to a contract for the lease of a building to be used as a post office. The Act of June 30, 1906, 34 Stat. 764, 31 U.S.C. section 627, further prescribes a canon of statutory construction:

No Act of Congress passed after June 30, 1906, shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such Act shall in specific terms declare an appropriation to be made or that a contract may be executed.

It is pertinent, consequently, before examining the statutory authority, to consider in what measure the proposed contract involves the expenditure of public money. Ultimately all costs of production, drilling and development are to be borne ratably by Navy and Standard. Initially the expense of guaranteed production is to be paid currently by Standard, since it is Standard which will receive such production. Those expenditures will affect Navy's subsequent outlays, however, when it is determined to extract some or all of Navy's share of the oil in the Reserve. If at that subsequent period costs are relatively lower, Navy will nevertheless be bound to account to Standard in equalizing the aggregate costs on the basis of their respective interests in the Reserve. This contingency is not described by way of criticism of the cost-sharing formula, but in order to make clear the nature of the financial obligations involved. Moreover, it will be essential to drill exploratory wells for the purpose of securing additional data on which to base revisions of the percentage participations in the several zones; without such periodic revision there could be no sound operation of the plan. Where such exploratory drilling is approved by the Engineering Committee, the cost is to be borne currently by Navy and Standard in proportion to their interests. Where it is not so approved, but Navy determines that such drilling should be carried out, Navy is to pay the entire cost currently. Only if Standard determines to utilize an exploratory well in the shallow zone for productive purposes is the Navy relieved of the necessity of paying therefor currently. Also, in the event that Standard is permitted to produce from the Stevens zone to meet its guaranteed production when production from the shallow zone is suspended, the cost of drilling exploratory wells in the Stevens zone is to be met currently by Navy, until there has been absorbed ratably a credit to Standard of more than a million dollars, expended by it prior to the contract in drilling four wells in the Stevens zone.

It is thus evident that substantial expenditures by Navy will be necessary both for the successful functioning of the agreement and for meeting its obligations to Standard, quite apart from the expenses which would be involved should Navy produce for its own requirements some or all of its share of the oil in the Reserve. The contract, it should be noted, does not require or purport to authorize Navy to produce any of its share of the oil, but it imposes obligations on Navy toward Standard concerning the rate and allocation of production, and the payment of costs, in the event of such production. The contract thus attaches binding proprietary and financial rights and obligations to any future program of production for Navy's account, though such production itself would have to be authorized by Congress, since, as will be seen, existing statutory authority requires that the reserves be maintained with a view to conserving Navy's oil underground.

For existing statutory authority we must turn to the Act of June 30, 1933 (52 Stat. 1252), set forth in pertinent part as an Appendix hereto, which brought together and clarified the powers of the Secretary of the Navy with respect to the naval petroleum reserves. That statute made it clear that in exercising power over the reserves the Secretary must have in view the dominant purpose of conserving oil in the ground. The statute gives power to deal with the reserves "directly or by contract, lease, or otherwise," for "the protection of the aforesaid reserves ..." Several specific kinds of arrangements are then mentioned, namely, an exchange of lands with private owners in order to consolidate the respective interests; contracts with adjoining owners or lessees for conservation in the ground of oil and gas and for compensation for estimated drainage in lieu of drilling or operating offset wells; and condemnation or purchase of adjoining private lands. The committee reports and the hearings include discussions of each of these specified measures. S. Rep. 317, 75th Cong., 1st sess.; H. Rep. 2672, 75th Cong. 3d sess.; Hearings, Senate Committee on Naval Affairs, S. 1131, 75th Cong., 1st sess.; Hearings, House Committee on Naval Affairs, 75th Cong., 3d sess.

Authority to enter into unit plan agreements is found specifically in the statute only in a proviso relating to cooperative agreements among lessees on Government land and adjoining owners. The proviso, in its context, reads:

Leases of lands of the United States within the naval petroleum reserves, in existence prior to July 1, 1936, excepting those leases which have become a part of an approved unit or cooperative plan and agreement, shall terminate at the expiration of their initial twenty-year periods, and the lands covered by such terminated leases may be re-leased upon such reasonable terms and conditions as the Secretary of the Navy may prescribe, with the preferential right in the former lessees to leases of the same if and when the lands are re-leased: Provided, That every unit or cooperative plan of development and operation entered into after July 1, 1937, and every lease entered into subsequently to July 1, 1937, with respect to lands owned by the United States within the naval petroleum reserves, shall contain a provision whereby authority limited as provided in such plan or lease is vested in the Secretary of the Navy, subject to approval by the President, to alter or modify from time to time in his discretion the rate of prospecting and development on, and the quantity and rate of production from, such lands of the United States under said plan or lease, any law to the contrary notwithstanding.

Earlier authority for the Secretary of the Navy to approve unit plans on behalf of lessees, limited to the life of the lease unless otherwise provided, was contained in an amendment to the General Leasing Act, adopted March 4, 1931 (46 Stat. 1523, 1526); that amendment was occasioned by apprehension of the Navy Department that it might be bound by statutes dealing generally with the public domain and providing that agreements for cooperative development should extend for the life of a pool. The Act of 1938 restricted the authority to approve such unit plans among lessees by requiring that the Secretary, with the approval of the President, must retain power to alter or modify from time to time the rate and quantity of production from lands of the United States embraced in such a unit plan of operation. See S. Rep., supra, p. 7; H. Rep., supra, p. 8.

The only discussion of unit plans is contained in that portion of the committee reports devoted to leases. After an exposition of the specific powers which I have enumerated above, the reports, under the heading "Additional Provisions," contain the following paragraph:

Provision for more advantageous leasing and greater control of operations under any new leases or agreements entered into involving the Government's lands is necessary in order to strengthen the Government's position in naval petroleum reserve no. 1 in the event that no satisfactory exchange of lands can be arranged, that no purchase or condemnation of private lands in the reserve can be made, and that no other agreements to protect the Government's interest can be entered into to conserve the oil in the Government's lands. This provision is a precautionary measure designed to remedy what the Navy Department has found to be the most objectionable features of the present leases--i.e., lack of any authority to regulate or control the operations of a lessee when they are not in the lessor's interests. The Navy Department recognizes that as long as some of its oil lands remain interspersed among lands owned by others it may be necessary at any time to lease or otherwise operate such parts thereof as are vulnerable to drainage or to unite with owners or operators on adjoining private lands for the cooperative or unit development of their respective holdings in order to avoid waste, destructive competition, excessive investments in development and to regulate production to the mutual advantage of all those concerned. Such unit or cooperative operations result in greater efficiency, higher percentage recoveries of oil and gas, and consequently greater benefits to all. However, the committee is of the opinion that authority should be definitely vested in the Secretary of the Navy to regulate the

rate of development on and the quantity and rate of production from the Government's lands in its naval petroleum reserves at all times and under all conditions.

The proposed contract thus cannot be supported by the proviso dealing specifically with cooperative or unit plans of operation; and doubtless it was not meant to be, since it does not reserve absolute authority in the Secretary, subject to approval by the President, to regulate the rate and amount of production on the Government's land within the Reserve, but to a large extent delegates that responsibility to an Engineering and an Operating Committee.

Authority must therefore be discovered in the more general provision of the statute authorizing contracts for the protection of the Reserve. At the very least the proposed contract must have conservation as its dominant object and effect. Conservation would be achieved under the proposed contract in two essential respects: (1) elimination of loss through drainage, by operation of the field as a unit, and (2) limitation of production by Standard from any part of the Reserve during the primary period to 15,000 barrels a day, and thereafter the suspension of production, except to the small extent guaranteed to Standard, within the discretion of Navy. In these respects the contract would provide one form of solution to the persistent problem of drainage and offset drilling which has been at the core of the difficulties attending the management of Elk Hills.

I am not prepared to say that such a form of contract is unauthorized by the statute. Doubt must exist, however, in view of the considerations to which I have adverted. Other means were expressly referred to in the statute and the discussions thereon, while the device of a unit plan was considered only in relation to agreements by lessees on Government land, who would presumably be operating offset wells near the boundary line between the Navy and Standard lands. The proposed contract covers, of course, a much more extensive area than that embraced by offset leases. Moreover, its operation would involve substantial and continuing expenditures, for which appropriations would be needed. It fixes rights and liabilities in the event of production of Navy's share of the oil in the Reserve, and Congressional authorization for such production would have to be secured should Navy desire, in the interest of prosecution of the war, to undertake it.

In the light of these circumstances, I am impelled to conclude that the contract should not be executed on behalf of the United States without more specific approval by Congress than is found under present statutes.

It is perhaps appropriate to add that the proposed contract, I am aware, was finally worked out in its details during the period covered by the rescission and temporary operating agreement of September 8, 1943, which agreement received my legal approval. The contract represents a carefully considered unit plan of operation, which now furnishes a concrete basis for Congressional consideration.

Respectfully,

Francis Biddle
Attorney General

APPENDIX

The Act of June 30, 1938, 52 Stat. 1252, provides in pertinent part:

The Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes; to conserve, develop, use, and operate the same in his discretion, subject to approval by the President, directly or by contract, lease, or otherwise, such use and operation to be for the protection of the aforesaid reserves or for carrying out the provisions of this Act; and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil and gas from lands in the naval reserves, for the benefit of the United States, subject to the applicable limitations and restrictions of this Act; and to exercise exclusive jurisdiction and control over those lands within the borders of naval petroleum reserves numbered 1 and 2 which are embraced by leases granted pursuant to the provisions of the Act of Congress approved February 25, 1920, entitled 'An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain' (41 Stat. 437).

In order to consolidate and protect the oil lands owned by the Government the Secretary of the Navy is authorized to contract with owners and lessees of land within or adjoining such reserves for conservation in the ground of oil and gas and for compensation for estimated drainage in lieu of drilling or operating off-set wells, and to exchange Government land in naval petroleum reserve numbered 1, the right to royalty production from any of the naval petroleum reserves, and the right to any moneys due to the Government as a result of the wrongful extraction of petroleum products from lands within naval petroleum reserve numbered 1, for privately owned land or leases within naval petroleum reserve numbered 1: Provided, That no lease of any portion of the naval petroleum reserves, no contract to alienate the use, control, or possession thereof from the United States, no contract to sell the oil and gas products thereof, other than royalty oil and gas products, no contract for conservation or for compensation for estimated drainage, and no exchange of any land, any right to royalty production or any right to any moneys as hereinabove authorized shall become effective until approved by the President: Provided further, That the Secretary of the Navy shall report annually to the Congress all agreements entered into under the authority herein granted.

In the event of the inability of the Secretary of the Navy to make satisfactory exchanges of land or agreements for the conservation of naval petroleum with the private owners of lands or leases within or adjoining naval petroleum reserve numbered 1, as provided for in this Act, he is hereby authorized, with the approval of the President, to acquire such privately owned lands or leases in naval petroleum reserve numbered 1 by purchase or condemnation. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such sums shall be expended under the direction of the President, who shall submit to the Congress estimates therefor in the manner prescribed by law: Provided, That the Secretary of the Navy shall report annually to the Congress all purchase and condemnation proceedings entered into under the authority herein granted.

Leases of lands of the United States within the naval petroleum reserves, in existence prior to July 1, 1936, excepting those leases which have become a part of an approved unit or cooperative plan and agreement, shall terminate at the expiration of their initial twenty-year periods, and the lands covered by such terminated leases may be re-leased upon such reasonable terms and conditions as the Secretary of the Navy may prescribe, with the preferential right in the former lessees to leases of the same if and when the lands are re-leased: Provided, That every unit or cooperative plan of development and operation entered into after July 1, 1937, and every lease entered into subsequently to July 1, 1937, with respect to lands owned by the United States within the naval petroleum reserves, shall contain a provision whereby authority limited as provided in such plan or lease is vested in the Secretary of the Navy, subject to approval by the President, to alter or modify from time to time in his discretion the rate of prospecting and development on, and the quantity and rate of production from, such lands of the United States under said plan or lease, any law to the contrary notwithstanding.

Citizens of another country, or corporations controlled by citizens of another country, the laws, customs, or regulations of which deny the privilege of leasing their public lands to citizens or corporations of this country, shall not by contract made subsequently to July 1, 1937, or by stock ownership, holding, or control, acquire or own any interest in or right to any benefit from any lease of land in the naval petroleum or other naval fuel reserves at any time made under the provisions of the Mineral Leasing Act of February 25, 1920, or of this Act, and in the event of any violation of any of these provisions, the Secretary of the Navy shall have the right to cancel such lease forthwith.

The Secretary of the Navy, subject to approval by the President, is hereby authorized to prescribe necessary rules and regulations and to do any and all things necessary or proper to accomplish the purposes of this Act. All statements, reports, and representations required thereby shall be under oath, unless otherwise specified, and in such form as the Secretary of the Navy may require.

Except as otherwise provided in this Act, all moneys which may accrue to the United States under the provisions of this Act, or of the said Act of February 25, 1920 (41 Stat. 437), from lands within the naval petroleum reserves or other naval fuel reserves on account of the petroleum products extracted therefrom shall be deposited in the Treasury of the United States as miscellaneous receipts; and any or all oil, gas, gasoline, or other hydrocarbon substances accruing to the United States as royalties from leases of lands within the naval petroleum reserves or other naval fuel reserves under authority of this Act shall be paid for in money or be paid in kind as the Secretary of the Navy may elect.

PSF
THE WHITE HOUSE
WASHINGTON

C. F.
Navy
March 6, 1944.

MEMORANDUM FOR

S.I.R. x5433

To speak to me about this.

F.D.R.

Memorandum for the President from the Secretary of the Navy, 3/3/44, with enclosures, a copy of which has been retained for our files.

W.H.
files

C.F.
Navy

THE SECRETARY OF THE NAVY

WASHINGTON

March 3, 1944

7/15/44

CONFIDENTIAL

MEMORANDUM FOR THE PRESIDENT

My dear Mr. President:

Inasmuch as you are going to discuss the whole question of deferments, I should like to have you take a glance at the attached tabulated statement of labor turn-over in private shipyards since the beginning of the war up to and including November 1943. You will observe that I understated the case rather than overstated it.

x1413
x407
x99

The average of quits per month is 9.4%. The average of separations due to the man or woman quitting for personal reasons is 5.7%. The total number of separations due to induction into the Army or Navy throughout this entire period was only 1.3%.

This indisputably shows that our manpower problem, in the main, is not due to the operation of Selective Service. The number of people who quit for reasons of their own, most of which are not good, is four times as great as those withdrawn for military service.

Obviously, when we try to cure the manpower situation in industry by attacking only those separations from industry for military reasons we are not getting at the actual condition. What must be done is to stop as nearly as we may the indiscriminate switching from jobs for personal reasons. I firmly believe that the pending National Service Law can be so amended as to control this job-switching for reasons that are not valid in war. If we do this, we will completely cure the manpower problem so far as industry is concerned.

x1413-7

Yours sincerely,

x172

Franklin D. Roosevelt

Franklin D. Roosevelt Library

The President

DECLASSIFIED

x18

The White House

DOD DIR. 5200.9 (9/27/58)

Date- 2/10/59

Signature- *Carl L. Speer*

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Table 6.—Distribution of Private Shipyards by Percentages of
Female Wage Earners Employed ^{1/}
November 1943

Percentage female wage earners are of total wage earners	Number of yards reporting	Wage earners		Average number of wage earners per yard
		Number	Percent of total	
Total	324	1,196,147	100.0	3,692
No women	135	52,997	4.4	393
0.1 and under 5 percent	95	249,801	20.9	2,629
5.0 and under 10 percent	51	418,244	35.0	8,201
10.0 and under 15 percent	23	197,577	16.5	8,590
15.0 and under 20 percent	11	84,840	7.1	7,713
20.0 and under 25 percent	7	148,852	12.4	21,265
25.0 and under 30 percent	2	43,836	3.7	21,918

^{1/} Includes private shipyards engaged in new construction and in service and repair work.

Table 7.—Female Wage Earners in Private Shipyards ^{1/}
November 1943

Region	Number of yards reporting	Number of wage earners		Ratio of female to total wage earners (percent)
		Female	Total	
All regions	324	120,724	1,196,147	10.1 ^{2/}
North Atlantic	119	22,699	399,752	5.7
South Atlantic	14	5,246	77,110	6.8
Gulf	49	14,722	197,199	7.5
Pacific	83	70,589	433,652	16.3
Great Lakes	39	3,165	41,415	7.6
Inland	20	4,303	47,019	9.2

* Hampton Roads through Georgia.

^{1/} Includes private shipyards engaged in new construction and in service and repair work.

^{2/} The percentage of female wage earners in new construction yards was 11.0, whereas in repair yards it was only 1.9.

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Table 8.—Labor Turnover Rates in Private Shipyards
January 1942 - November 1943

(Rates per 100 employees)

Year and month	Accessions	Separations					
		Total	Quits	Discharges	Lay-offs	Military	Miscel- laneous
1942							
January	20.8	6.5	3.3	.7	1.4	.7	.4
February	16.7	6.3	3.3	.7	1.3	.6	.4
March	18.2	7.1	4.3	.7	1.2	.6	.3
April	16.4	7.3	4.3	.8	1.3	.7	.2
May	16.6	9.2	5.2	.9	1.4	.9	.8
June	17.4	9.4	5.7	.9	1.4	.9	.5
July	15.7	8.4	4.7	.8	1.2	1.1	.6
August	14.6	9.9	5.8	1.1	.9	1.6	.5
September	13.4	11.4	6.7	1.0	.8	2.4	.5
October	12.6	10.8	5.4	1.1	1.1	2.6	.6
November	14.5	10.6	5.4	1.2	.9	2.4	.7
December	11.8	9.5	4.8	1.1	.7	2.0	.9
1943							
January	14.3	10.9	7.0	1.5	.5	1.8	.1
February	13.0	9.7	5.9	1.3	.5	1.8	.2
March	13.7	10.9	7.1	1.5	.5	1.7	.1
April	12.2	9.9	6.3	1.4	.7	1.4	.1
May	11.2	9.4	6.3	1.4	.5	1.1	.1
June	11.9	9.3	6.2	1.5	.5	1.0	.1
July	10.8	10.5	6.9	1.8	.7	1.0	.1
August	10.7	11.3	7.7	1.9	.6	1.0	.1
September	10.6	10.5	7.3	1.7	.4	1.0	.1
October	9.0	9.7	6.2	1.7	.7	1.0	.1
November 1/	8.6	8.3	5.3	1.5	.6	.8	.1

1/ Preliminary.