THE AMERICAN WAY OF POSTWAR:
POST-WORLD WAR II OCCUPATION PLANNING AND IMPLEMENTATION

by

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B.A., The Citadel, 1985
J.D., University of Virginia, 1988
M.M.A.S., U.S. Army Command and General Staff College, Fort Leavenworth, Kansas, 2000

AN ABSTRACT OF A DISSERTATION

submitted in partial fulfillment of the requirements for the degree

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Abstract

The United States Army became the dominant U.S. government agency for post-World War II occupation planning. Despite President Roosevelt's own misgivings, shared by several influential members of his Cabinet, the Army nonetheless prevailed in shaping occupation policy in accordance with its understanding and priorities. The Army's primacy resulted from its own cultural and organizational imperatives, to include its drive towards professionalization and its acceptance of legalized standards for conflict in the nineteenth and early twentieth centuries. Other related factors included the Army's ability to create coherent internal doctrine, the training and experience of its leaders, the relative weakness of comparative civilian agencies, the real-world experiences of civil affairs in North Africa in 1942-43, and the personality and leadership style of President Roosevelt himself. As a result, the Army created internal training and education, doctrine, and organizations that operated both at the strategic and tactical level to implement military government in accordance with the Army's institutional understanding. The Army's planning and implementation of military government in Germany, Austria, and Korea show the effects of the Army's dominance in planning and implementing the postwar occupations. Furthermore, in these three occupations (unlike Japan's), of particular concern were how the Americans interacted with their Soviet counterparts in the occupied territories at the beginning of the Cold War. As these three occupations reveal, American military government in those locations, as well as the actions of the occupants themselves, profoundly shaped American interests in those countries and thus profoundly shaped American policy during the early Cold War.

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The United States Army became the dominant U.S. government agency for post-World War II occupation planning. Despite President Roosevelt's own misgivings, shared by several influential members of his Cabinet, the Army nonetheless prevailed in shaping occupation policy in accordance with its understanding and priorities. The Army's primacy resulted from its own cultural and organizational imperatives, to include its drive towards professionalization and its acceptance of legalized standards for conflict in the nineteenth and early twentieth centuries. Other related factors included the Army's ability to create coherent internal doctrine, the training and experience of its leaders, the relative weakness of comparative civilian agencies, the real-world experiences of civil affairs in North Africa in 1942-43, and the personality and leadership style of President Roosevelt himself. As a result, the Army created internal training and education, doctrine, and organizations that operated both at the strategic and tactical level to implement military government in accordance with the Army's institutional understanding. The Army's planning and implementation of military government in Germany, Austria, and Korea show the effects of the Army's dominance in planning and implementing the postwar occupations. Furthermore, in these three occupations (unlike Japan's), of particular concern were how the Americans interacted with their Soviet counterparts in the occupied territories at the beginning of the Cold War. As these three occupations reveal, American military government in those locations, as well as the actions of the occupants themselves, profoundly shaped American interests in those countries and thus profoundly shaped American policy during the early Cold War.

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Dedication

To my wife Laura, whom everyday provided me with unwavering love and support while I worked to complete this dissertation.

Chapter 1 - Introduction: The American Army, Strategic Culture, and the Post-World War II Occupations

In the immediate aftermath of World War II, the United States Army became the principal executor of American postwar governance policy throughout the world. It administered the military occupations of not only the defeated Axis powers of Germany and Japan but also of Austria, Korea, and many nations liberated by American military forces in their drives across Europe and the Pacific.[1] Generals such as Lucius Clay in Germany, Douglas MacArthur in Japan, Mark Clark in Austria, and John Hodge in Korea presided over occupied territories as American viceroys. And because of these occupational responsibilities, the Army's influence over American foreign policy in the early Cold War period was profound, though in ways not usually understood.[2]

President Roosevelt had deep misgivings about postwar occupations being run by the Army. And Roosevelt was not alone: many within his administration and outside of it opposed such military rule as well. George Kennan said, "[T]he ruling of distant peoples is not our dish…there are many things we Americans should beware of, and among them is the acceptance of paternalistic responsibility to anyone, be it even in the form of military occupation, if we can possibly avoid it."[3] Many in the public indicated as such. An article in the October 1943 issue of *Harper's* magazine asked: "Somehow the job [postwar occupation] must be done. But why should it be done by the Army? The Army is specialized in destroying enemy armies. Why should it be presumed to be specialized in the most complex and gigantic task of reconstruction the world has ever seen?"[4] Even high ranking officials in the Army were skeptical about the prospect of American soldiers governing vast expanses of territory. General George C. Marshall

expressed such concern in a discussion with the chief of the Civil Affairs Division, Major General John Hilldring:

> Our countrymen, our fellow citizens, are not afraid of us. They don't harbor any ideas that we intend to alter the government of the country or the nature of this government…We are completely devoted, we are a member of a priesthood really, the sole purpose of which is to defend the Republic. … And I don't want to permit the enormous corps of military governors that you are in the process of training and that you are going to dispatch all over the world, to damage this high regard in which the professional soldiers in the Army are held by our people, and it could happen … if you don't understand what you are about.[5]

Despite such resistance and skepticism, at war's end, the Army administered the occupation of both liberated and conquered countries, and that administration would have major implications for the United States in the postwar world.

The literature on the postwar occupations, particularly of Germany and Japan, is vast and deep, ranging from major works of synthesis to monographs on particular topics, but these studies tend to focus on the specific occupation experiences themselves; and they do not connect either backwards in time to reveal how the Army came to those occupations or outwards in scope to reveal how the Army's particular doctrine, leadership, and implementation of policy had larger foreign policy consequences.[6] There is also a significant body of literature on the high diplomacy of the war years, especially the Allied conferences at Yalta and Potsdam. Undoubtedly, these conferences of the Allied national leaders resulted in many of the key decisions that led to the construction of the postwar world.[7] But these conferences provided broad and often rather unclear guidance that required interpretation by an administrator. And for the United States, it was the American Army that specifically became the predominant administrator of postwar policy, and as a result not only enacted, but greatly influenced policy outcomes.

As the historical evidence indicates, the Army became the dominant US government actor in postwar occupation policy due to a variety of factors and circumstances that go beyond diplomatic documents or even the apparent national interests of the United States. This study attempts to examine the factors and circumstances within the Army's own institutional culture, to include its historical understanding of how postwar military governance was conducted prior to World War II, its creation and implementation of doctrine, training, and organization, and its ability as a governmental agency to represent its interests in the bureaucratic realm with not only other U.S. governmental organizations, but with organizations in allied governments as well. As the concluding chapters on the particular occupations in Germany, Austria, and Korea reveal, the subsequent occupations thus were not simply driven by policy-making decisions from the United States Government that reflected a unified "national interest." Those occupations were driven just as much if not more by the Army's understanding of how postwar governance should be conducted in a multinational environment that included America's postwar superpower rival, the Soviet Union.[8] The emergence of a postwar foreign policy in the first years of the Cold War owed much to the actual decisions of the Army implementing postwar governance policy that it largely shaped and, in significant ways, actually created.

The Army's Strategic Culture Prior to and During World War II

To understand the American Army's approach to postwar governance during and after World War II, one must first understand its traditional distinction between warfare and politics. Commentators have noted that at least for much of its history, the American Army did not view war as a *Gestalt*—as a whole comprising concrete and

abstract elements. Rather, it traditionally looked at war in a more linear way, with "ends, ways and means arranged hierarchically and linked to discrete levels of command.[9]" At the risk of generalization, the pre-World War II Army's view reflected a far more "Jominian" than "Clausewitzian" approach in its extreme rationalization of conflict and in its desire to delineate carefully between what did and did not constitute conflict.[10] According to this thinking about high-level policymaking, or what might be called grand strategy, the Army throughout much of its history operated in an instrumental fashion, with higher strategy dictating, and the Army thus acting as the instrument or vessel to enact that strategy. This Jominian approach stressed a maximum amount of order and control, often in the form of rules and laws, to include laws that regulated armed conflict.

At the same time, the approach called for a binary view of war and politics. Military sociologist and theorist Samuel Huntington quoted a 1936 lecture to officers at the Army's Command and General Staff College to highlight this point:

> Politics and strategy are radically and fundamentally things apart. Strategy begins where politics ends. All that soldiers ask is that once the policy is settled, strategy and command shall be regarded as something in a sphere apart from politics… The line of demarcation must be drawn between politics and strategy, supply, and operations. Having found this line, all sides must abstain from trespassing.[11]

Warfare was therefore seen as a method of last resort in which "politics" had failed. War had a starting point that indicated such failure, usually involving a formal declaration, and an end point, usually in surrender terms and/or a peace treaty. Furthermore, true war in the traditional American understanding was conventional, high-intensity conflict between nation-states. Therefore, the military took over, and in order to achieve victory, decisive and overwhelming force was required, and military, as opposed to political requirements, predominated.

The separateness of war and politics as a fundamental part of US military culture has been subject to debate and challenge. Recently, much has been written about American participation in so-called "small wars" in the late nineteenth and early twentieth centuries, and some have taken those experiences as evidence to show that the American military did practice a kind of armed diplomacy, a deliberate use of force that interacted with political goals.[12] But even the foremost practitioner of so-called "small wars," the U.S. Marine Corps, itself institutionally did not consider a small war as war in its true form. As its *Small Wars Manual* stated, "Small wars vary in degrees, from simple demonstrative operations to military intervention *in the fullest sense, short of war.*"[13]

Indeed, this separation of the apparently purely "political" from the "military" was fundamental and axiomatic for senior US Army leaders during World War II. They expressed the view that military objectives were distinguishable from purely political ones, and that during wartime and also importantly, in war's aftermath, the former could not be sacrificed to the latter. It reflected what is sometimes termed the "American way of war," in which the requirements of absolute military victory are paramount, even over longer-range political objectives, and it therefore reflected what could also be termed the "American way of postwar," in which the requirements of securing that victory held sway over similar political concerns.[14] As Secretary of War Henry Stimson wrote, "Even in diplomatic questions…the major consideration was almost always the advancement of American victory."[15] Army Chief of Staff General George Marshall wrote to General Dwight Eisenhower as the war ended on the subject of a British recommendation to capture Prague. He said that he was "loath to hazard American lives for purely political

purposes."[16] Indeed, Eisenhower remarked about Berlin that it was nothing but a geographical location" and that "[m]ilitary plans…should be devised with the single aim of speeding victory… ."[17]

This focus on military objectives by senior Army leaders, a reflection of Army strategic culture at the time, had consequences relevant to postwar governance policy. A narrow focus on military goals actually made certain US Army officials *less* likely than State Department officials to perceive a long range Soviet threat—such a perception precisely overly "political." Averill Harriman, who served as wartime ambassador to the USSR, commented that he believed that both Marshall and Eisenhower were the slowest to recognize that there would be future difficulties with the Soviet Union, because for them Stalin had kept his military commitments, in particular having attacked the Germans in Operation Bagration shortly after the Normandy landings, and that, according to Harriman, "neither [was] involved in [the] political phase."[18]

Among several senior US military leaders, the alliance with the Soviet Union remained fairly strong as the war concluded, and the wartime capital that Stalin had spent provided reasons, in the minds of critical senior leaders, to continue to trust the Soviet Union and believe that mutual interests could be maintained in peacetime. Even during the early occupation period, key senior U.S. military leaders were not predisposed toward an anti-Soviet viewpoint. In 1946, Lucius Clay, for example, protested the establishment of Radio Liberty in Munich, which provided anti-Communist broadcasts, refused to offer support for conservative or moderate parties during the crucial elections in heavily Communist Berlin, and was "appalled" by George Kennan's famous 1946 cable that set forth the containment strategy.[19] In January of the same

year, Eisenhower addressed Congress on the slow pace of demobilization. Noting that there were still over 600,000 soldiers assigned to the European theater, he justified their presence there based on the "primary and continuing mission of occupation duties," and listed the Army's responsibilities for "supervising all the headaches of a changeover from war to peace, with the added directive that we must make certain these people are so disarmed, both economically and in a military sense, that they cannot make war again." [20] Yet not once in the address did he reference the Soviet Union: there was no word of any threat beyond that of the defeated enemies themselves.

Of course, the military did not remain in total control of the occupations throughout the years of military government. As both V-E and V-J Days receded from view, the State Department in particular began to reassert its authority to conduct foreign policy. After years of neglect or indifference by Roosevelt, Truman insisted that the State Department be a much more forceful agency. Assistant Secretary of War John McCloy, who played a major role in assuring the Army's dominance in postwar governance planning, himself saw as early as October 1945 that U.S. policy had been too immediately focused on the "immediate debris of active warfare," and that there needed to be greater emphasis and consultation with native leaders on "matters relating to their social, economic, and political restoration."[21] And by the spring of 1946, the State Department would establish the position of Assistant Secretary of State for Occupied Areas, charged with the responsibility "for coordinating the formulation of policy for Occupied Areas" and to "assure that fully coordinated United States Government policies are developed by the State Department and supplied the Army, as executive

agent… ."[22] According to the new Assistant Secretary of State, the establishment of the position was a "first step" in reorienting the "relationship between State and War."[23]

Yet by the time the State Department began to reassert its traditional role in foreign policy matters, U.S. military government doctrine, organization, and leadership had already deeply influenced the environments where that foreign policy would operate. Indeed, the Cold War began during the post World War II occupations, and some of its most contentious issues were framed by preceding military government planning and policies, and by decisions of military government officials, many of whom did not necessarily contemplate the worldwide struggle that the Cold War would become.

Understanding the Army's Institutional Culture Prior to and During World War II

The above brief survey of the Army's strategic culture prior to and during World War II, particularly its distinction between war and politics, and between military and political objectives, provides context, but is only the starting point for understanding why and how the Army came to dominant postwar governance planning, and how that dominance thus shaped postwar occupations. There must further be an understanding of the Army's own particular institutional culture, and how that culture informed thinking and practice when it came to planning and conducting postwar military government. The overarching strategic understanding that viewed military goals as predominating over longer term political goals connected powerfully with the Army culture that also saw the need for specifically *military* government, with uniformed officials serving as commanders, high commissioners, and governors of occupied territories. That culture developed internally and through time, through a series of internal decisions that led to changes in institutional doctrine, education, training and organization.

A thorough understanding of how the Army gained predominance in postwar governance following World War II thus requires a close inspection of that doctrine, education, training, and organization of the Army before and during World War II. Such a detailed study has been done of other armies. In her book, *Absolute Destruction: Military Culture and the Practices of War in Imperial Germany*, historian Isabel Hull refers to the "continuities in military practices, doctrines, and micrologics" that in the case of the German army led to a cultural climate that permitted it to transgress legal and moral boundaries before and during World War I.[24] Specifically, despite the presence of internationally agreed upon norms in the late 19th and early 20th centuries, a set of particular circumstances unique to the Germany Army led to the acceptance and practice of atrocity both during and after conflict, circumstances which included the Army's experiences fighting French partisans during the 1870-71 Franco-Prussian War, the Army's understanding of "military necessity," and its view that battles of "annihilation" were the preferred way to achieve absolute victory.[25] Hull's study thus points out how the particular Imperial German Army's culture, and not only the experiences of "total war" or other external phenomenon, drew it to an acceptance and justification of atrocity.

The same level of detailed analysis into the interior practice of the American Army before, during, and after World War II reveals a culture that formed its own unique conception of postwar occupations, notably different from Germany's, and correspondingly with a different understanding of how to treat civilians in such environments. For example, the 1863 Lieber Code, which provided a basic set of rules for the treatment of civilians, was an internally created document, and not externally

imposed. It actually preceded The Hague and Geneva Conventions (and influenced them) by several decades. "Military necessity," a phrase used in the Lieber Code, was, as it was in the Germany Army, a concept of overriding importance, but qualified with restraints that, at least in theory and doctrine, did not allow warfare to be practiced *in extremis* against civilian populations. Furthermore, the primary historical experience that shaped the American Army's conception of post-World War II governance was not brutal guerrilla warfare (even though the Army had had its share, particularly during the insurgency in the Philippines) but the relatively benign Rhineland Occupation that followed World War I. The Rhineland Occupation was actually atypical in terms of the American Army's experience. Most of the Army's occupations followed conflicts that were not conventional wars on such a total scale. Nonetheless, the Rhineland Occupation was central to the Army's understanding of postwar occupations because it best fit the paradigmatic conventional war mission that Army leaders believed was the Army's primary function.

An understanding of how the U.S. Army developed and implemented post-World War II governance policy in occupied territories casts light on not only the Army's own culture and history. At the same time, the Army's cultural understanding of war did not occur in a vacuum but in an interactive environment, where the Army, along with other governmental institutions, fought for primacy in administering the postwar occupations. In this institutional domain, the Army competed with other agencies in the Roosevelt and Truman administrations, and because of a variety of factors, became the dominant agency in postwar planning. Fully examining internal practice and the Army's interactions with other agencies also helps to reveal the overlooked connection between

the military objectives of post-World War II occupations and their political consequences during the early Cold War. Politics and ideology, as this study intends to reveal, do not necessarily control a nation's policies or even determine its interests. They are often controlled and determined by subordinates making decisions in the immediacy of events and guided by doctrine and policies that reflect a particular agency's outlook and culture.

In constructing the historical milieu in which this competition occurred, I have relied on insights in the fields of military and institutional sociology as well as international relations theory, particularly the international relations theory of so-called political "constructivism."[26] I acknowledge that history's contingencies should not be bound by theory. Nonetheless, the theoretical work in these fields has helped frame, illuminate and possibly clarify crucial parts of the story of how the Army became the dominant agent of postwar occupation. Throughout and implicit in this study, key theoretical concepts in both military and institutional sociology and international relations inform the study's narrative.

One of the seminal works of military sociology is Samuel Huntington's famous work *The Soldier and the State*, which contends that in the United States the civil-military relationship is defined by a meaningful distinction between military and civilian roles; that a key to civilian control is professionalism; and that the American military must retain autonomous and independent within its own sphere of expertise in order to retain its professional capability. What has occurred in the history of the American military, according to Huntington, is that it has internalized as part of its professional ethos the idea of not challenging civilian control of the military. Part of its very nature as an

identity as a “profession” derives from this concept. In return, civilians largely permit the military a wide grant of autonomy in its area of expertise.[27]

Huntington’s emphasis on military professionalization helps one understand how the Army developed its own professional standards, particularly during the late nineteenth and early twentieth centuries. It is especially useful in understanding the way the Army approached postwar occupation after World War II. It helps to clarify the Army’s reconciliation of the political and military dimensions of occupation. It also illuminates the interagency disputes between it and other civilian governmental agencies during World War II. Clearly military government fell into a grayer area than more purely military questions such as campaign strategy and battlefield tactics. Indeed, military government bridged, often uncomfortably, the military/political divide the Army’s strategic culture emphasized. Yet the Army itself actively pushed for military government as the best method of postwar governance.

Huntington’s analysis assists in focusing on relevant historical evidence. An examination of Army doctrine, education, and training provided Army officials with an expert body of knowledge that would allow them to conduct military government. The Army’s ethos of professionalism, in other words, caused it to build internally a set of practices to implement military government. Yet it did so in a way that nonetheless emphasized the military-civilian (and thus the “political”) division. Specifically, by relying on numerous examples through its history, the Army’s theory of military government rested on two overarching principles, that while quite basic, were of great import, not only because of the repeated emphasis placed upon them by senior military leaders, but also because they were a logical corollary to American strategic thinking about the

subordination of political to military ends. First, during the initial phases of occupation, "military necessity" meant that military objectives were paramount and more "political" ones subsidiary. Given the totality of World War II and the subordination of political to military ends throughout the war, it was not a large step to take to show that the Army should have primary "wake of battle" responsibilities to ensure victory was lasting. But there was also a second overarching principle in U.S. Army military government doctrine: that principle was the desire to return to local civilians control of the occupied area as quickly as possible. The Army had internalized the concept that to conduct prolonged occupations was clearly beyond its expertise. To depart from this model would be just as professionally contradictory as it would be to attempt to usurp the notion of civilian control. American military government essentially harmonized military interests of assurance of victory with civilian concerns about military takeovers of foreign policy. The particular public statements of trusted agents such as Marshall and Eisenhower during and after the war provided reassurance that no such takeover would occur. And indeed it did not. Though the Army was indeed extremely influential, and even the dominant foreign policy actor for the first year, the State Department, as the traditional U.S. civilian policy actor, in all cases eventually took over the Army's authority.

If military sociology, particularly Huntington's sociological analysis, provides a way to understand conceptually how military government emerged the way it did before, during and after World War II, institutional sociology, especially the so-called "new institutionalism," provides a way to understand more fully how the Army transformed as a result of various societal influences, and how it interacted as an institution with other

governmental institutions. In contrast to models which tend to posit institutions as static entities or as based on rational-actor models, new institutional theory looks to institutions as not only dynamic and changing entities but as themselves independent variables that have cultural significance and that influence individuals within them and the societies in which they are located.[28] As Walter Powell and Paul Dimaggio state, "Institutions do not just constrain options: they establish the very criteria by which people discover their preferences."[29]

If this is the case, then it is necessary not simply to look at the "state interests" or even national strategy or perceived threats of the United States in determining why the postwar occupations were Army-executed.[30] It is also necessary to look *within* an influencing institution such as the Army and determine what that institution did during that period that may have, in turn, influenced policy and interest. It is necessary to understand the precedent period to understand how that influence came to be.

This can be done via different sociological approaches that have often been applied to the U.S. military.[31] Thus, using a sociological typology of social organizations, one can examine the pre-World War II and World War II Army in a number of ways. The Army can be analyzed as an institution from the point of view of its *structural nature*—its emphasis on formality, specialized functions, rules, records, and routines.[32] It can also be examined on its *organizational type*, such as a business, bureaucracy, or profession.[33] It can also be analyzed as an interacting organization that competes with and negotiates space with other organizations.[34] This study employs all three approaches. It analyzes the Army as both a rule-bound and rule-creating entity. Indeed the formulation of military government doctrine is of key importance in understanding

how the Army was successful in gaining control over the postwar occupation. The Army's continuing professionalization, especially in the period between the World Wars at its premier educational institution, the Army War College, reveals how the institution essentially established the procedures that would govern postwar occupation practice. Finally, it also analyzes the Army as a bureaucratic organization that worked alongside other governmental organizations whose interests and viewpoints sometimes harmonized with yet also frequently clashed with those of the Army.

Beyond all these perspectives, the Army can be viewed as an *organizational culture*, which consists of "taken-for-granted values, underlying assumptions, expectations, collective memories, and definitions present in an organization."[35] These values, norms, and underlying assumptions derive from either explicit or implicit unwritten "rules."[36] Much post-World War II military government practice was grounded both in international rules and internal military rules and regulations. But these rules and regulations were not simply external, but were interpreted and mediated by cultural and institutional practices that were based in the Army's culture, a culture that was not only controlled by coercive mechanisms that compelled obedience, but also informed by normative constructions of rules, regulations, and modes of behavior.[37] Many of the key leaders in the Army, as well as senior civilian leaders in the War Department, were men who had formed opinions about fundamental concepts regarding the Army's role in war and peace. Particularly revealing are not only the actions and motivations of high-ranking officials, such as Secretary of War Henry Stimson, Assistant Secretary of War John McCloy and the military governors of occupied territories such as Generals Clay, Clark, and Hodge, but also of other lesser known officials, such as Provost Marshal of

the Army Major General Allen Gullion, Military Government Division Director Colonel Jesse Miller and others, to include junior ranking officers and enlisted soldiers, and even family members of military personnel.

Such perceptions were shaped by powerful assumptions about the separation of military objectives from political ones, and for the absolute primacy of military necessity, particularly in wartime operations. Indeed, the concept of "military necessity" would frequently achieve near-totemic status, a principle that virtually by its evocation would override all other concerns. Indeed, the principal reason why the Army gained primacy in the execution of the postwar occupations was its fusion of the concept of military necessity into its version of military government.

In addition to military and institutional sociology, constructivist political theory provides useful conceptual insights into how Army cultural imperatives led to its control of the postwar occupations. In recent years, this theory of international relations has challenged traditional "realist" notions of how nations interact, and how organizations within such nations influence those nations' behaviors. Traditional "realist" notions have posited nations as autonomous entities that interact with each other based on exogenous "interests" and typically downplay or ignore altogether questions about the identities, norms, and values that those nations, or organizations within those nations, possess.[38]

The central theme of constructivist theory proceeds from the premise that the *identities* of the organizations and domestic societies which comprise states, in turn, powerfully influence the identities and hence policies and interests of those states.[39] Political identities of states are largely social constructions that often precede and

always inform state interests. State actors bring identities to the table of international relations, and those identities are formed through the interaction of organizations within those states, to include the interplay of ideas, social structures, and patterns of behavior.[40] These identities may be consciously formed or not, may arise spontaneously or be planned. [41] As political theorist Bill McSweeney points out, "Actors acquire identities defined as 'relatively stable, role-specific understandings and expectations about self' by participating in collective meanings. Identity is inherently relational and identity is the basis of interests."[42]

A constructivist approach allows the reopening of conceived propositions. Why did the United States not seek other ways to conduct postwar occupations? The particular form of military government used by the United States in occupied territories was not the inevitable solution. Roosevelt himself frequently stated he did not think the military was appropriate to conduct such operations. Many influential members of his Cabinet openly and vigorously opposed a military-run postwar occupation scheme. At the very least, it is arguable that while military forces could have executed postwar policy, it would have better served the national interest to have the senior-level executors of the postwar occupations be civilians as soon as possible following the control of the occupied territories, especially given that one of the main reasons for fighting the war was to rid the world of the militarist authoritarianism exemplified by the Axis powers.

Constructivist theory helps answer why a civilian approach did not occur. For as constructivism makes clear, governmental institutions, even military ones, are not simply instruments that the state, in turn, uses to pursue national interests. Instead, the cultural identity of a military institution can shape that institution's interests, which in turn

can shape political and even international interests.[43] The identity of a military institution within a larger national culture can profoundly influence the policies and even interests of that nation. As French military historian Elizabeth Kier points out, what a "military perceives to be in its interests is a function of its culture." Likewise, domestic political actors, through the assumptions they hold about a military's role in society, and the constraints they impose, will, in turn, shape, even if indirectly, military doctrine and policy, and as a result, strategy.[44] This does not discount the reality that states and their militaries take into account perceived enemy threats. Rather, an examination of military culture and identity reveals that a convergence of several factors, some of which involve notions of national security, others of which involve notions of internal organizational coherence, and still others of which respond to external pressures and concerns, all work together to shape and influence larger strategic policy and perceived state interests.

Kier points out that in determining what a particular military culture looks like, and in determining what possible interaction the military culture may have with outside agencies, this requires examination of such material as curricula at military academies, personal histories of officers, internal communications within the organization, and military publications.[45] In examining these sources, the particular practices of the military organization, as opposed to general conditions and mindsets common to most militaries-thus reveal the interplay of forces that shape internal policy as well as influence external behaviors.

Why and How the Army Became the Lead Agency

Such theoretical tools help to answer essential questions. Specifically, why and how did the Army become the lead agent in occupation responsibilities and thus come to figure so importantly in postwar foreign affairs? There are several interrelated reasons. The first has to do with a professionalization of the Army that had been occurring throughout the nineteenth and early twentieth centuries, a professionalization that was driven by reformers such as Elihu Root, and was realized in the Army's educational institutions such as its War College, founded by Root in 1903. Particularly at the Army War College, students began researching and proposing strategic ideas that went far beyond the normal province of campaigns and battles and ventured into civil-military realms, such as the occupation of territories after the termination of conflict. These ideas were often elementary and were usually considered peripheral in relation to other War College studies—indeed, generally they were appendices to other studies that dealt with more traditional warfighting tasks. Nevertheless, there is an undeniable resemblance between what these studies proposed and policies and procedures later adopted.

This professionalization was closely linked with a second reason—the creation of a body of law in the late nineteenth and early twentieth centuries regarding the rules of armed conflict. The United States Army's own famous Lieber Code of 1863 remarkably forecast many of the rules of conduct later embodied in international law, especially in the Geneva and Hague Conventions. The American Army came to link the conception of military government with the rules of such government from Lieber to Hague, and it also expanded on those notions. For example, it crafted an interpretation of the

fundamental principle of “military necessity,” a notion also encoded within the laws of armed conflict-and turned it into a powerful, overriding conception, as evidenced by the use of that concept not only abroad but at home, as seen in the sweeping powers given to the Army in Hawaii and on the West Coast (within the purview of the Western Defense Zone) during the war.

The Army’s development and creation of internal doctrine is a third key factor. It took these rules and encoded them within its own institution. It used the concepts of international law regarding postwar occupation in creating a specific doctrine for its forces. It then used this doctrine to train and organize for military government, setting up a program years before any conquest of enemy territories occurred.

The relatively weak civilian opposition to the Army over primary responsibilities in postwar matters is another reason why the Army became dominant in the occupations. Whereas the Army was able to organize, train, and plan according to a coherent set of doctrinal principles, civilian agencies could not. Throughout the early years of America’s involvement in World War II, Roosevelt and others in his Cabinet set up multiple agencies, boards, and committees, and all had roles and responsibilities that were meant to be at least equal if not more important than the Army’s. Yet these bodies simply lacked the fundamental cultural underpinnings and coherent internal doctrines that the Army had. Nearly as importantly, they were essentially *ad hoc*, put together in a seemingly rushed and incomplete manner, and often lacked a clear direction, especially in relation to corresponding War Department purposes. Often such organizations were at cross-purposes and wracked with internal dispute.

The practical failing of civilian organizations in the governance of territories, especially during the North African campaign of 1942-43 is another reason for the Army's ultimate prevalence. This reason cannot be viewed in isolation. Well before it officially became the principal agent for postwar responsibilities, the Army had written a doctrine, established a training school, and built up a formidable organizational structure for the conduct of what it called civil affairs. It was during the North African campaign that the Civil Affairs Division was established within the War Department, largely supplanting or making unnecessary many of the civilian agencies that were or could have been involved in the postwar governance in occupied territories. Roosevelt, in other words, was able to turn to the Army in large part because the Army had mechanisms at hand to deal with the requirements that lay ahead.

The final reason has to do with the strategic and managerial skill of President Roosevelt. FDR's role as ultimate decider of which agency would have primary postwar responsibility was of great importance. During World War II, he saw himself as a war president and made military officials of greater importance than any others in his administration, to the particular diminishment of the Secretary of State. He assembled the so-called War Cabinet that contained lifelong Republicans such as Henry Stimson and staunch New Dealers such as Harold Ickes. FDR did so in large part to assemble a coalition to both be reelected in 1940 and to conduct a war that would require unity across the political spectrum. Some historians argue Roosevelt was indeed a masterful strategist who deliberately forged consensus at times, and at other times allowed friction and debate, all with the view of ultimately leading the country in a united effort to win the war.[46] FDR deliberately deferred key decisions about who should run the postwar

occupations as a way to avoid fracturing consensus: he ultimately chose the military to run the occupations as a way to ensure that the populace did not think that the New Deal would be exported abroad at the expense of domestic concerns. Another conclusion is that FDR's motives were not so pure and his actions not so brilliantly calculated, that in fact he did not want the Army to run the postwar occupations but that because he was an inept manager of the executive branch, the decision fell to the Army virtually by default. Indeed, the historical record apparently indicates that the President was *both* shrewd strategist and poor manager. The end result of the military running the postwar occupations was influenced by both FDR's strategic and managerial abilities.

What all these reasons reveal is a set of simple yet important principles. First, institutions and their cultures are of tremendous significance. In order to understand how policies ultimately become formulated, one must understand the organizations, and the cultures of those organizations, from which they emerged. Second, not only are the organizational cultures significant, but the contexts in which imperatives emerge are of equal importance. It was not simply that the American Army professionalized during the late nineteenth and early twentieth centuries. It also did so while there was a corresponding legalization of armed conflict. The two strands of professionalization and legalization wove together as Army officers became increasingly educated in areas previously ignored or considered beyond the military province. It is also important to understand that a military institution does not simply engage with an "enemy"—usually the military of a foreign power. It also is an agency within the organization of a national government and therefore interacts with other agencies in that government as well.

Within that domain, considerations often overlooked in standard military analyses—the role of domestic politics and of other organizational imperatives and interests—have great significance.

This study makes no claim about which agency ultimately was the correct one to conduct America's postwar occupations. While it may appear logical to some that the Army did so, there are ample reasons to argue otherwise. What is clear however, from the historical evidence is that the Army was able to achieve an internal consensus about how to conduct postwar occupations. Civilian agencies, however, failed to do so. And so the Army became the administrator and, to a large degree, profoundly shaped foreign policy in occupied territories in the first years following World War II, the first years of the Cold War.

The Postwar Occupations and the Coming of the Cold War

There is a second question that also needs to be examined: how did the specifically military character of those occupations influence foreign policy outcomes during the post-World War II period, especially the first years of the Cold War? The result of the Army's domination of early postwar governance policy led to political configurations in US- occupied countries that reflected military-oriented approaches and solutions. Whether the country was conquered and its central government destroyed (Germany), whether it was a country that was severed from a former enemy, (Austria), or whether it was ostensibly liberated (Korea)—in all cases, military governance meant that policy would orient around military organizational structures, reflect military doctrine, and be led, at least in the occupied countries themselves, by military officers. While undoubtedly other U.S. agencies, particularly the State Department, asserted the

right and authority to set American strategic policy in those nations, any policy enacted occurred via Army military government organization, doctrine, and leadership.

The period from the surrenders in Europe and the Pacific (May and September 1945) to mid to late 1946—approximately a year to a year and a half—was one of profound uncertainty. And while the Cold War was definitely starting, relationships between the Soviet Union and the United States were straining, but had not yet broken down. What occurred during this period was of special importance, particularly in the countries where both the U.S. and U.S.S.R. were occupiers. In those nations-- Germany, Austria, and Korea-- what was often determinative was not necessarily the political or ideological constructions that would later be seen as defining the Cold War—the various pronouncements, doctrines, and agendas from strategic leaders. Indeed during the 1945-46 period, many of these sorts of statements were yet to be made.

Rather, on-the-ground interpretations of policy, and even on-the-ground decisions made by military leaders themselves, shaped, sometimes conclusively, the political landscapes in those occupied nations for years to come. General Lucius Clay's efforts at promoting a kind of federalist election process in the American zone in Germany, General Mark Clark's recognition of the Renner government in Austria, and Lieutenant General John Hodge's (and others') missteps during the early period of the Korean military government, were all examples of how on-the-ground decisions made by U.S. Army leaders, often reflecting particularly American Army conceptions of postwar governance, were highly influential in the shaping of the postwar, and early Cold War, world. These on-the-ground moves had results both positive and negative to occupiers and occupants: if Clark's pushing for the Renner government contributed not only to an

eventually neutralized Austria; Clay's federalist efforts did contribute to a growing political divergence with the Soviet zone, and to the West-East German division.

Just as important, if not more so, were the actions of the occupants themselves. Military government doctrine, organization, and the actions of Army leaders sometimes clashed, and sometimes were in conformity with, the needs and desires of the local populations. American military government was most successful when the military government doctrinal and organizational model was best suited to the locale of occupation, and where the military government leadership responded most fully to local actors, as in Austria, and least successful, when the model was poorly suited to local conditions and where military leadership was less responsive to local needs.

An understanding of how the U.S. Army developed and implemented post-World War II governance policy in occupied territories thus casts light on not only the Army's own culture and history, but also its role in interagency policymaking during and after World War II. It also helps reveal the connection between military objectives of World War II and later political concerns of the early Cold War. Politics and ideology, as this study intends to reveal, do not necessarily control a nation's policies, or even determine its interests. They are often controlled and determined by subordinates making decisions in the immediacy of events, and guided by doctrine and policies that reflect a particular agency's outlook and culture. They are further guided by extra-governmental actors that equally influence strategic outcomes.

[1] At the height of the Army's responsibilities, more than 300 million people around the world were under some form of U.S. military government authority. Hajo Holborn, *American Military Government: Its Organization and Policies* (Washington, D.C.: Infantry Journal Press, 1947), xi.

[2] Cold War scholar Melvyn Leffler asserts that, of all the services, the Army had the most influence over early Cold War policy primarily because of its occupational duties in Germany, Japan, and elsewhere. Melvyn Leffler*, A Preponderance of Power: National Security, the Truman Administration, and the Cold War* (Palo Alto: Stanford University Press, 1992), 11-12.

[3] George Kennan, *American Diplomacy*, rev. ed. (Chicago: University of Chicago Press, 1984), 19.

[4] Hiram Motherwell, "Military Occupation, and Then What?" *Harper's*, October, 1943, 445.

[5] John H. Hilldring, interview by Forrest Pogue, March 30, 1959 in Forrest Pogue, *George C. Marshall: Organizer of Victory, 1943-45*, (New York: Viking Press, 1973), 458-459.

[6] While the literature is vast, there are excellent works on specific occupations, to include official histories and revisionist interpretations. For the occupation of Germany, see John Gimbel, *The American Occupation of Germany: Politics and the Military, 1945-1949* (Stanford, CA: Stanford University Press, 1968) and Earl F. Ziemke, *The U.S. Army in the Occupation of Germany, 1944-1946* (Washington, D.C., Center of Military History, 1975); for the occupation of Japan, see John Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York: W.W. Norton & Co., 1999) and Michael Schaller, *The American Occupation of Japan: the Origins of the Cold War in Asia* (New York, Oxford University Press, 1985); for the occupation of Austria, see Donald R. Whitnah and Edgar L. Erickson, *The American Occupation of Austria: Planning and Early Years* (Westport, CT: Greenwood Press, 1985) and James J. Carafano, *Waltzing into the Cold War: the Struggle for Occupied Austria* (College Station, TX: Texas A&M Press, 2002); for the occupation of Korea, see Allan R. Millett, *The War for Korea, 1945-1950: A House Burning* (Lawrence, KS: University Press of Kansas, 2005) and Bruce Cumings, *The Origins of the Korean War*, vols. I and II (Princeton, N.J.: Princeton University Press, 1981, 1990).

[7] For works on these conferences, see Herbert Feis, *Churchill, Roosevelt, Stalin: the War They Waged and the Peace They Sought* (Princeton, NJ: Princeton University Press, 1957); Lloyd C. Gardner, *Spheres of Influence: the Great Powers Partition Europe, from Munich to Yalta* (Chicago: Ivan Dee, 1993); and Carolyn Eisenberg, *Drawing the Line: the American Decision to Divide Germany, 1944-1949* (Cambridge: Cambridge University Press, 1996) and most recently, S.M. Plokhy, *Yalta: The Price of Peace* (New York: Viking, 2010). The papers of both conferences are found in the U.S.

government's *Foreign Relations* series: *Foreign Relations of the United States (FRUS): the Conferences at Malta and Yalta, 1945* (Washington, D.C.: U.S. Government Printing Office, 1955) and *FRUS: the Conference of Berlin: the Potsdam Conference, 1945* (Washington, D.C.: U.S. Government Printing Office, 1960).

[8] The occupation of Japan is therefore not considered in this study because it was administered by the United States, and the Soviet Union entirely excluded.

[9] Justin Kelly and Mike Brennan. *Alien: How Operational Art Devoured Strategy* (Carlisle Barracks, PA: Strategic Studies Institute, 2009), 6, 8.

[10] Bruno Colson, *La Culture Strategique Americaine: L'influence de Jomini* (Paris: FEDN, Economica, 1993), 183-84.

[11] Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (New York: Vintage, 1957), 308.

[12] See e.g., Max Boot, *The Savage Wars of Peace: Small Wars and the Rise of American Power*, (New York: Basic Books, 2002), 283. Boot correctly points out that the Army did ignore counterinsurgency and guerilla warfare in its development of doctrine. It did *not* ignore, however, postconflict occupation operations. Such operations were, however, seen as occurring after large scale conventional conflicts.

[13] United States Marine Corps, *Small Wars Manual* (Washington D.C.: U.S. Government Printing Office, 1940), para. 1-1c.

[14] As Russell Weigley points out, "The idea that in 1941-45 the American government subordinated considerations of possible postwar advantage to the immediate requirements of military strategy in pursuit of military victory is familiar to the point of being a cliché." Russell Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (Bloomington, IN: Indiana University Press, 1973), xviii.

[15] Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (New York: Harper & Bros., 1948), 565.

[16] George Marshall to Dwight D. Eisenhower, April 25, 1945, *The Papers of George C. Marshall*, vol. 5, January 1 1945-January 7, 1947, (Baltimore and London: The Johns Hopkins University Press, 2003), 159.

[17] Dwight D. Eisenhower, *Crusade in Europe* (Garden City, NY: Doubleday and Co., 1948), 396. Though elsewhere in the same memoir, Eisenhower indicates a so-called "Clausewitzian" understanding of the meshing of war and politics, indicating perhaps that in the total war of World War II, for Eisenhower, the political and military became inseparable, and the more immediate military aims, given postwar goals, became equivalent to political aims. Eisenhower, 88, 367.

[18] W. Averell Harriman, interview by Richard D. McKinzie and Theodore A. Wilson, 1971, 18-20, Interview kept at Harry S. Truman Archives, Independence, MO. According to Harriman, Marshall and Eisenhower were "convinced that since Stalin kept his word on vital military commitments, he'd keep his word on the political matters." Ibid., 20.

[19] See Lucius D. Clay for War Department, "CC 2135 (Secret) U.S. Aid for CDU and SPD," August 20, 1946, in Jean Edward Smith, ed., *The Papers of Lucius D. Clay, Germany, 1945-1949*, vol. 1 (Bloomington, IN: Indiana University Press, 1988), 256-57; and Jean Edward Smith, *Lucius D. Clay: An American Life* (New York: Henry Holt & Co., 1990), 286., 290

[20] Dwight D. Eisenhower, "Demobilization Speech to Congress: Statement on Demobilization by General of the Army Dwight D. Eisenhower, Chief of Staff, US Army, supplementing his remarks on Demobilization made to Members of Congress in the auditorium, Library of Congress, 1000 AM, EST, Tuesday, January 15, 1946" (Washington, D.C.: Army Information Branch, Information and Education Division, War Department, 1946).

[21] John J. McCloy to General Distribution, incl. Hilldring, Acheson, and Clayton, for information to Generals Eisenhower and Clark, October 10, 1945, reference no. HX-55599, in box 10, Personal Papers of Lucius D. Clay, 1945-1949, RG 200, National Archives, College Park, MD (hereinafter NARA).

[22] J.A. Frank, "Organization for Administration of the Occupied Areas," January, 1948, box 2, Records of the Office of Secretary of State for Occupied Areas, RG 59, NARA.

[23] Telephone Conference between General Lucius D. Clay and Major General John Hilldring, March 1, 1946, in, box 6, Teleconference Transcripts, Personal Papers of Lucius D. Clay, 1945-1949, RG 200, NARA.

[24] Isabel Hull, *Absolute Destruction: Military Culture and the Practices of War in Imperial Germany* (Ithaca, NY: Cornell University Press, 2005), 206.

[25] Ibid., 112-115, 117-130, 159-160, and 324-328.

[26] In the field of institutional sociology, a primary text is Walter W. Powell and Paul J. Dimaggio, eds., *The New Institutionalism in Organizational Analysis* (Chicago: University of Chicago Press, 1991). In the field of political constructivism, especially as it relates to national security issues, see, e.g., Peter J. Katzenstein, ed. *The Culture of National Security* (New York: Columbia University Press, 1996), and Alexander Wendt, *Social Theory of International Politics* (Cambridge, Cambridge University Press, 1999).

[27] See Huntington, especially 350-54, 459-60.

[28] See Walter W. Powell and Paul J. Dimaggio, eds., *The New Institutionalism in Organizational Analysis* (Chicago: University of Chicago Press, 1991). For an overview of new institutional theory, see Powell and Dimaggio, "Introduction," 1-38.

[29] Ibid., "Introduction," 11.

[30] Institutional structures can shape how such institutions and even societies will align themselves politically. For an example of how an institutional structure will show whether a government will align more towards democracy or authoritarianism, see, e.g. James Mahoney, "Knowledge Accumulation in Comparative Historical Research: The Case of Democracy and Authoritarianism," in *Comparative Historical Analysis in Social Science*, ed. by James Mahoney and Dietrich Rueschemeyer, (Cambridge: Cambridge University Press, 2003).

[31] Modern military sociology can be said to have begun during the early Cold War years. See, e.g. Edward A. Shils and Morris Janowitz, "Cohesion and Disintegration in the Wehrmacht in World War II," *Public Opinion Quarterly*, 12 (1948): 280.

[32] See W. Richard Scott, *Institutions and Organizations* (New York: Sage Publications, 2000), 152-54.

[33] See, e.g. Don M. Snider, "The U.S. Army as Profession," in Don M. Snider & Lloyd J. Matthews, project director and ed., *The Future of the Army Profession* (2d ed.) (Boston: McGraw Hill, 2005), 13-16.

[34] See Andrew Abbott, *The System of Professions: An Essay on the Division of Expert Labor* (Chicago: University of Chicago Press, 2001).

[35] Kim S. Cameron and Robert E. Quinn, *Diagnosing and Changing Organizational Culture* (Reading, PA: Addison-Wesley, 1999), 14.

[36] Ibid., 96.

[37] Scott, 169-70. As Scott writes, legal relationships in institutions are not only based upon the "external, objective, rational nature of law." Instead, "laws and regulations are socially interpreted and find their force and meaning in interactions between regulators and the regulated." Ibid., 169.

[38] Typical "realist" versions of the Cold War include those by John Lewis Gaddis, whose most famous works include *Strategies of Containment: A Critical Appraisal of Postwar American National Security* (New York: Oxford University Press, 1982) and most recently, *The Cold War: A New History* (New York: Penguin Books, 2005). A more "updated" school of realism known as neorealism does account for institutional structures within nations. The theoretical works include Kenneth N. Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979); Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton:

Princeton University Press, 1984). A prominent Cold War historian who may be called a neo-realist is Melvyn Leffler, whose books include *A Preponderance of Power* and *For the Soul of Mankind: the United States, the Soviet Union, and the Cold War* (New York: Hill and Wang, 2007).

[39] Peter Katzenstein, Introduction, *The Culture of National Security*, 23. Katzenstein says later in the same essay, "Behavior is shaped not only by goals, alternatives, and rules of maximization or satisficing central to rationalist models of politics. Behavior is shaped also by roles and norms that define standards of appropriateness." Ibid., 28.

[40] As Kurt Burch states, "Constructivism addresses central dilemmas of social theory: how does the *interplay* of actors and social structures and of material and ideational factors constitute, inform, and explain social life?" Kurt Burch, "Towards a Constructivist Comparative Politics", in *Constructivism and Comparative Politics*, ed. By Daniel M. Green, (London: M.E. Sharpe, 2002), 61. As Burch also emphasizes, "neither actors nor social structures can be the Archimedean point of social inquiry, since they mutually constitute each other in a continuous process of social construction." Ibid.

[41] According to Katzenstein, "In the process of communication norms can emerge in a variety of ways; spontaneously evolving, as social practice; consciously promoted, as political strategies to further specific interests; deliberately negotiated, as a mechanism for conflict management; or as a combination, mixing these three types. State interests and strategies are thus shaped by a never-ending political process that generates understood standards for action." Katzenstein, 21.

[42] Bill McSweeney, *Security, Identity, and Interests* (Cambridge: Cambridge University Press, 2000), 117.

[43] According to Elizabeth Kier, what a "military perceives to be in its interests is a function of its culture." Kier, "Culture and French Military Doctrine Before World War II" in *The Culture of National Security*, 187. In both that essay and a full length book, Kier demonstrates how the adoption of interwar military strategy by the French Army and the French government was not based on interest calculations but on domestic politics, competing subcultures within the French Army itself, and other cultural factors. See also Elizabeth Kier, *Imagining War: French and Military Doctrine Between the Wars* (Princeton: Princeton University Press, 1997).

[44] "Culture and French Military Doctrine Before World War II," 187, 192, 204.

[45] Ibid., 203.

[46] Such appraisals include Robert Dallek, *Franklin D. Roosevelt and American Foreign Policy*, 1932-1945, with new afterword (New York: Oxford University Press, 1995) and Eric Larrabee, *Commander in Chief: Franklin Delano Roosevelt, His*

Lieutenants, and Their Wars (New York, Simon and Schuster, 1987). For a more negative appraisal, see Thomas Fleming, *The New Dealers' War: Franklin D. Roosevelt and the War Within World War II* (New York: Basic Books, 2001).

Chapter 2 - Military Government Planning Prior to 1940

The Army's dominance in the planning and execution of post-World War II governance has its origins in practices that extended back into the mid-nineteenth century. This included its internal adoption of laws regulating treatment of civilians, and its acceptance and application of laws of international conflict, in particular the Geneva and Hague Conventions. The most influential experience was the Rhineland occupation following World War I. That occupation in particular led to the development of occupation methods and concepts at the Army War College in the 1920s and 30s. Those methods and concepts in turn formed the basis of the Army's military government doctrine.

It is important to note that those methods, concepts, and ultimate doctrine, was almost entirely created within the Army itself, with little to no guidance from other U.S. governmental agencies. Whatever subsequent policy determinations were made by the President and other high-level officials regarding military government during and after World War II, the template for that government had already been developed, a template constructed according to the Army's own culture and understanding of how to conduct postwar occupations. The consequences were far-reaching and would culminate in the Army administering the post-World War II occupations of liberated and conquered territories around the globe and greatly influencing American foreign policy during the early years of the Cold War.

Legalizing Armed Conflict

The Army's handling of civilian populations dated back to the Mexican War.[1] During and following the Mexican War (1846-1848), for example, General Winfield Scott issued a general order throughout conquered Mexican territory that provided for martial law, the establishment of provost courts, and military commissions. In order to ensure good order after victory, and to minimize the need for large-scale occupation, he was mindful of the need for good civic relations. He directed his soldiers to salute priests and magistrates, for example, and though a Protestant, regularly attended Mass in Vera Cruz and even marched in a religious procession. Scott's military government rested on two fundamental principles that would be elaborated and fully developed during the Second World War. First, the primary function of military government was to ensure the accomplishment of the military mission. Scott had no directive to rebuild or reorder Mexican society; his goal was fundamentally to ensure that that battlefield success was not undermined in its wake. Secondly, military necessity was nonetheless premised on providing for basic needs of the civilian society. Allowing for wholesale pillaging and devastation only undermined earlier victory.[2]

During the Civil War, the Union Army's famous Lieber Code of 1863, known as General Orders No. 100, was written by German-American jurist Francis Lieber. Lieber had convinced Union General-in-Chief Henry Halleck that, in the American Civil War, a conflict fought largely by relatively inexperienced and amateurish militaries, a code of rules was necessary to control and guide behavior.[3] Its purpose was simultaneously idealistic and pragmatic. Lieber wrote to Halleck on its publication that it was a "contribution by the United States to the stock of common civilization." At the same

time, he saw the Code's need to control the widespread destruction of property in practical terms: "[Such damage] does incalculable injury. It demoralizes our troops; it annihilates wealth irrecoverably, and makes a return to the state of peace more and more difficult."[4] It was arguably the first attempt by a fighting force to encode a set of rules regarding the treatment of prisoners, the protection of civilians, and the application of "military necessity"—that is, the point at which military requirements could overrule otherwise legal restrictions.[5]

The Lieber Code did not mention specifically military government. It did place the actions of the Federal troops within the framework of the related legal construct of martial law. The opening paragraph of the Code conflated martial law and military government by asserting "A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the martial law of the invading or occupying army."[6] The power of martial law was seemingly absolute, since it included "the suspension by the occupying military authority of the criminal and civil law, and of the domestic administration and government in the occupied place or territory…."[7] But the Lieber Code also mitigated the apparent unlimited nature of martial law. It stated that such authority "disclaimed all cruelty and bad faith."[8] It also had language that stressed that the conquered/occupied populace should attempt to carry on life in as normal a fashion as possible—civilians could not be forced into the service of the victorious army, for the most part private property was to be respected, and civil servants should continue to be paid.[9] The rationale for this was not exclusively benevolent. In fact, in the words of historian Geoffrey Best, the Lieber Code was an example "close to perfection" of the "arch-occupier" model[10] The arch-occupier model stressed that the

population stay at work and attempt to continue life as normally as possible, in order to cause little to no interference with military operations.[11]

The American Army accepted the Lieber Code's basic principles. The fact that the Code was an internally generated document, in the form of a general order no less, and not imposed by international requirement was a source of some pride among the officer corps. It was praised by George B. Davis, Judge Advocate General of the Army and a delegate plenipotentiary to the Geneva and Hague Conferences, for being a generation ahead of its time, and for influencing much of the later Geneva and Hague Conventions and Regulations.[12] At the same time, its strictures were ambiguous and open-ended to suit whatever requirements were on hand. Its notions of "military necessity" were also used as a defense by officers accused of torturing Filipino insurgents during the 1899-1903 Philippine Insurrection.[13] As military historian Brian McAllister Linn points out, the Lieber Code was the legalized manifestation of an American military mindset prevalent in the nineteenth century that arose as a result from the Civil War and the Army's constabulary duties on the frontier and elsewhere.[14] Specifically, Army leaders formed a contractual relationship with conquered populations: on the one hand, the Army would attempt to treat the civilians humanely; for their part, civilians had to abide by rules of good behavior in order to allow the Army to achieve its mission.[15]

Following the Lieber Code, other rules and requirements codified in international treaties, such as the Geneva Conventions of 1864 and 1868, the St. Petersburg Conventions of 1868, and the Brussels Convention of 1874, all provided an increasing control over what states could and could not do during and after hostilities.[16] Most significantly, the rules that provided the fullest treatment of military occupation were The

Hague Conventions and Declarations of 1899 and 1907, which the Army accepted, and made part of its doctrinal practice.[17] Prompted by Russian Foreign Minister Count Mouravieff in 1898 and then later by President Theodore Roosevelt following the Russo-Japanese War, The Hague Conventions not only dealt with rules about weapons and treatment of prisoners and noncombatants, they also specifically addressed, in section III, military authority over hostile territory, the military's responsibilities while conducting an occupation, and civilian rights in occupied territory.[18]

Much of the purpose and language of the Conventions was similar to the Lieber Code's. Fifteen articles in the Conventions stated the responsibilities of occupying armies. Article 43, for example, required the occupying power to restore public order, and Articles 44 and 45 asserted that inhabitants could not be forced to provide information about their nation's military or be required to swear allegiance to the occupying power.[19] Article 47 prohibited pillaging, and Article 49 only permitted levying the population for military purposes if military necessity requires it.[20] The Conventions also implied a contractual relationship between occupier and occupants: Article 55, for example, held the occupying force as a usufruct for the territory it occupied and also required the force to safeguard public buildings and agricultural and real property in order for them to be in sufficient working condition when the occupation ended.[21]

The United States was a signatory to both the 1899 and 1907 Conventions, and the Army incorporated The Hague's requirements into its increasingly legalistic understanding of war.[22] An example that predated The Hague Conventions, but that nonetheless revealed the Army's willingness to incorporate such legalistic ideas about postwar responsibilities, was the 1892 work, *Military Government and Martial Law*, by

William E. Birkhimer, an Army First Lieutenant and adjutant. *Military Government and Martial Law* was a lengthy treatise on both subjects and it fully recognized the application of legal concepts of postwar occupation.[23] Birkhimer was a soldier as well as a scholar who had been part of much of, and thus reflected, the American military experience in the nineteenth century. Born in 1848, he entered the Civil War as a private in the Union Army and rose to the rank of Brigadier General in the Regular Army in 1906. His post- Civil War service began with his graduation from West Point in 1870. He later served as judge advocate for the Department of Columbia from 1886 to 1890 and he won the Congressional Medal of Honor while in the Philippines in 1899 fighting insurgent forces. His service in constabulary-style military actions formed the basis of his writing *Military Government and Martial Law*, which was, in the words of Major General George B. Davis, the Army's Judge Advocate General from 1901 to 1911, "the most complete treatise on the subject in the English language."[24]

Distinguishing the occupation of foreign nations (military government) from the imposition of military control within one's own country (martial law), Birkhimer placed the notion of military government within a highly legalistic understanding of both the role of states and the role of international law in establishing rules for postwar governance of conquered states.[25] States could lawfully engage in war, and military government's prerogatives and responsibilities came from that lawful right.[26] Birkhimer further noted that while, throughout most of history, victory gave a conqueror unlimited authority over a conquered nation and the property therein, the increasing regulation of the nation-state system in the nineteenth century had set limits upon the conqueror's ability to do as he chose.[27]

Into the twentieth century, the Army continued to incorporate both Geneva and Hague Conventions into its training. War Department Bulletins published the texts of the conventions at the outbreak of World War I.[28] In a 1914 lecture to Army medical officers, Lieutenant Colonel John Biddle Porter, a judge advocate, discussed not only the efforts throughout the nineteenth century to "codify the customs of war and to obtain for them a code of international recognition." He also noted the explicit connection between these rules and the Army's own Lieber Code, the "first code of the laws of war which were ever published…the code adopted at The Hague Convention in 1907…departs but little in principle from the code of 1863."[29] He concluded his lecture by stating that

> Every officer of the army should be familiar with all those conventions which bear on war, and I would strongly advise all officers to procure a copy of the various conventions, study them in time of peace and not wait to familiarize themselves with the law at the moment when a crisis arises and a thousand other duties call upon their time.[30]

Ultimately, The Hague Conventions would become an official part of Army policy and doctrine. In 1914, the *Rules of Land Warfare*, which replaced *General Orders* 100, referenced The Hague Conventions (these included the articles on occupation duties). The *Rules of Land Warfare* would subsequently be updated twice, in 1934 and in 1940 as *Field Manual (FM) 27-10*, which was even more expansive, including interpretations of post-Hague treaties to which the U.S. was a signatory.[31]

A Professional Force

Efforts at providing legal standards for the Army in both war and postwar circumstances were consistent with the reforms within the Army during the late nineteenth and early twentieth century as well. In particular, after the colossal failures

of planning and logistics mobilizing for the Spanish-American War, Secretary of War Elihu Root and similar reformers determined to change the Army from a constabulary force that had largely confined itself to patrolling the frontier and manning coastal defenses into an organization capable of asserting American power on a global scale, through an increasing professionalization of the officer corps into a more sophisticated, knowledgeable, and responsive group.[32]

Senior leaders in the Army were also attempting to reach out to American citizens in efforts to show the utility and purpose of the military in ways not simply associated with combat. In a 1915 address entitled "The Civil Obligation of the Army," a prominent Army reformer, Major General Leonard Wood, pointed out that the Army was capable of carrying out a number of tasks other than winning battles. These included discovering the causes of typhoid and combating yellow fever in the tropics. Such capabilities also included administering civil governments after the conclusion of hostilities:

> [I]t should be remembered also that it, the military army, established and maintained a civil government in P[uer]rto Rico, Cuba, and the Philippines, and conducted these governments with great success--in Cuba up to the point of the transfer to the Cuban people of a completely organized republic, and in P[uer]rto Rico until the transfer to the American government; likewise in the Philippines the military authorities were in full charge during the most trying period and turned over to the civil commission which followed them a well-organized government and a well-filled treasury.[33]

Wood's comments reflected the Army's relative confidence in its capability to conduct postwar civil governance. Indeed, despite the highly controversial nature of the Army's handling of the Philippine insurrection from 1899 to 1902, Army leadership was proud of its handling of overall civil government functions. The final report of Major General John Brooke, the Military Governor of Cuba, in 1899 set forth the wide-ranging tasks that

many in the Army believed had been successfully accomplished from moderately reforming the legal system to building and repairing roads and bridges.[34]

In reality, the long-lasting achievements of Army occupations were ambiguous at best in almost every case. Political scientist David Edelstein has rated both the 1898-1902 and 1906-1909 occupations of Cuba as failures, since both times the island was left in a state of instability.[35] The Philippines' occupation also had mixed results. The Army prevailed, but only after a brutal, controversial counterinsurgent struggle in which Army leaders were subject to public criticism for its treatment of civilians. And the U.S. presence there revealed the United States, which prided itself on its anti-colonialist position, as an imitator of European imperialism, a posture that contributed to U.S-Japanese tensions throughout the early twentieth century that ultimately led to war.[36]

These failures notwithstanding, the Army continued to make efforts at increasing professionalization within its own ranks through the application of scientific and managerial concepts and procedures, through study of past successes and failures, and through broadening the intellectual horizons of the officer corps into areas that went beyond studies of wartime strategies and battlefield tactics.[37] Many officers particularly thought that the application of business principles would produce a more efficient and better run military; they looked with great admiration at the successes of American industrialists in creating massive organizations that reaped enormous profits.[38] Indeed, the advent of the large-scale industrial corporation, which sought to organize large numbers of workers into coordinated and regimented labor forces, looked familiar to military officers who sought to do the same for armies.[39] A "managerial" mindset arose in the Army that went far beyond improving close order drill and basic tactics. Indeed,

as Linn points out, many Army officers began to study matters that might not be considered the essence of warfare and battle.[40] Effective management of war meant being able to manage what occurred when fighting had stopped. And just as doctrinal principles were helping to define the nature of conflict, the application of law would help to do the same both in combat and when it was over.

As an example, the Army derived some practical lessons from its experiences in the Rhineland Occupation after World War I, including the publication of an official manual entitled *Military Government*, published in 1920 by Fort Leavenworth's school press.[41] The manual was filled with rule-based prescriptions, defining military government as a "branch of international law, and its sanctions are the sanctions of that law." and specifically referring to Section III, Chapter V of The Hague Conventions.[42] It cited the continuous American practice of military government, from the Mexican War to the present, and provided examples of general orders related to military governance, especially General Orders 100, which was, in the manual's words, the United States Army's "Bible" in all matters dealing with occupations since the Civil War.[43]

The manual also asserted that military government was, at the same time, a military responsibility that could and should be exercised by Army officers and that it should not be made complicated or obscure by lawyers or excessive legalisms: "In searching for a good officer to make a military governor or chief of staff for civil affairs do not select a man who travels with a large legal library. … Avoid the man who is continually seeking for precedents to bolster up his opinions, but select rather one endowed with initiative, zeal and vision, one who will more likely create than follow precedents."[44] As the manual indicated, more was needed to perform postwar occupation than simply to apply

a set of rules: what was needed especially were practical solutions to accomplish what were, in essence, military missions, in other words military government led by military commanders and conducted by on-ground military forces.

The Rhineland Occupation and the Hunt Report

Compared to World War II, the Allies occupied a relatively small part of Germany after the prior conflict. In accordance with the 1919 Rhineland Agreement at Versailles, approximately 150,000 troops from Belgium, Great Britain, France, and the United States occupied an area covering 12,000 square miles on the west bank of the Rhine with three bridgeheads opposite Cologne, Coblenz, and Mainz, an area roughly the size of Belgium and including 7 million German inhabitants (11% of the overall population).[45] Despite this comparatively modest effort, this post World War I occupation would be the single most influential experience in shaping the American Army's conceptions of military government following World War II. Especially important was the highly rationalized and autocratic German civil service system. In the Rhineland, the government was largely controlled by a Prussian political elite, much to the dissatisfaction of many Rhinelanders. And while American military government officers may have seen it as anti-democratic, they also believed that it was especially suited for military government rule. As Major General Henry T. Allen, the commander of the occupation troops in Germany noted: "Regardless of the reasons that may be marshaled against such a form of government, it is obvious that its autocratic nature peculiarly qualified to adapt itself to the requirements of an occupying military force."[46]

The American Army's organization and administration of postwar governance was the focus of a lengthy and significant analysis of postwar occupation, the so-called 1920

Hunt Report, named after Colonel Irvin L. Hunt who had been attached to the Commanding General, Third Army as an advisor in civil matters and who was later appointed its Officer in Charge of civil affairs.[47] The Hunt Report garnered the particular admiration of Secretary of War Henry Stimson, who became a major figure in the development of World War II occupation planning and policy and also influenced the creation of World War II military government doctrine. Much of the work on the document was actually done not by Hunt himself but by Captain Truman Smith, who was Colonel Hunt's primary political assistant. Smith, an intelligent, capable officer from America's patrician class, viewed the order and seeming efficiency of the German civil service with great admiration and respect. He went so far as to note that the civil officials were essentially "army officers without uniforms" and saw the seeming advantage in linking the military government with that system as soon as was practicable.[48]

Hunt submitted the report to the Commanding General of the American Armed Forces in Germany, with the request that it be forwarded to the War Department for publication to serve as a "basis for technical study of Military Government by the General Staff of our Army as well as for future historians."[49] What made the Hunt Report especially important was that it actually looked upon the administration of occupation responsibilities as a separate and significant task from the wartime efforts, with its own set of requirements.[50] Additionally, the Hunt Report's analysis moved beyond considerations of abstract legal concepts and definitions and dealt with practical administrative concerns, principally (though not exclusively) using the experiences of the Rhineland occupation.

Hunt made several recommendations, which, while simple and straightforward, had considerable influence on prewar and wartime military government planning. According to Hunt, there were two "fundamental principles which profoundly affected the whole course of military government [by the American forces]" in the Rhineland after World War I. First, the American occupation separated the overall tactical commander from the civil administrator of the occupied territory. The governor thus directly represented (and was directly reportable to) the Commander in Chief of the American Expeditionary Force and was "entirely independent of Third Army Headquarters at Coblenz, and therefore in a very real sense limited the authority of the Commanding General of the latter force."[51]

In Hunt's view this caused an "awkward division of authority." As he termed it, the "legislative powers of military government" that were lodged in the Office of Civil Affairs at Advanced GHQ were separated from the Army tactical commander's "executive" authority to maintaining public order and with the security of troops." He noted that, while this divided government scheme may have resembled United States separation of powers concepts, it was "wholly unsuited for military occupation." Essentially, it violated the notion of unity of command, and had it not been mitigated by a "spirit in which the several headquarters subordinated personal matters" to the mission as whole, could have caused severe difficulties in military government administration.[52]

Secondly, the American occupiers used tactical units in the Third Army as units of military government. Hunt considered this a serious mistake that caused administrative and bureaucratic difficulties. Tactical units had other non-military government functions to perform (among them, to disarm the German Army and, at least initially, to remain

prepared to go to war in case Germany decided to break the Armistice) and they lacked the specific training to link its staffs to the sophisticated German governmental system at the local levels that remained virtually intact.

Instead, given the very precise and hierarchical system of Rhineland governments at the *Province*, *Regierungsbezirke* and *Kreise* level, American military government should have readily conformed and linked to that working system rather than use tactical formations to attempt to control and monitor that government. As Hunt pointed out, neither the French nor British "committed our mistake, and modeled their military government from the outset along lines paralleling the civil system."[53] This apparently more sophisticated approach of the French and British was in keeping with their colonialist traditions. The British in particular had a long tradition of so-called "indirect rule" in the colonies, allowing, in the words of Dutch historian of civil affairs Thijs Zaalberg "control [of] a vast empire with relatively little administrative and military personnel."[54]

Along with these concerns, Hunt noted that while the American occupation force had created a civil affairs "G-5" section during the occupation, it dissolved the organization at the conclusion of military government, and senior Army leaders did not attempt to establish a civil affairs section as a permanent feature of a staff at any unit level, nor did they seek to implement any training for future civil administrations. Hunt maintained that no service school devoted to higher level training, such as the Army's Command and General Staff College or the service War Colleges, had devoted any course to studying civil affairs and military government. He stated that it was

> extremely unfortunate that the qualifications necessary for a civil administration are not developed among officers in times of peace. The history of the United States

> offers an uninterrupted series of wars, which demanded as their aftermath, the exercise by its officers in civil governmental functions. Despite the precedents of military governments in Mexico, California, the Southern States, Cuba, P[ue]rto Rico, Panama, China, the Philippines and elsewhere, the lesson has seemingly not been learned.[55]

The Hunt Report was the single most influential document on military government produced prior to World War II, and Hunt himself spent the interwar period seeking to ensure that the Army was prepared for its next occupation. Such was its value that it was referenced in testimony before Congress when Army officers were directed to explain the nature of military government training and policy.[56] Secretary of War Stimson, when planning how to respond to President Roosevelt's apparent discomfort about the military government program, relied on its conclusions, and he had planned to mention it in a lengthy letter that he intended to send to the president. He called it "the finest document of its kind ever to come out of the Army."[57] Much of it also eventually influenced *Field Manual (FM) 27-5*, the principal doctrinal guide for military government during World War II.[58]

Hunt's report also revealed the predisposition of American Army officers to align themselves with governmental systems that resembled, to some degrees, the social and cultural beliefs and experiences of the Army's officer class, of which Truman Smith was by no means an exception in terms of background. The Rhineland civil servant system that Smith admired was hierarchical, as well as remarkably efficient and ordered, and the populations they governed appeared placid and nonconfrontational. As Morris Janowitz has shown, the interwar Army's officer corps was especially infused with a value system that would predispose it toward such a system. The American

military elite of the period was largely drawn from an Anglo-Saxon, Protestant, rural, and upper middle-class professional background. Most came from a traditional Protestant background, with a heavy concentration from conservative Episcopalianism that stressed "authority, ceremony, and mission."[59] Especially in light of what many perceived as the anarchy and destructiveness of the bolshevist movements in Germany of the post-World War I period, American military officers viewed the order and control of the civil service, and the corresponding willingness of the populations they governed, as a system that proved the superiority of values that they themselves possessed.

The Rhineland Occupation, via the Hunt Report, in turn became the experience-based template for post-World War II occupations. The reasons for this are unsurprising. Even though the post-World War I occupation experience was atypical for the Army, it was the most recent in time, and even more importantly followed in the wake of a total conflict between powerful nation-states, the sort of conflict that most fit the category of war that the Army would prepare for in the future. Furthermore, the Hunt Report was the most extensive document ever created by the American Army regarding a postwar occupation. This template was the basis for assumptions and expectations for the post-World War II occupiers. The American experience in the Rhineland, while it had its problems, was relatively benign. The occupied territory had effective civil structures still functioning, the population did not resist, and it did not question the supreme authority of the military governorship established by the Americans. Indeed, for many American occupation troops, the experience was by no means unpleasant.[60] The post-World War II occupiers, at least during the planning

stages, likewise assumed functioning civil structures, unquestioned authority of the military government, and a relatively benign environment, free of partisan, guerrilla-type activity. Where assumptions and expectations met a reality that most conformed with them, for example in Austria, and to a lesser degree in Germany, the occupations were, if not exactly smoothly and problem-free, manageable. In Korea, on the other hand, expectation and reality diverged, and the occupation proved extremely difficult.

Interservice Difference and Interagency Isolation

The Hunt Report dealt with the problem of military government following a so-called conventional war (or what is today referred to as "high intensity conflict"). Specifically, the Army institutionally tended to think in terms of such postconflict responsibilities as part of the conventional war paradigm. As Max Boot has pointed out, the Army did not develop anything resembling an anti-guerrilla or counterinsurgency doctrine during the nineteenth or early twentieth century.[61] There was a clear distinction between war, in its standard sense as a lawful armed struggle between nations, and other conflicts, defined by Marine Corps doctrine as "small wars." Wars, not so-called small wars, were the province of the Army, not the latter.

Small wars were instead suited for the relatively small size and more limited capabilities of the Marine Corps. As a point of comparison, the largest number of Marines brought together for battle prior to World War II was as part of the World War I American Expeditionary Force—a force that amounted to a brigade of 8500, less than a third of one Army division. During the interwar period when the Army had been reduced to 125,000 men, the Marine Corps only had 16,800. John Lejeune, the Marine Corps'

Commandant throughout most of the 1920s, specifically noted that a Marine Corps Expeditionary Force, when "landed in a foreign country, is primarily intended to protect the lives and property of American citizens residing there during periods of disorder."[62]

The Marine Corps' *Small War Manual*, published in 1940, though reflecting decades of doctrinal development by the Marines, underscored Lejeune's understanding of the Marine Corps' primary interwar mission. Small wars were low level military actions, and technically not considered "true" wars at all. As the manual stated, they "vary in degrees from simple demonstrative operations to military interventions in the fullest sense, *short of war.*"[63] Indeed the use of forces in such conflicts did not necessarily require a declaration of war or consultation with Congress, since they often involved the protection of United States lives and property overseas.[64] As such, so called small wars were a specifically defined function of the Marines. As the manual stated, it was even considered "routine active foreign duty of the Marine Corps in which this manual is primarily interested."[65]

The specific and circumscribed association of small wars with Marine Corps operations highlighted another important difference between the strategic cultures of the Army and Marines. Both services, carefully delineating their particular areas of expertise, distinguished between the strategic imperatives involved in conducting small wars and major military operations. As the manual pointed out, "military strategy for small wars is more directly associated with the political strategy of the campaign than is the case in major operations."[66] In other words, there was a much less clearly defined division between matters of "policy" and matters purely "military" in small wars.

On the other hand, major wars, under the common understanding, were undertaken only as a last resort: only when other political options had been exhausted. Therefore, military requirements—what was often called "military necessity"—would be of primary importance.[67] This distinction proved of great importance in the Army's postwar governance. Policy was subsumed by military requirements because warfare required a totality of effort and a necessary subordination of political goals to military objectives. This same logic would apply during at least the initial post-conflict stage of a military occupation: because military ends trumped political ones, "military necessity" would hold sway.

If there was interservice distinction between wars and small wars, with the Army and Marines going their respective ways, there was also a complete indifference outside the military itself to any of the Army's lessons learned from postwar occupations. In reality, partly as a result of the post-World War I disillusionment, in the 1920s and throughout most of the 1930s, the view toward things military in the United States varied from lack of interest to outright contempt.[68] Indeed, many Americans would have considered Hunt's recommendations as tantamount to establishing a military cadre of American *Gauleiters*. Despite the Army's efforts towards professionalization, some doubted whether, in fact, the military was a proper profession at all. Two prominent scholars in the 1930s consciously avoided calling the Army a profession, given that the service soldiers were called to render—warfare—was one that it was hoped they would never have to perform, whereas other scholars determined that the military was wholly state-controlled and therefore not autonomous and self-regulating like true professions of medicine, law, or education.[69]

This dismissal of the military as a proper profession was consistent with thinking in American politics and society during the interwar period. Up to and through the World War, what Samuel Huntington called the "neo-Hamiltonian consensus"—a view that advocated strong central government and the ability to project American power throughout the world—led to a movement to reform and strengthen the military.[70] In the wake of the carnage of the World War, this largely vanished, replaced by the anti-military viewpoint, seemingly across the entire political spectrum. On the one hand, associated with big business Republicans of the period, was thinking that viewed the military as essentially an antiquated profession, outdated in the current world of global commerce. Many such Republicans had been instrumental in blocking U.S. entry into the League of Nations following World War I.[71] This so-called "business pacifism" had its counterpart in "reform liberalism" which contained strands of both Wilsonian idealism and domestic progressivism. There was also a strong current of "liberal internationalism" that saw war as outmoded and barbaric. In the new order, nations would work together amicably and via treaties such as the Kellogg-Briand Pact, control or outlaw war altogether. [72]

This disdain for the military in the culture, and particularly for its ability to see anything beyond its role in waging war, was reflected in the American government as well. President Woodrow Wilson had stated that a soldier should have "nothing to do with the formulation of [American] policy. He is to support [that] policy whatever it is."[73] As historian Mark Stoler points out, the State Department shared Wilson's view. Officials in State saw warfare not on a continuum with other forms of policy but as an aberration in international relations. In large part, they effectively shut out the military

from policy making throughout the 1920s and 1930s. It was not until 1935 that the State Department agreed to participate in Joint Board deliberations regarding War Plan ORANGE, the plan developed by the War Department for possible conflict with Japan, by naming a Far Eastern expert as participant, and it was not until 1938 that State agreed for the military to be part of a high level State-War-Navy Liaison Committee.[74]

Thus the interwar period essentially created a highly insular and even isolated military culture.[75] Yet there was development within the Army throughout the interwar period. The Root reforms of Army organization continued to take hold. The power of both the Army Chief of Staff and the Army General Staff progressively expanded and the independence and authority of the subordinate bureaus declined.[76] World War I had only reinforced the need for an Army general staff capable of organizing and planning the nation's wars, and movement began towards a more robust staff system, a process that would not be complete until the staff reorganization of Marshall in the early 1940s.[77] And the Army's continuing emphasis on the professional education was most prominent at the Army War College, where planning committees developed methods and concepts for postwar governance that would prove to be of singular influence.

The Army War College Planning Committees

Historians have contended that military prewar planners were shortsighted and did not take into account international affairs. But recent research into the RAINBOW war plans that dealt with possible future conflict with U.S. rivals, devised primarily at the Army War College, has challenged that view.[78] Student officers at the college devised numerous plans for future conflict, to include numerous scenarios which foresaw the need for postwar occupation and the establishment of military governments. Brigadier

General George S. Simonds, Commandant of the War College from 1932 to 1935, ensured a level of realism and sophistication in planning. He required, for instance, a "participation with allies" that brought in ideas about coalition warfare, and he encouraged the students to think creatively about a whole range of issues normally not dealt with in typical military planning.[79] Isolated from the rest of government well into the 1930s, the Army was the virtually the only U.S. agency looking at potential conflicts.[80] As Mark Stoler points out, "military planners during the interwar years were forced to compose their own definitions of U.S. policies to serve as guidelines in their strategic planning." [81]

In the interwar period at the War College, various committees examined questions that had arisen in the recent past and, based on case studies, proposed recommendations. Furthermore, student committees devised, often in collaboration with the Army's War Plans Division, plans that specifically addressed future potential conflict. These plans, collectively dubbed RAINBOW, posed scenarios in which the United States waged future war with various nations. For example, GREEN addressed potential instability in Mexico. RED addressed war with Great Britain; ORANGE, with Japan; and BLACK, with Germany. Colors could combine to show the possibility of a coalition of threats (RED-ORANGE, for example, was a plan for a British-Japanese alliance). Not all plans were developed or used as extensively as others. For example, GREEN and RED plans were used to cover other threat scenarios that might be applicable in a variety of contexts, and to provide training for the students.[82]

One of those topics was the planning for the occupation and military government of defeated nations. Throughout the interwar period, student planners frequently

examined postwar governance, and the answers provided, while never made official for use at the Army War Plans Division, would be of seminal importance in the eventual training, doctrine creation, and planning for military government in the postwar world. Hunt himself was influential in this process in the twenties and thirties. He served as the chairman of the 1924-25 War College committee that studied staff organization for occupation responsibilities. He subsequently lectured the 1933 class on principles of military government, stressing among other points, the need for the Army to have technical experts in what would become known as civil affairs.[83] In that lecture, he emphasized the importance of the military commander's supreme authority during occupation. He also emphasized that even high ranking civilian authorities had to be subordinate to the military commander of the occupied territory: "The military commander must, in every case, be the military governor. That carries all the way down. The assistant military secretaries … are merely the civil staff of the subordinate military governors."[84]

Throughout the 1920s and 1930s, Army War College student committees studied postwar occupation and military governance issues thirteen times.[85] These committees formulated solutions to a variety of problems, with subsequent conferences involving both faculty and outside officers to review student work.[86] In the 1920s, issues of primary concern were procedural, focusing especially on whether or not a civil affairs organization should be made a permanent Army staff fixture. Throughout the 1930s, as the emphasis moved to planning against potential enemies, student committees involved in the RAINBOW planning shifted focus to the actual governance of conquered territories. A result of these various examinations was the creation, as an appendix to

the 1933-34 committee study, of a postwar occupation guide entitled “Basic Manual for Military Government by U.S. Forces.”[87]

Plans for Military Government Organization: The 1920s Committees

The Army War College class committee of 1924-25 produced a report that studied the advantages and disadvantages in creating a section of the Army general staff to oversee the administration of civil affairs in occupied territory. The chairman of the committee was Colonel Hunt himself, a student in that class.[88] The 1925-26 class similarly examined an appropriate command and staff organization for occupation administration at theater of operations level and below.[89] The 1927-28 report also looked at the issue of the required “machinery necessary for the administration of civil affairs” at both higher and lower levels. All the reports set forth a methodological approach that would be used repeatedly by different War College committees throughout the interwar period: various American military occupations, from the Mexican War to the Rhineland Occupation, were studied, and from them the student committees derived lessons learned and possible standard practices and procedures.

This historical approach can be seen in the committees’ analyses. The 1924-25 committee noted that one problem in the occupation of the Philippines at the end of the Spanish-American War was the injection of civilians [meaning U.S. civilian governmental officials]” into military government. The power of civilian government officials to legislate “crippled the efficient conduct of military operations.” Furthermore, civil affairs was supervised and directed through an operating branch known as the Office of Military Secretary for Civil Affairs, greatly diminishing the military governor’s power.[90] The 1924-25 committee, relying no doubt on Colonel Hunt’s own knowledge

and experience, studied the World War I occupation, noting issues raised in the Hunt Report. Specifically, U.S. military and civil authority during World War I divided between the Advanced General Headquarters (GHQ) and Third Army commands until the GHQ was ultimately abolished. Military commands were not co-extensive with political subdivisions. Tactical units doubled as military government units. There was also no special general staff section for civil affairs—instead, there was simply appointed an officer-in-charge of civil affairs in an ad hoc fashion.[91] The 1925-26 committee similarly indicated that the establishment of military government along tactical lines and the division of military and civil authority in the U.S. Rhineland occupation caused it to differ "radically" from the French, Belgians, and English approaches.[92] In any case, as the 1927-28 committee pointed out, there was a consensus that the improvisation that had occurred by the AEF during the Rhineland occupation was not good policy and that organizing an occupation in a planned systematic manner, as the European allies apparently did, required detailed peacetime study of the problem.[93]

Based on these Army experiences, the committees provided further analysis and recommendations. The 1924-25 committee provided its analysis as to the question of adding a civil affairs division to the Army general staff. Advantages included a centralized decision-making authority at the highest levels, presumably better able to integrate strategic decision making into civil affairs policy. Yet the disadvantages were felt to outweigh any potential advantages, primarily because of the staff structure itself. A "general" staff was precisely that—it provided general guidance and advice over a wide-range of activities that were not specialized: whether personnel (G-1), intelligence

(G-2), operations (G-3), or supply (G-4), they covered a gamut of interests, regardless of type or phase of operation.[94]

According to the 1924-25 committee, a "civil affairs" general staff function, with a specific, technical purpose of providing guidance on administration of occupied territories was precisely *too* technical.[95] While in retrospect this may seem an arcane and even pedantic reason not to recommend the creation of such a staff section, it should be remembered that a general staff was still a fledgling notion to the U.S. Army in the early twentieth century; this brand new arrangement, after all, had been purposefully constructed to have a staff responsible for broad, "general" functions, and highly specialized ones. The committee thus voted against a G-5 section on the general staff but offered no solution to the problem.[96]

The 1925-26 committee studied the issue though at the level of theater and operational command. It proposed five options: 1) a separate division of the general staff for civil affairs matters at GHQ; 2) an additional technical or operating civil affairs staff section (akin to the Provost Marshal)—in other words a staff section but subordinate in priority to the general staff; 3) a civil affairs staff section under an existing staff section (likely G-1); 4) a separate civil affairs section not under the staff scheme at all but reporting directly to the Commanding General; or 5) the creation of a civil affairs agency or bureau directly under the War Department—in essence controlled by civilian and not military authority.[97]

That committee unanimously recommended option 3, the creation of an additional technical or operating section to administer civil affairs in an occupied territory. Such a staff section "would ensure harmony and preserve the principle of supervision and

coordination under which all existing General Staff divisions and sections function." In so doing, the committee did not recommend the creation of a civil affairs section at the Army General Staff or War Department level; rather the Army General Staff would enunciate "broad principles" that would be transmitted to the commander, who then, through his civil affairs technical staff expert, execute policy.[98] The 1927-28 Committee came to the same conclusion.[99] That committee also enunciated some broad conclusions about the possibility of military government: (1) civil affairs agencies and methods would have to vary with conditions surrounding particular occupation; (2) it was not possible to formulate a complete plan for military government to be used in all cases; (3) the War Plans Division needed to develop preparatory measures prior to the departure of an expeditionary force; (4) a commander should have a separate, highly specialized staff section, with specifically qualified personnel; and (5) the War Plans Division should determine what the initial composition of a civil affairs staff section should be.[100]

The 1927-28 committee was also especially focused on the legal bases for military government, noting that the War Department had codified the laws of war and military occupation, to include The Hague Conventions, in Chapter VIII of its manual entitled Rules of Land Warfare.[101] In two supplements to the Army War College committee report, the idea of military government was given an extensive legal analysis. The first supplement analyzed in particular the applicability of The Hague Conventions to the United States, as well as the rights and responsibilities of military government under United States common law.[102] At the conclusion, it provided a summary, which stated that military government was supreme and its authority absolute, subject "only to the

law of nations, the Rules of Land Warfare, and such Hague Conventions or Geneva Regulations as the United States has by treaty adopted" and that, absent express legislation otherwise, U.S. Constitutional law and other laws enacted by Congress are not binding upon a military government. It did note that a separate treaty or armistice as well as rules, regulations, and orders issued by the President or Secretary of War for the organized territory could limit the military governor's power.[103] The second legal supplement, written by Major Archibald King, a judge advocate, affirmed that The Hague Conventions were binding upon the United States military in conquered territories as well as in countries not at war with the United States but nonetheless occupied by it.[104]

While these points may seem obvious and even self-evident to contemporary understanding, the extensive supplements underscored the effort of the committee members to ground the planning for postwar occupation in applicable law, while at the same time attempting to maximize the authority of military government within the boundaries of that law. This included not only The Hague Conventions but also an extensive list of U.S. cases, which laid out the constitutional and common law understanding as to when various forms of military authority could be imposed.[105] Subsequent regulatory and policy documents on military government would bear this same legalistic tone, with recurring references especially to various provisions of The Hague Conventions' laws about governance in occupied territories.

Plans for Implementing Occupations: The 1930s Committees

Whereas in the 1920s, the committees focused on organizational questions and remained somewhat theoretical, during the following decade, postwar occupation

planning was integrated into the RAINBOW planning scheme. Specifically, plans were prepared to accompany War Plan RED, dealing with the military occupation of Canada during and after war with Great Britain, and War Plan GREEN, which called for the occupation of Mexico after war with that country. While it was certainly not a main effort of the College, General Simonds, the commandant from 1930-34, thought it significant, noting that military government was a subject of "great importance to the higher commanders and staff" and further noting that the Army had amassed a wealth of material on the subject, particularly the occupations of Cuba in 1899 and 1906-7.[106]

In the occupation plans for both RED and GREEN, there was significant consistency (if not uniformity) with both the Hunt Report and the more theoretical committee work in the 1920s. The RED occupation proposals grounded themselves in historical experience. In particular, while the problems of the AEF in the Rhineland and the German Army in Belgium were examined, positive lessons were drawn from the American occupations in the Philippines and especially Cuba.[107] Additionally, the plenary authority of military government was expressed in legalistic terms. Citing the Supreme Court case *U.S. v. Wallace*, the 1931-32 RED report stated: "The power invested in the President and his military subordinate is large and extra-ordinary. The Supreme Court has ruled that the governing authority 'may do anything necessary to strengthen itself and weaken the enemy. There is no limit to the powers that may be expected in such cases save those which are found in the laws and usages of war.'"[108]

The RED occupation plans also were consistent with past analysis of what the structure of military government would be. In particular, for the postwar Canadian occupation, there would be a military officer supervising all important branches of

government; the senior commander in theater would serve as the overall civil authority/military governor; a civil affairs staff would be assigned to perform the specialized duties of military government; and in a rare instance of interagency coordination, the proposed plan called for a State Department representative in an advisory capacity to the military commander.[109]

Drawing particularly on the perceived positive experiences of the Cuban occupation, the RED plans also stressed that local government structures should be left in place as much as possible and that the local population would be given as much responsibility to govern as the situation permitted. There would be a maximum use made of the native people. Local laws, officials, and civil courts would continue, and civilian government officials would be used whenever possible.[110] Finally, both plans provided that the form for military government law should be in the form of proclamations with supplementing regulations as required.[111]

The GREEN plans for the occupation of Mexico in the 1933-34 and 1937-38 contained proposals similar to those of RED: GREEN postwar occupation also saw use of Mexican government officials and the existing Mexican political structure, and civil affairs units would be territorially and not tactically established.[112] As in the RED plans, use of civilians in the military government was considered objectionable, not only because use of them would violate the principle of unity of command but also because such civilians were "liable to be political appointees, entirely unsuited for the work."[113]

There were two recommendations that added some further depth to occupation concepts. First, one GREEN proposal called for the Adjutant General to keep a current roster of approximately 500 reserve officers who possessed qualifications to administer

a military government.[114] Second, there was reference to the need for a "constabulary" force to be established as soon as possible, to assist the pacification of the country and the maintenance of order.[115] Neither proposal was a radical departure from previous plans but was simply a logical development of the underlying concepts of total military control of the occupation and the reestablishment of local government as soon as possible.

As part of the 1933-34 GREEN plan, the student committee also created a manual that would serve as a prototype for possible future policy and doctrine regarding military government. Six sections and twelve appendices laid out what essentially reflected the thinking done on the subject throughout the interwar period, to include the findings and recommendations of the Hunt Report. The manual, while not formally adopted by the War Plans Division, nevertheless looked remarkably similar in substance to the major doctrinal statement on military government, *Field Manual (FM) 27-5*, first published in 1940.[116]

As with much of the work done by the committees during the twenties and thirties, the manual was an essentially legalistic document that continued to reflect the formal view of postwar governance as a matter between states. It began with a formal definition of military government as "that form of Government which is established and maintained by a belligerent by force of arms over occupied territory of an enemy, and over the inhabitants therein."[117] The applicable Hague Conventions formed a constant, binding thread throughout the manual's text on issues such as the duty of the occupant, taxation, oaths of allegiance, prohibitions against military service, destruction and seizure of enemy property, respect toward private property, and requisition and

contribution.[118] "War rebels" or what might be today called "insurgents" were discussed in legalistic terms as well. "War rebels" was, in fact, a phrase taken from the Lieber Code.[119] The manual described these "rebels" as "persons within occupied territories, who rise in arms against the occupying forces or against authorities set up thereby."[120] The manual briefly stated, "If captured, they may be punished by death." Regardless, none was to be punished "without a fair trial by competent tribunal [almost certainly a military commission of some fashion]" even if a swift execution, as in the case of those found to be "war rebels," would almost certainly follow.[121]

Also consistent with the work of the committees and the Hunt Report was the stress on the importance of exclusive military control of postwar occupation and the need for unity of command. Military government was to be exercised by the "Military Commander under the direction of the President" and was not a form of civil government that has a system of checks and balances such as was typical in most Western democracies. Personnel involved in its conduct, whether in executive or administrative roles, needed to be integrally bound to the military establishment. The manual called for a corps of officers for each expeditionary force that was "especially fitted by judgment, experience, and training" to conduct military government."[122] The manual explicitly noted that while some civilians could be used in a "purely clerical capacity," all personnel with any significant responsibility "should be commissioned in the Army" with "no civilians whatever used on such duty until commissioned."[123] Unity of command was likewise stressed as necessary. There could not be division at the highest level between a "civil" governor who maintained the responsibility over the administration of the conquered territory and the highest ranking military commander.

They should be one and the same person, in order to follow the "essential military principle of unity of command."[124]

The manual also provided an organizational scheme for military government and in it, as the accompanying figure 1 indicates, the Commanding General of the General Headquarters (C.G., G.H.Q.) served as either the military governor or governor general (if there were more than one conquered theater or territory). (See figure 1.)
While this ensured unity of command at the highest level, as the chart indicates, the division of labor then occurred immediately at the staff level. The standard "tactical" work fell within the realm of the normal G-staff, whereas the newly created civil affairs staff section, on the same level as the G-staff, oversaw the administration of occupation in two corresponding ways: first, along functional, technical lines (such as fiscal, legal, sanitation) and secondly through a channel of control over administrators of various territories and towns.[125] The manual thus reflected the need, if not at the general staff level at the War Department, then at least at the highest tactical and operational levels, for a separate civil affairs structure to oversee military government operations.
Relatedly, and also reflecting the consistent thinking done by the committees, was the manual's emphasis on organizing the occupation along territorial lines. The military government organization was to parallel as much as possible the existing civil governmental structures, such as villages, townships, provinces, and regions. Thus while tactical units would rotate and continually move to new locations, military government organizations would remain constant and attached to existing political boundaries as much as possible.[126] While this would be difficult during the early stages of the occupation, according to the manual, it was an ideal that the occupiers should

strive to attain.[127] Territorial organization was closely related to another principle of military government: wherever possible, local officials should perform the tasks of civil governance.[128] Changes in existing government were to be as "few as practicable" and only after a sufficient study that indicated that such changes were warranted. Civil courts were likewise to be maintained.[129]

The manual also provided three types of military occupation. For a "temporary occupation," the enemy's sovereignty would not be disturbed (the Allied occupation of Germany following the Armistice being an example) and there was a minimum amount of interference with local laws and customs. When it was reasonably certain that an annexation would follow the occupation of the enemy territory (such as the Philippine s or Puerto Rico), the military governor was given more latitude to set aside laws and customs and to align them with those of the United States, though, in general, radical changes were restricted only to those absolutely necessary pending further direction from higher U.S. government sources. Finally, where the intention was to "sever the occupied territory from its former sovereignty and to set up an independent government" (the example provided being the occupation of Cuba), the prime task was to prepare the territory to take over its own governance, and the military governor would establish at an early date relevant governmental changes to permit this new sovereignty.[130] The manual listed four standard temporal phases for military government. There would typically be armed resistance in the first phase, with tactical units performing military government functions as territory was brought under military control, with civil affairs sections being linked to tactical units at the corps level and below to perform

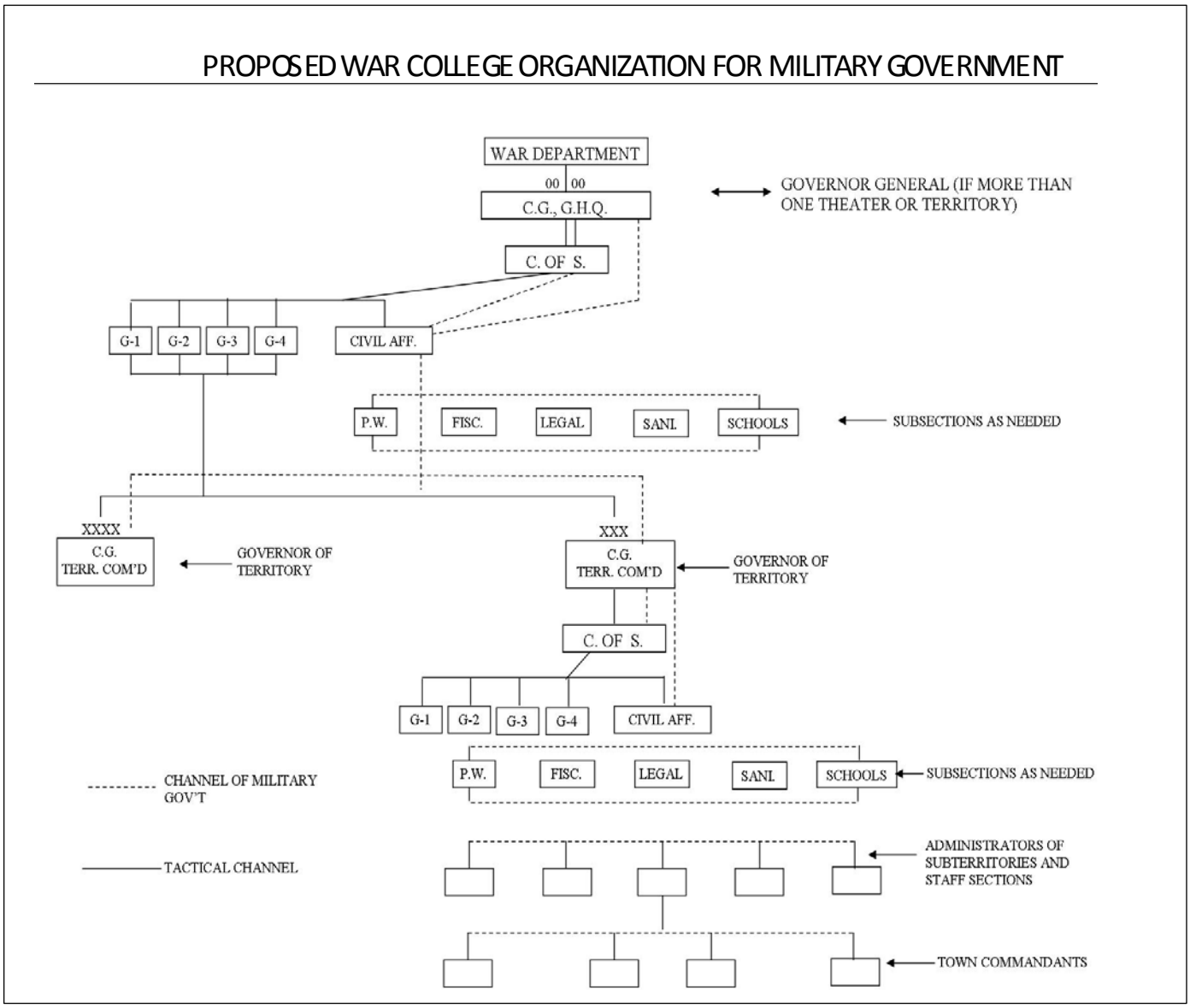

Figure 1
Proposed Theater-Level Military Govt. Organization, 1934 AWC Basic Manual[131]

governance duties. The second phase was true military government, when American forces had broken armed resistance, military government formally established and tactical units generally relieved of governance responsibilities. During this stage, military government would attempt to mirror as much as possible existing political structures. The third phase saw the predominant responsibilities of the supreme military commander being that of military governance and not tactical and operational responsibilities. The fourth and final stage transitioned from military to purely civil administration. Military forces also withdrew. This final stage could involve turning back control to the enemy's government, to a newly formed state, or to the U.S. civil government.[132]

Despite the reference to civil administration in the last phase, what was notable throughout the manual was a lack of reference to any ongoing coordination with, much less subordination to, any civilian agency throughout military government proper. It was envisioned as a near-exclusively military, and, specifically, Army domain (though a reference was made to cooperation with the Navy when joint operations were conducted). Reflecting the Army's experiences in the Rhineland and in nineteenth and early twentieth century occupations, it further revealed the influence of a legalistic conception of military government: such government was bound by a series of rules and regulations, especially relating to the law of armed conflict. Even more importantly, the government would be wholly run by commissioned officers, and the ultimate authority unified under a military commander. And while strategic concerns beyond the on-ground commanders would be the province of civilian superiors, the military's primacy

on the ground framed the issues in terms of accomplishment of military objectives, thus implicitly at least shaping the larger strategic discussion.

In the final years of the 1930s as the world drew closer and closer to all-out conflict, committees met on the subject of military government, especially in light of many problems made apparent by the Spanish Civil War associated with control and evacuation of civilian populations. The committees in years 1938 and 1939 came to many of the same conclusions drawn in previous years: that military commanders must be in control of the occupation and that military government should coincide with political boundaries and be independent of tactical units and that as much as possible local laws should be continued.[133] The need to stay within legal authorities was also reemphasized, this time with a practical concern: a subcommittee of the 1938 review of military government noted that military commanders could later be held accountable for their actions in civil courts.[134] Notably, both the 1938 and 1939 committees saw the absolute necessity for a civil affairs staff, at least during operations, with the same authority and importance as other general staff sections, even if, given its nature as an "operating" staff section, it would not be considered on the general staff as such. What was most influential in this realization seems to have been the potential magnitude and difficulty of attempting to control, coerce, and possibly evacuate huge numbers of civilians in the occupied areas.[135]

Planning in Isolation

The committees' work during the interwar decades clearly reveal that long before the United States was involved in World War II, the Army War College, the Army's premier educational institution, had, on numerous times, studied contingencies and set

up plans for possible occupation, however hypothetical. The College had further written a manual that laid out many of the basic concepts for military government, the fundamental precepts of which remained remarkably consistent with Army thinking throughout the period. None of the plans was formally adopted by the War Plans Division. Nonetheless, the work done by the student committees was influential.[136] In the words of an official Army historian, that work "was the fountain from which U.S. military government principles, organizations, procedures, and publications flowed in the period before World War II."[137]

Indeed, as the United States became involved in World War II and began postwar planning, many of the committees' ideas were put into practice, themselves largely derived from the Hunt Report but reiterated and clarified many times: the primacy of the military in occupation, the unity of command in one military governor, the establishment of civil affairs as a separate staff section, the separation of tactical units from military government detachments, the linkage of military government to existing political entities, and the repeated insistence, whenever possible, to re-empower local governmental officials and reestablish local governmental structures. Contrary to statements by some military government officers during wartime and some scholars afterwards, ideas about postwar occupation did not lie in the unread pages of the Hunt Report, in storage for nearly two decades.[138] They had permeated the Army War College planning committees over the years, the organization most linked to the Army's War Plans Division which, under the direction of Army Chief of Staff General George Marshall, would largely provide the basis for the Army's overall wartime direction.[139]

The ideas in the Hunt Report and in the War College committees about military government also revealed themselves in the creation of a civil affairs structure within the War Department, in civil affairs and military government units throughout the Army, and in the development of postwar governance doctrine and policy. And this was done only after much resistance from civilian agencies within the government, many of which objected that such planning was excessively militarized in its focus and application.

But such militarized planning was a logical consequence of the Army's working alone. After all, the planning had been done in isolation, with no consultation given or asked for from any other non-military agency (though there was some with the Navy and Marine Corps, whose student officers at the Army War College served on some of the committees).[140] This was the consequence of what was seen as the hard separation between peace and war, accepted not only by the military but especially by the State Department. A comment in a 1937-38 committee presentation by Major Francis G. Bonham was instructive:

> There are no other agencies, in time of peace, that are concerned with war planning but the War and Navy Departments. Although we may not be held responsible for not having economic, diplomatic, and propaganda plans, nevertheless, morally we are responsible for the very reason that nobody else will take the responsibility, or at least the initiative and go ahead and do that in time of peace. Consequently, I feel that--and more particularly since we are studying a war and not just battles and campaigns--we should take the responsibility to consider and make plans for every possible phase of activity that we can foresee that should be planned for, that is not being planned for by some other department or agency, that we are the proper agency.[141]

Bonham's comment pointed out what would become one of the most important arguments the Army made in asserting its primary over postwar governance: planning for war necessarily meant planning for postwar occupation. The military requirements for maintaining victory required the military to plan for and thereby set the conditions for

the peace. During the interwar years, such planning had been exclusively the concern of the U.S. Army, and postwar occupation concepts and plans had thereby been developed according to its own internal history and conceptual understanding.

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[1] For an overview, see Ralph H. Gabriel, "American Experience with Military Government" *The American Historical Review*, 49 (July, 1944): 632-636.

[2] Gabriel cites General Winfield Scott's occupation of Mexico during and after the Mexican War of 1846-48 as the first significant American occupation, noting that Scott was the first American commander to see civil and military matters as closely linked. He also credits Scott with astute public relations and viewed Scott's handling of martial law in the occupied territory as a "complete success." Ibid.

[3] See Frank Freidel, *Francis Lieber: Nineteenth Century Liberal* (1947; repr. Gloucester, MA: Peter Smith, 1968), 323.

[4] Francis Lieber to Henry Halleck, May 20, 1963, in Thomas Sergeant Perry, ed., *The Life and Letters of Francis Lieber* (London: Trübner and Company, 1882), 334.

[5] For a discussion of the origins of the Lieber code, see Richard Shelly Hartigan, *Lieber's Code and the Law of War* (Chicago: Precedent Publishing, 1983), 1-23. For a discussion on the relationship between humane treatment and military necessity, see Freidel, 336.

[6] *General Orders 100: Instructions for the Government of Armies of the United States in the Field* (Washington, D.C.: War Department, April 24, 1863), Reprinted by the House of Representatives, 43rd Congress, 1st Session, January 24, 1874, section I, para. 1.

[7] Ibid., section I, para. 3.

[8] Ibid., section I, para. 11.

[9] Ibid., section II, paras. 33, 37, 38, 39.

[10] Geoffrey Best, *Humanity in Warfare* (London: Weidenfeld and Nicolson, 1980), 180. See also Garrard Glenn, *The Army and the Law*, rev. ed., A. Arthur Schiller (New York: Columbia University Press, 1943), 43.

[11] Ibid., 181.

[12] George B. Davis, *The Elements of International Law* (New York: Harper and Brothers, 1908), 504.

[13] In particular the Lieber Code's "military necessity" clause was used as a defense regarding accusations of torture of Filipino insurgents. Freidel, 336-340.

[14] Brian McAllister Linn, *The Echo of Battle: the Army's Way of War* (Cambridge, MA: Harvard University Press, 2007), 75-77.

[15] Ibid.

[16] Best, 147-190.

[17] See *The Hague Conventions of 1899 (II) and 1907 (IV) Respecting the Laws and Customs of War on Land* [hereinafter called *The Hague Conventions*] in *The Hague Conventions and Declarations of 1899 and 1907*, ed. James B. Scott (New York: Oxford University Press, 1918).

[18] *The Hague Conventions*, Section III, articles 42-56.

[19] *The Hague Conventions*, Section III, articles 44-46.

[20] *The Hague Conventions*, Section III, articles 47, 49.

[21] *The Hague Conventions*, Section III, article 55.

[22] The United States ratified the 1899 Hague Conventions on April 9, 1902 and the 1907 Conventions on November 27, 1909. The United States did express some reservations and qualifications in acceptance. For example, in accepting the convention that created the Permanent Court of International Arbitration, the U.S. indicated that no part of the agreement could be construed as requiring the United States to depart from its traditional stance of not entangling itself in the internal administration of a state. David A. Lake, *Entangling Alliances: American Foreign Policy in its Century* (Princeton, N.J.: Princeton University Press, 1999), 83.

[23]William E. Birkhimer, *Military Government and Martial Law* (Washington, D.C.: James J. Chapman, 1892. Part I of Birkhimer's book consists of sixteen chapters that cover a variety of legal topics related to military government; part II has thirteen chapters and deals with martial law.

[24] Information about the life of Birkhimer can be found in Dan Campbell, "A Brief Sketch of the Life of William Edward Birkhimer, Colonel, 28th Infantry, United States Volunteers" (unpublished manuscript, circa 1943) 2, 5, 10, 21-22, in Papers of William E. Birkhimer, U.S. Army Heritage and Education Center, Army War College, Carlisle Barracks, PA (hereinafter AHEC).

[25] The Army would officially recognize the distinction between military government and martial law in its 1928 Manual for Courts-Martial (subsequently updated in 1934 and 1943). Office of The Judge Advocate General, *A Manual for Courts-Martial,1928*

(effective April 1, 1928, corrected April 20, 1943) (Washington, D.C.: U.S. Government Printing Office, 1943), 1.

[26] Birkhimer, 1-36.

[27] Ibid.

[28] John Biddle Porter, *The Geneva and The Hague Conventions, a Lecture Delivered to the Field Service School for Medical Officers, Class of 1914* (Fort Leavenworth, KS: Press of the Army Service Schools, 1914), 24.

[29] Ibid., 4, 8.

[30] Ibid., 24.

[31] Donald A. Wells, *The Laws of Land Warfare: A Guide to the U.S. Army Manuals* (Westport, CT: Greenwood Press, 1992), 5-11.

[32] See e.g., Edward M. Coffman, *The Regulars: The American Army, 1898-1941* (Cambridge, MA: Harvard University Press, 2004), 142-43 and Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (New York: Vintage, 1957), Huntington, 237-69. Though often associated with the Root reforms following the Spanish-American War, the move toward professionalization predated them. For example, the Fort Leavenworth schools were actually established from 1880 and onwards. See Timothy K. Nenninger, *The Leavenworth Schools and the Old Army: Education, Professionalism, and the Officer Corps of the United States Army, 1881-1918* (Westport, CT: Greenwood Press, 1978). Nenninger notes that all the characteristics that identify the U.S. military with a profession originated during the period between the Civil War and the First World War, to include "journals, professional associations, and most prominently, the postgraduate schools." Ibid., at 7.

[33] Leonard Wood, "The Civil Obligation of the Army" in *The Military Obligation of Citizenship* (Princeton, N.J.: Princeton University Press, 1915), 75.

[34] John R. Brooke, *Final Report of Major General John R. Brooke, Military Governor, On Civil Matters Concerning the Island of Cuba*,1899, 7, on file at AHEC.

[35] David E. Edelstein, *Occupational Hazards: Success and Failure in Military Occupation* (Ithaca, NY: Cornell University Press, 2008), 177-79.

[36] Ibid., 178-79.

[37] Works which discuss the managerial, educational and other reforms as part of the move towards the professionalization of the Army during the late nineteenth and early twentieth centuries include Coffman, 142-201; Huntington, 222-69; Nenninger, 3-20; James E. Hewes, Jr., *From Root to McNamara: Army Organization and Administration,*

1900-1963 (Washington, D.C., Center of Military History,1975), 3-21; and Russell Weigley, *History of the United States Army* (New York: MacMillan Publishing Co., 1967), 313-41.

[38] Ronald J. Barr, *The Progressive Army: US Army Command and Administration, 1870-1914* (London: MacMillan Press, 1998), 41-42, 55.

[39] James Abrahamson, *America Arms for a New Century: The Making of a Great Military Power* (New York: The Free Press, 1981), 34-35.

[40] Linn, 64.

[41] H.A, Smith, *Military Government*, (Fort Leavenworth, KS: The General Service Schools, The General Staff School, 1920).

[42] Ibid., 5.

[43] Ibid., 16.

[44] Ibid., 25-26.

[45] For an account of the World War I Rhineland occupation, see Ernest Fraenkel, *Military Occupation and the Rule of Law: Occupation Government in the Rhineland, 1918-1923* (New York: Oxford University Press, 1944).

[46] Henry T. Allen, *The Rhineland Occupation* (Indianapolis: Bobbs-Merrill, 1927), 6.

[47] Reprinted during World War II, the document's title is *American Military Government of Occupied Germany, 1918-1920, Report of the Officer in Charge of Civil Affairs, Third Army and American Forces in Germany* (Washington, D.C.: U.S. Government Printing Office, 1943) (hereinafter Hunt Report).

[48] I owe this understanding of the Hunt Report's origins to Dr. Henry Gole, who has done extensive research and is currently writing a biography of Smith. Smith would subsequently serve as Assistant Army Attaché in Berlin and become well known in the Army as an expert of Germany. Conversations with Dr. Henry Gole, April 8 and 15, 2010.

[49] Hunt Report, III.

[50] For a discussion on the Hunt Report's historical significance in dealing with such matters for the first time in a comprehensive way, *see* Earl Ziemke, *The US Army in the Occupation of Germany 1944-46* (Washington, D.C.: Center of Military History, 1975), 3; The Hunt Report is also cited as a primary source for military government policy in the compendium of U.S. military government documents published by the Center of Military History, *Soldiers Become Governors*. *See* Harry L. Coles and Albert K. Weinberg, eds.,

Civil Affairs: Soldiers Become Governors (Washington, D.C.: U.S. Army Center of Military History, 2004), 6-7.

[51] *Hunt Report* (*citing* Orders No 1, Advance General Headquarters, Treves, France, December 13th, 1918), 67.

[52] Ibid., 67, 79.

[53] Ibid., 67.

[54]Thijs W. Brocades Zaalberg, *Soldiers and Civil Power: Supporting or Substituting Civil Authorities in Modern Peace Operations* (Amsterdam: Amsterdam University Press, 2006), 29.

[55] Ibid., 64.

[56] Colonel Jesse Miller, then Director of the Military Government Division testified that the Hunt Report provided detailed justification for the military government program and that it had been neglected during the interwar period, having "lain in a trunk for twenty years." Hearings Before the Committee on Military Affairs, House of Representatives, 78th Congress, Second Session, Part 2, January 21 and 24, 1944 (Washington, D.C: US Govt. Printing Office, Washington, 1944), 2.

[57] Undated letter of Henry Stimson to Franklin D. Roosevelt (unsent), included in Military Government Division, *History of Military Government Division,* vol. I (1945), box No. 1, Military Government Division, Decimal File 1942-46, RG 389, National Archives, College Park, MD, (hereinafter NARA).

[58] *History of Military Government Division,* vol. I (1945), 4.

[59] Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (New York: The Free Press, 1960), 89-101. Janowitz's groundbreaking study on the American officer corps revealed, among other statistics that 92% of the Army's officer corps in the 1910-20 period came from either the American upper or upper middle class. This declined to 76% by 1935 and 50% by 1950. Ibid., 90.

[60] Though later the post-World War I occupation was deemed a failure, in that it did not prevent subsequent German rearmament, at the time, both U.S. occupational troops and German civilians though it relatively successful. The German citizens of Coblenz for example, apparently experienced fewer problems with American troops than German soldiers in garrison in peacetime. See John Curtis Rasmussen, Jr., "The American Forces in Germany and Civil Affairs, July 1919-January 1923" (PhD. diss., University of Georgia, 1971), 221-2.

[61] Max Boot, *The Savage Wars of Peace: Small Wars and the Rise of American Power*, (New York: Basic Books, 2002), 283.

[62] John A. Lejeune, *The Reminiscences of a Marine* (Philadelphia: Dorrance & Company, 1930), 465.

[63] United States Marine Corps, *Small Wars Manual* (Washington D.C.: U.S. Government Printing Office, 1940), para. 1-1c. [emphasis added]. The 1940 *Small Wars Manual* was the culmination of the development of doctrine on the subject over the course of the early twentieth century by the Marine Corps, yet even within it, there was dispute about whether or not Small Wars should be the Marine Corps' primary mission. Many prominent Marines thought the emphasis should be on amphibious operations. Indeed the publication of the manual in 1940, an apparent victory for the Small Wars adherents, actually came at the very time when the doctrine became seemingly irrelevant with the onset of World War II. The Marine Corps shifted its focus to amphibious operations and the Small Wars Manual was largely forgotten until recently. See Boot, 284-285. For a historical review of Small Wars doctrine and the Small Wars Manual, see Keith Bickel, *Mars Learning: the Marine Corps' Development of Small Wars Doctrine, 1915-1940* (Boulder, CO: Westview Press, 2001).

[64] *Small Wars Manual*, para. 1-3c. As Max Boot points out, whereas sending in the Army would be considered a declaration of war, sending the Marines would generally have few international repercussions. Boot, 145.

[65] *Small Wars Manual*, para. 1-1d.

[66] *Small Wars Manual*, para. 1-7.

[67] It is noteworthy that while the *Small Wars Manual* had a section specifically devoted to military government, and while many of the fundamental principles discussed therein are similar to those of the subsequent Army doctrinal statement on military government, there is no specific mention or theoretical understanding of "military necessity," a concept that would be critical for the Army in defining its military government role in World War II. See *Small Wars Manual*, chapter 13.

[68] See e.g., Weigley, 400-02 and Huntington, 292-94.

[69] A.M. Carr-Saunders and P.A. Wilson, *The Professions* (1933; repr., London: Frank Cass & Col, 1964), 3.

[70] Huntington, 271-73.

[71] It is noteworthy that Elihu Root, though Republican, was a strong supporter of America's entry into the League, as was Henry L. Stimson, who would serve as Franklin D. Roosevelt's Secretary of War in World War II. Clarence A. Berdahl, "The United States and the League of Nations," *Michigan Law Review* 27(April 1929): 609, 620.

[72] Ibid., 290-94.

[73] Mark Stoler, *Allies and Adversaries: The Joint Chiefs of Staff, The Grand Alliance, and US Strategy in World War II*, Chapel Hill, N.C. and London: University of North Carolina Press, 2000), 2.

[74] Stoler, 3, 15. Social scientist James Stever notes that during the early twentieth century there was evidence that the Army saw itself as part of a the larger civil service reform movement, but that the inherent differences between military and civil administrators proved too powerful to overcome. During the interwar years as the discipline of public administration was formed, it came to mean civil administration only. James A. Stever, "The Glass Firewall Between Military and Civil Administration," *Administration and Society*, 31 (March 1999): 40-41.

[75] This interwar isolation, and even segregation, should be distinguished from any alleged isolation that existed in the late 19th century. Historian John M. Gates disputes the characterization of the U.S. Army as isolated on the frontier during that earlier period. See John M. Gates, "The Alleged Isolation of U.S. Army Officers in the Late 19th Century," in *The Military and Society: A Collection of Essays*, ed. Peter Karsten (New York: Garland Publishing, 1998), 178-191.

[76] Huntington, 298.

[77]Hewes, 50-56,104-112.

[78] Henry G. Gole, *The Road to Rainbow: Army Planning for Global War, 1934-1940* (Annapolis, MD: Naval Annapolis Press, 2003), xix.

[79] Gole, xix; Ball, 227-8.

[80] Allan R. Millett and Peter Maslowski, *For the Common Defense: A Military History of the United States of America*, 2d Ed (New York, Free Press, 1984), 407.

[81] Stoler, 3.

[82] Gole, 25. For another review of the Army War College committee process in the 1920s and 30s, *see* Harry P. Ball, *Of Responsible Command: A History of the US Army War College* (Carlisle, PA: Alumni Association of US Army War College, 1984), 227-43. Ball notes that the interwar period was actually a time of reflection for the Army, "its first prolonged period of stability since the outbreak of the war with Spain in 1898. For the first time the Army had the opportunity to take stock of itself and its profession and to move forward with the professionalizing reforms that Elihu Root had begun. …. The Army's officer education system, with the Army War College at its apex, was the mainstream and focus of the Army's interwar activity." Ball, 243.

[83] Ira L. Hunt, "Some Principles of Military Government," Lecture Delivered at The Army War College, Washington D.C., February 28, 1933, G-1 Course No. 7, 1932-33

(Army War College Curricular Files (hereinafter AWC Curricular Files), File No. 391-A07, AHEC).

[84] Ibid.

[85] A survey of the finding aids of the Army War College curricular files indicates that the topic was studied by committees six times in the 1920s and seven times in the 1930s. In addition, COL Hunt lectured on the subject in 1933, and judge advocates did legal analysis on the subject in 1926. US Army War College Curricular Archives Finding Aids AHEC.

[86] George S. Pappas, *Prudens Futuri: The U.S. Army War College, 1901-1967* (Carlisle Barracks, PA: the Alumni Association of the U.S. Army War College, 1967), 97.

[87] "Basic Manual for Military Government by U.S. Forces" in G1, Report of Committee, No. 6, Subj: Provost Marshal General's Plan, Military Government, File No 1-1935-6 (Date of Conference, Nov 1, 1934) Army War College, Washington D.C. (AWC Curricular Files), file number 1-1935-6, AHEC (hereinafter "1934 Basic Manual"). A subsequent manual published in 1938 was less lengthy, and was for the most part simply an abridged version of the 1934 manual.

[88] G1, Report of Committee, No. 6, Subj: The Interest of G-1 in Civil Affairs; 2 (Date of Conference, Dec 19, 1924), Army War College, Washington D.C. (AWC Curricular Files, number 287-6 AHEC) (hereinafter 1924 Committee).

[89] G1, Report of Committee, NO. 3, Subj: Contributions by G-1 to the Various War Plans: Duties of G-1 at GHQ and on Higher staffs; problems of G-1 in war games, maneuvers and on reconnaissance; staff administration of civil affairs in occupied territory (Date of Conference, Sep 23, 1925), Army War College, Washington D.C. (AWC Curricular Files File No 311-3 AHEC) (hereinafter 1925 Committee).

[90] 1924 Committee.

[91] Ibid.

[92] 1925 Committee.

[93] G1, Report of Committee, NO. 11, Subj: Administration of Civil Affairs by Military Authority in Occupied Territory (Date of Conference, Oct 19, 1927), Army War College, Washington D.C. (AWC Curricular Files, File No 341-11 AHEC) (hereinafter 1927 committee).

[94] 1924 Committee.

[95] 1925 committee.

[96] 1924 committee.

[97] 1925 committee.

[98] 1925 Committee.

[99] 1927 Committee.

[100] Ibid.

[101] Ibid.

[102] 1st Supplement to 1927 Committee, 1927 Committee.

[103] Ibid.

[104] Archibald King, 2d Supplement to 1927 Committee, 1927 Committee. King would also play a role in drafting the field manual that would form the basis for U.S. military government, *FM 27-5*. See Dan Allen, "Franklin D. Roosevelt and the Development of an American Occupation Policy in Europe" (PhD diss., Ohio State University, 1976), 4.

[105] Ibid.

[106] G1, Report of Committee, NO. 6, Subj: Provost Marshal General's Plan, Military Government (Date of Conference, Nov 1, 1934) Army War College, Washington D.C. (AWC Curricular Files, File No.1-1935-6 AHEC).

[107] See G1, Report of Committee, NO. 5, Subj: Administration of Civil Affairs in Occupied Territory, Enemy Aliens, Prisoners of War, Draft Deserters, and Conscientious Objectors (Date of Conference, Oct 22, 1931) AWC, Washington D.C. (AWC Curricular Files, File No 381-5 AHEC (hereinafter 1931 committee); G1, Report of Committee, NO. 6, Subj: Provost Marshal General's Plan, Military Government, (Date of Conference, Oct. 23, 1933), AWC, Washington, D.C. (AWC Curricular Files, File No 401-6 AHEC) (hereinafter 1933 committee).

[108]1931 Committee, citing of US v Wallace (20 Wallace 394).

[109] See 1931 and 1933 committees.

[110] Ibid.

[111] Ibid.

[112] G1, Report of Committee, NO. 6, Subj: Provost Marshal General's Plan, Military Government (Date of Conference, Nov 1, 1934), Army War College, Washington D.C.

(AWC Curricular Files, File No 1-1935-6 AHEC) (hereinafter 1934 committee). G1, Report of Committee, NO. 7, Subj: Military Government, Handling of Enemy Aliens, Prisoners of War, Draft Deserters and Conscientious Objectors (Date of Conference, Nov 19, 1937), Army War College, Washington, D.C. (AWC Curricular Files, File no. 1-1938-7 AHEC) (hereinafter 1937 Committee).

[113] 1933 Committee.

[114] 1934 Committee.

[115] 1934 and 1937 Committee.

[116] "1934 Basic Manual."

[117] Ibid., 29.

[118] Ibid., 30-33A.

[119] Lieber Code, Section IV, para. 85: "War-rebels are persons within an occupied territory who rise in arms against the occupying or conquering army, or against the authorities established by the same. If captured, they may suffer death, whether they rise singly… and whether called upon to do so by their own, but expelled, government or not."

[120] Ibid., 34.

[121] Ibid.

[122] Ibid., 38.

[123] Ibid., 35, 38-9.

[124] Ibid., 35.

[125] Ibid.

[126] Ibid., 41.

[127] Ibid., 35.

[128] Ibid.

[129] Ibid.

[130] Ibid., 36-37.

[131]Ibid. chart 1.

[132] Ibid., 37-8.

[133] G-1, Supplement No. 1 to Report of Committee No. 5, Subject Military Government, Control of the Civil Population (Date of Conference, November 2, 1938) Army War College, Washington D.C. (AWC Curricular Files, File No. 1-1939-5A AHEC).

[134] Ibid., 21.

[135] Ibid., 2.

[136] Gole especially points out the linkage between the War College and the War Plans Division in the interwar period and the influence the former had on the latter. Both Generals Simonds and Craig, the AWC Commandants during the 1930s (Craig serving as Army Chief of Staff from 1935-1939), maintained a tight connection between the two organizations, with each year several graduates of the War College being assigned to the War Plans Division and other key positions on the General Staff. Of the 127 Army War College graduates from 1934-39, for example, over 50% had key staff positions, and by wartime, that number had risen to more than 70%. Gole, 32, 122-27. Given the mandatory presence of all students at the committee sessions, it is a reasonable assumption that many planners on the Army Staff were familiar with the principles set forth in them regarding military government.

[137] Edgar L. Erickson, “An Introduction to American Military Government—Civil Affairs in World War II” (Washington, D.C., Office of the Chief of Military History, unpublished and incomplete, circa 1946). Multiple drafts of an official history of civil affairs in World War II were written by Army historians after World War II, but an official history was never published. Copies of the drafts are located the U.S. Army Center of Military History at Fort McNair, Washington, D.C. I also note that the official historians were the first to analyze and acknowledge the role the Army War College played in the planning and procedures for post-World War II government.

[138] Earl Ziemke notes that the Army War College student committees frequently relied on the Hunt Report in the interwar years, though he also points out that it was only in the 1930s with the publication of a proposed handbook and the adoption of a less “legalistic” and more administrative and operational focus on military government, that work of practical value came from the committees. Ziemke, 3.

[139] For an analysis of the linkage between the Army War College and the War Plans Division, see Gole, 113-121.

[140] A 1924 subcommittee was chaired by a Marine Corps colonel. The 1925 committee was chaired by a Navy captain, with a subcommittee chaired by a Marine

Corps colonel. The 1933 committee also had a Navy captain on a subcommittee. 1924, 1925, 1933 Committees.

[141] Quoted in G1, Report of Committee, NO. 7, Subj: Military Government, Handling of Enemy Aliens, Prisoners of War, Draft Deserters and Conscientious Objectors (Date of Conference, Nov 19, 1937), Army War College, Washington D.C. (AWC Curricular Files, File No. 1-1938-7) at 34. Major Bonham was a 1935 War College graduate who stayed on the faculty until 1939.

Chapter 3 - Military Government Doctrine, Training, and Organization

Field Manual 27-5: the Basis of American Military Government in World War II

The work done by the War College in the decades prior to World War II directly led to the creation of *Field Manual (FM) 27-5*, titled simply *Military Government*. It would be the source for planning, training, and implementation of all American military government following World War II.[1] The Army G-1 staff, the proponent of military government and postwar occupation, had proposed the document's creation in 1939 to codify the work of the War College committees into doctrine.[2] *FM 27-5* bore great similarities to that previous work, and in fact, Major Archibald King, the judge advocate who had participated in military government planning done at the War College in the thirties, largely wrote the document. [3]

The Army's top lawyer, Major General Allen Gullion, The Judge Advocate General, objected to the document's publication, contending that a field manual already did exist—the 1934 *Rules of Land Warfare* (in 1940, published as *FM 27-10*), and that, therefore, a separate doctrinal document was superfluous.[4] The *Rules of Land Warfare* had a direct lineage to General Orders 100, the famous Lieber Code of 1863, which was essentially revised in 1914, 1934 and 1940, taking into account many though not all of the international laws and agreements that had been promulgated since the Civil War.[5] Furthermore, it did include the provisions of The Hague Conventions about military occupation.[6] Yet there was an important reason justifying *FM 27-5*'s publication. The 1934 document simply dealt with the question of the legality of military government, and not the policy, organization, and possible implementation of it. The G-1 proposal thus stated that the Army needed a manual similar to War College's, which dealt with the

administration of military government in occupied territory.[7] Army Chief of Staff General George C. Marshall thereafter approved *FM 27-5*, and it was published on July 30, 1940.

Some commentators have viewed the document as merely derivative. The official history of military government, published in 1945 by the Provost Marshal, stated that *FM 27-5*'s policies and procedures were "premised almost entirely upon the Rhineland experience" surveyed in the Hunt Report.[8] A more recent assessment concluded that it was essentially a modern version of General Orders 100.[9] In fact, *FM 27-5* was a prime example of Army doctrinal creation. It was, however, more than simply a restatement of older principles: it was instead the culminating product of decades of Army cultural practice and thinking that took concepts from Lieber, Birkhimer, Hunt, and the War College committees and updated, clarified, and refined those concepts them to create a new, coherent idea of military government. As Samuel Huntington has pointed out, all bureaucratic organizations have some form of doctrine, but few if any civilian agencies go so far as military organizations do in making such doctrine "formal, self-conscious, and explicit."[10] Currently defined by the Army as authoritative guidance that consists of "fundamental principles by which the military forces or elements thereof guide their action in support of national objectives," Army doctrine is not meant to be a "set of fixed rules" but rather a "guide to action." [11] While not formally so defined at the time of *FM 27-5*, the Army's understanding of doctrine was essentially the same in the early 1940s as it is today. It could be cited as authoritative guidance that leaders were required to be familiar with, and it served as a general guide as to what means to employ and with what methods to proceed in the implementation of military force, thus serving, in military

historian Barry Posen's term, as a "subcomponent" of grand strategic design.[12]It bridged the civilian domain of grand strategy and the military domain of operations and organization.[13]

Indeed, *FM 27-5* came about following a period when Army doctrine had considerably developed. Before World War I, military thinkers often used private printing houses to publish their work, William Birkhimer's work being one example.[14] After the conflict, a mix of factors prompted doctrinal development within the Army, to include technological change, veterans' experiences in combat and with other militaries, greater control and reach of the Army General Staff to manage overall Army policy and procedure, and the federal government's own ability to resource and publish documents.[15] The codification and standardization of this practice focused, as might be expected, on common military operations, with officers such as Lieutenant Colonel George C. Marshall, while serving as Assistant Commandant of the Infantry School, working to make doctrine clearer, more practical and more relevant to the modern battlefield.[16] It was during this period that the template for "basic" field manuals (of which *FM 27-5* was so labeled) was determined: such manuals would "concentrate all applicable information pertaining to a certain area of instruction, training, or doctrine into … a 'package' format, or treatment."[17]

FM 27-5 followed this model. At the outset, it stated its practical purpose. Whereas *FM 27-10* dealt with the "legality of military government…[which] tells what may legally be done," *FM 27-5* provided "what it is advisable to do."[18] *FM 27-5* went on to define military government in language virtually identical to that found in the 1934 War College Basic Manual as well as *FM 27-10*, and similar to that found in Birkhimer.[19] However,

FM 27-5's greater emphasis on the authority of the presiding military commander represented a development and departure from its predecessors:

> The exercise of military government is a command responsibility, and full legislative, executive, and judicial authority is vested in the commanding general of the theater of operations. By virtue of his position he is the military governor of the occupied territory and his supreme authority is limited only by the laws and customs of war.[20]

This definition wove together concepts from prior seminal documents to link firmly postwar occupation with explicit military rule. The War College Basic Manual associated military government with a military commander, as did *FM 27-10*, in saying that both government and commander are under the President's direction.[21] *FM 27-5* strengthened the military commander's power, stating that the commander's only restraints were the "laws and customs of war." It also expressly linked the exercise of military government with "command responsibility," asserting that the commanding general in theater would be the "military governor." Furthermore, in language similar to a provision in the Lieber Code as well as a recommendation from a 1933 War College committee on military government, *FM 27-5* vested "full legislative, executive, and judicial authority" in the commanding general as military governor.[22] This plenary authority would prove especially important in the postwar occupations precisely because it was concomitant to *military* command, as opposed to standard civilian authority. In contrast, for example, with the highly centralized decision making of the State Department, enormous discretionary power devolved to the on-ground military commander as a necessary function of wartime responsibilities. This authority, as indicated by *FM 27-5*'s language that so empowered the military governor, thus carried over into the Army's doctrinal understanding of the postwar environment as well.[23]

Furthermore, according to *FM 27-5*, the fundamental policy that governed the conduct of military government was military necessity, defined in paragraph 9a:

> The first consideration at all times is the prosecution of the war to a successful termination. So long as hostilities continue, the question must be asked, with reference to every intended act of the military government, whether it will forward that object or hinder its accomplishment. The administration of military government is subordinate to military necessities involving operations security, supply transportation or housing of our troops. If hostilities are suspended by an armistice or otherwise, all plans and dispositions must be made so that the troops may resume hostilities with the least inconvenience to themselves and to the operations of the military government, and above all, under conditions most conducive to a successful termination of the war.[24]

In paragraph 10a, it followed as a corollary from the "basic policy of military necessity" that the commanding general of the theater of operations must "have full control of military government therein."[25]

FM 27-5's definition of military necessity came especially freighted with law and history, for "military necessity" was a term defined by Lieber, and in its essence had been reproduced in the 1914, 1934, and 1940 *Rules of Land Warfare*.[26] Lieber had defined military necessity as "the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the law and usages of war." In his view, military necessity "admitted of all direct destruction … of *armed* enemies, and of other persons whose destruction is incidentally *unavoidable*… . [Generally] military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult."[27]

Commentators have noted the relative ambiguity of Lieber's concept in its initial form, since there is uncertainty about what the limits of such necessity were in extreme cases.[28] The 1914 and subsequent versions of the *Rules of Land Warfare*, relying on post-Lieber international law developments, largely reduced that ambiguity by adding

two complementary principles of “humanity, prohibiting employment of any kind or degree of violence as is not actually necessary” and “chivalry, which denounces and forbids resort to dishonorable means, expedients, or conduct.”[29] Although those principles were absent in *FM 27-5*, the immediately subsequent paragraph 9b stated that military government should be “just, humane, and as mild as practicable….those who administer it [should] be guided by the principles of justice, honor, and humanity.”[30]

Nonetheless the language of military necessity in *FM 27-5* departed from the legally grounded terminology in the previous orders and manuals in its orientation. Specifically, *FM 27-5*’s definition oriented the “absolutist” quality of necessity towards occupation during and after hostilities rather than combat during hostilities.[31] Instead of the “destruction of armed enemies,” military necessity in *FM 27-5* focused on the war’s “successful termination” if conflict was still underway, which presumably encompassed the full sweep of the military governor’s authority to accomplish this. If it was during a period of armistice, *FM 27-5*’s necessity language was slightly less clear. What paragraph 9a stated was that soldiers must have the “least inconvenience” afforded to them if fighting had to resume and under conditions “most conducive” to the war’s successful ending. [32] What this appeared to mean is that, if required, military operations would trump other considerations—a variation, however unclearly presented, of standard military necessity.

In so doing *FM 27-5* linked a refined, if not revised, idea of military necessity to military occupation. As earlier pointed out, military necessity had been defined only generally in the 1914 and 1934 *Rules of Land Warfare*, and *not* defined in terms of occupation responsibilities. At the same time, in spite of the absence of the 1914 and

1934 “humanity” and “chivalry” principles, in no way could *FM 27-5*’s military necessity be read as meaning that those principles were not valid, given the subsequent language about “just and humane” government. Indeed, even without such just and humane language, *FM 27-5* could not be read in isolation—the explicit protections in the Rules of Land Warfare remained equally extant in Army doctrine (and law) to guide the occupation. Rather, what the language of *FM 27-5* could be reasonably read as doing was tightening the linkage between occupation and expressly *military* responsibility. If the primary concern was military necessity, then logically, a military commander should be responsible for governing *in order* to determine that necessity.

FM 27-5 further established a temporal framework for occupation. According to paragraph 33, military government “usually pass[es] through [three] successive phases... .”[33] Though recognizing that not all military governments passed through all the phases, *FM 27-5* stated that generally an occupation would have a first phase while fighting was still occurring—a predominantly tactical phase in which little could be done to set up military government.[34] During the second phase, organized, conventional resistance ceased, military government was formally organized, and the military governor issued more comprehensive ordinances. This phase was indeterminate, though peace has not formally been declared between the United States and the occupied country. In the third and last phase, as a result of some formal arrangement such as an armistice, peace treaty, or formal surrender, or even the complete destruction of the armed forces, “military necessity…operates with greatly diminished force, if at all” and “more and more of the operations [will be] taken over by the civil

government until the latter assumes full control and the Army becomes merely a garrison or is withdrawn."[35]

These phases were in keeping with Colonel Hunt's ideas. Hunt had also broken down military government into three phases in his 1933 lecture to the Army War College on the subject.[36] Premised on a nation-state construct that conformed to American experiences, *FM 27-5*'s phasing contemplated a civil government capable of being restored as well as a state that could gain reentry into international politics following a peace treaty. It thereby conformed to the American military government model that had developed and been practiced in the Rhineland.[37] It was premised on a "restoration to normality" in a reasonable time to the prior existing government. In this model, postwar occupation was not a long-lasting or comprehensive societal project, but a return, at least to some extent, to *status quo ante*. Such societal and political transformation occurred outside the scope of the objectives of military government. There is nothing to indicate, for example, that the Army paid much heed to what happened in Germany following the occupation, which included the eventual transition to the Weimar Republic and its ultimate fall in the 1930s.

The rationale behind the phasing, that of reestablishing the prior political system, paralleled that of the treatment of civil order and civilians in general. In keeping with the Hunt Report and the War College Basic Manual, *FM 27-5*, paragraph 9c stated that

> existing laws, customs, and institutions of the occupied country have been created by its people, and are presumably those best suited to them. They and the officers and employees of their government are familiar with them and any changes will impose additional burdens upon the military government. Therefore it follows from the basic policies of welfare of the governed...and economy of effort…that the national and state laws and local ordinances should be continued in force, the habits and customs of the people respected, and their governmental institutions

> continued in operation, except insofar as military necessity or other cogent reasons may require a different course.[38]

Correspondingly, the same paragraph recommended, as much as military necessity permitted, to retain existing civil personnel, and to keep in place existing political divisions such as states, provinces, counties, departments, cities, or communes, and to conform units responsible for military government to those divisions.[39]

This understanding of civil government was in keeping with the "contractual" premise of the Lieber Code and The Hague Conventions.[40] It went beyond both in elaborating in detail the principle that civilians should be permitted to keep governmental structures as intact as possible. Yet it was also obviously a product of a pre-ideological era. One could challenge the assertion that the "existing laws, customs, and institutions" of Hitler's Germany or Stalin's Soviet Union were "created by its people," much less "best suited to them." Instead, this portion of *FM 27-5* recapitulated and expanded upon the Hunt Report's reflections on post-World War I occupied Germany, which still possessed western political norms, and which, in declaring defeat, had kept its internal governmental structures relatively intact, and had suffered little damage to its infrastructure, though paying little heed to the longer term political turmoil that would lead to the rise and fall of the Weimar Republic .[41] It also furthered his ideas about the wisdom of the British and French military governments in aligning their civil affairs units to existing political structures and boundaries.[42]

The underlying idea of early return to power—of restoring the civil government as soon as possible, to include using existing civil political structures—would be a powerful concept in American World War II occupation policy that would be in tension with competing policies to ensure occupied territories political systems were purged of

offensive ideologies. Admittedly, as doctrine, the principle was only a guideline—"military necessity" was broad enough to encompass any number of reasons why laws should be overturned and why political structures would need to be altered. But if "military necessity" was the primary, overarching principle for such actions, then the purpose had to relate back to primarily military ends, ends that were presumably decided by the military commander. How military and civilian U.S. leaders grappled with resolving when and how to return power to conquered (and liberated) territories proved to be one of the most important and complex issues from 1945 onward.

FM 27-5's 1943 Revision

Criticism prompted a revision of FM *27-5,* which came out in 1943. Some of the criticism came from within military circles, arguing that the manual was actually too lenient, despite the rather sweeping authority it gave to commanders. One lecturer at the School of Military Government stated that FM 27-5 gave the impression "that the objective of promoting the welfare of the governed in occupied territory is almost as important as the objective of military necessity."[43] On the other hand, criticism from the civilian community contended that the manual gave the military far too much authority, stating with "soldierly bluntness" the Army's supreme authority over "almost the entire range of human activity."[44] There were also practical concerns with its "non-interference" policy in the light of the occupation of Sicily after the Allies invaded the island in July 1943. Strategic directives had required the abolishment of the Fascist Party, and yet at the same time instructions provided to administrators attempted to keep military government and purely political matters distinct. The tension between the two led to unease and confusion.[45] The Navy's growing involvement in the occupation

of Pacific islands also led to greater joint cooperation between the services on civil affairs matters, and this further prompted a review of *FM 27-5* in order for it have usefulness and relevance to both services.[46]

These and other reasons influenced *FM 27-5* subsequent revision, and a new version was published on December 22, 1943, this time as a joint Army and Navy manual (the Navy's designation was OpNav 50E-3), an exceedingly rare occurrence during the pre-Defense Department era.[47] The process was cumbersome, with revisions going back and forth and objections being made from Army reviewers about proposed Navy versions that the manual "should state and discuss principles and doctrines rather than prescribe rules"— likely a cultural misunderstanding about the manual's purpose due to the relative scarcity of Naval doctrine in comparison to the Army's.[48]

Despite criticisms, most of the essentials of the manual remained the same in the 1943 version, with differences in degree and emphasis. Largely because of the Sicilian occupation, where Fascist laws had to be abrogated, there was a provision that stated that laws "which discriminate on the basis of race, color, creed or political opinions should be annulled as the situation permits."[49] Nonetheless the clause "as the situation permits" meant that military necessity would still be the controlling principle, and the remainder of the section also provided military officials some flexibility in determining which laws to annul: "However, the practice of such customs or the observance of such traditions as do not outrage civilized concepts may be permitted."[50]

The opening definition of military government was slightly less absolute sounding ("The term "military government" is used in this manual to describe the supreme

authority exercised by an armed force over the lands, property, and the inhabitants of enemy territory…").[51] But a later paragraph reaffirmed clearly the supremacy of the theater commander ("The exercise of civil affairs control is a command responsibility. In occupied territory the commander, by virtue of his position, has *supreme legislative, executive, and judicial authority, limited only by the laws and customs of war and by directives from higher authority*.")[52] Indeed, what the document revealed was a sense of both greater ease and confidence in the military's postwar role, as well as a greater understanding of military government's strategic significance.[53] As a drafter pointed out, the new manual expanded the objectives of military government. Now included in those objectives were the "further [ance] of national policies" and the promotion of "military and political objectives in connection with future operations.[54]

The most significant revision was the distinction between the terms "military government" and "civil affairs." [55] The 1940 manual had defined the former term, but not the latter and though not defined, "civil affairs" seems to have had an equivalent meaning and had been used interchangeably with "military government." [56] However, in the 1943 manual, the term "civil affairs" in fact encompassed "military government." It became a more expansive term that provided authority beyond that of controlling conquered enemy territory. "Civil affairs control" in the 1943 manual specifically described the supervision of the activities of civilians by an armed force, "*by military government*, *or otherwise*."[57] Under this conception, military authority could presumably cover the administration of territory conquered, liberated or claimed by the Allied forces, and even other circumstances. Another paragraph in the 1943 manual confirmed this:

> [A]n armed force may exercise control over civilians to a lesser degree than under military government through grant of, or agreement with, the recognized

> government of the territory in which the force is located… . In such cases military necessity has not required the assumption of supreme authority by the armed forces, but limited control over civilians is exercised in accord with these grants or agreements and the territory is not considered "occupied." While this manual is primarily intended as a guide to military government, some of the principles set forth may be applied in these other situations as circumstances dictate.[58]

Reflecting the reality of 1943, when the Allies conducted military occupations in territories that were not the homelands of enemies, such as in North Africa, and in locations where the governments actually switched from adversary to ally, such as in Sicily and Italy, the 1943 manual permitted a wide range of circumstances in which military authority could be authorized, thus radically opening up the possible circumstances when the use of military authority could be made available.

FM 27-5's Practical Influence

In addition to its influence in shaping the Army's institutional ideas about postwar occupation, *FM 27-5* had a more immediate practical influence on the Army. Specifically, it provided guidance on how to train, to plan, and eventually to implement military government. More importantly, as Army doctrine, it provided the needed official sanction to launch into reality the most extensive postwar occupation program in American history. It did so in four ways:

First, it provided the official basis for establishing the first-ever School of Military Government in Charlottesville, Virginia. In March 1942, the Army G-1, as the manual's proponent, permitted the Provost Marshal General to establish such a school. The basis of the permission was paragraph 7 of *FM 27-5*, which stated that "the necessary personnel, commissioned, warrant, and enlisted, will be selected and procured" in order to staff plans developed for possible postwar occupations.[59] Logically, therefore, a school to train such personnel was warranted.

Second, *FM 27-5* became the intellectual cornerstone of the training of all the officers who attended the School of Military Government. As students were told upon arrival at the school, the "little pamphlet" would soon be their "bible."[60] Such biblical allusions to the document became common. As Earl Ziemke noted in his official history of the occupation of Germany, *FM 27-5* would eventually be regarded as the "New Testament" of military government (with *FM 27-10* being considered the "Old.").[61] In the students' classes, the document served as a primary organizing principle for problem analysis. For example, the procedures students were to take when dealing with military government problems in exercises were to classify those facts which could be listed under categories found in *FM 27-5*, paragraph 13—areas ranging from public works and utilities to education, public welfare, and economics--and those facts which could not. After doing so, the students would then prepare staff estimates and mission statements.[62]

Third, the document was the basis for the formation of military government units that would administer postwar American occupation throughout the world. In determining how and where to assign graduates of the School of Military Government, Army officials again used the manual. In September 1942, the Adjutant General determined that civil affairs sections in theater headquarters would "consist of a sufficient number of officers for adequate attention to the work of the nine departments described in paragraph 13, *FM 27-5*."[63]

Fourth and finally, it served as a starting point and organizing principle for analyzing the internal structures of all the countries in the world where the Army might have a postwar responsibility. Recognizing that there was a limit to what the relatively short

manual could cover, early in the military government planning effort, Army planners realized that each potentially occupied country needed to have a series of studies detailing the areas that *FM 27-5*, paragraph 13 had listed as relevant. Using *FM 27-5*'s categories, the end result was an immense, comprehensive project resulting in hundreds of so-called "civil affairs handbooks." [64] By May 1944, there were nineteen separate handbooks for Germany alone, on issues ranging from agriculture (170 pages) to money and banking (294 pages) to transportation (156 pages). [65] The responsibility for the creation of the handbooks was the Army's Civil Affairs Division, created in 1943 as an expansion of the burgeoning military government effort, which outsourced the responsibilities for researching and writing these handbooks to a plethora of governmental agencies, departments, and other organizations. In so doing, the effort helped to make that division the actual center of the U.S. government for postwar matters.[66]

Doctrinal Promulgation

By 1945, the Army was communicating a relatively consistent position on postwar occupation. Representing a continuous movement from *FM 27-5's* original conception, the Army recognized a greater sense of the need to bring about some ideological change in occupied territories that had been ruled by authoritarian regimes. Nevertheless, the model that was set forth in various plans and publications still bore significant resemblance to *FM 27-5*'s 1940 and updated 1943 versions. As an example, in 1945 Colonel E.H. Vernon, an infantry officer assigned as an instructor to the Army's Command and General Staff College, reiterated the basic template for military government in the Army's professional journal *Military Review*.[67] Pointing out that *FM*

27-5 was a doctrinal statement "which usage has proven to be sound," he noted that it was a "guide, but not a directive."[68] He then elucidated the fundamental concepts of U.S. military government, essentially restating *FM 27-5*'s basic precepts. It existed by reason of military necessity and by right of military power; it acted through indigenous officials and the use of local officials were necessary given the limits of military manpower; existing laws and customs should be retained whenever possible; and military commander should conform to political boundaries and subdivisions.[69] Vernon discussed the two doctrinal forms of military government organization—operational, by which military government remained linked to tactical units; and territorial, by which military government units detached themselves from tactical commands and operated independently, associating themselves with local political structures and falling directly under the supervision of the overall military commander/governor, and bypassing the tactical chain of command. Noting the advantages and disadvantages of each, he stated that experience had shown the solution was to start with an operational approach, and as security and order prevailed, shift to the territorial method.[70]

The 1940 *FM 27-5* had been silent on ideologies and political viewpoints that might be regarded as morally problematic, though the revised 1943 manual referenced the issue. Vernon made no mention of major societal reorientation in his article, though some form of political change within reasonable boundaries was a likely requirement. It would be usually necessary to remove many political officials from office. At the same time, "[s]o far as practicable, subordinate officials should be retained in their office" unless it was desirable to remove them because of their associations with such organizations as the Nazi Party, Gestapo, or the Japanese Kempai Tai or Black Dragon

Society."[71] Thus, the issue was left open somewhat to particular requirements—there was recognition that some political reorientation would occur, though how deeply it would extend into governments and societies was up to the particular situation and the practicalities of implementation.[72]

Army planning in both European and Pacific theaters reveal that *FM 27-5's* doctrinal template, restated in Vernon's article, was standard practice and policy in the last years of the war. It was Anglo-American policy by the time of the Normandy invasion.[73] Approved as the "basic principles for combined [U.S.-U.K.] Civil Affairs operations" the "Standard Policy and Procedure" (SPP) for occupation responsibilities in occupied territories had as its primary objective to ensure that "conditions exist among the civilian population which will not interfere with operations against the enemy, but will promote those operations."[74] Additionally, military government/civil affairs, at least in its wartime conception, was entirely focused on the attainment of military objectives, which included the restoration of law and order and the stabilization of conditions, the "maximum use of local resources" and measures of assistance for the civil population as may be required by military necessity and by the policy of the Supreme Commander."[75] The Supreme Commander had such powers of government as military necessity might require, though it was recognized that this subject to change due to agreements between the Allied governments.[76] Likewise, in planning for the Korean occupation, the military government section involved in planning for it relied on *FM 27-5* to construct the organization that would perform occupation tasks.[77] Reviewing *FM 27-5*'s various types of military government in the doctrine, and looking at its own recent experience in Okinawa, it determined that the type employed in Korea would be initially the "combat

type" of military government that linked military government units with tactical ones, as a precaution against possible Japanese resistance. Gradually, it would shift to a "territorial" model as circumstances permitted.[78]

Sometimes criticized as inadequate, *FM 27-5* must rather be seen in retrospect as forcefully accomplishing its task. While it was a doctrinal, and not a strategic or political, document, it nonetheless structured the postwar occupation model in accordance with the Army's cultural imperatives and with intellectual understanding developed over nearly a century. Additionally, as official Army doctrine, *FM 27-5* bore the *imprimatur*, and thus the explicit endorsement of General Marshall, which provided interdepartmental justification for expansion of the military government concept into tangible reality very early in America's involvement in the war. Likewise, as doctrine, it provided a coherent consensus view for the Army to present to other departments and agencies. It served, in other words, as the Army's "expert opinion" not only on military government administration itself but also on even more important questions such as who would run the occupation, what the course of occupation would be, and what would be the relationship of the occupier to civilians. Debates would later rage about the military's place in the postwar world and about whether the establishment of postwar military governments should have been the template. What is often overlooked is that this template was largely derived from, or at least influenced by, *FM 27-5*. As a result, the document's influence would rival seemingly far more significant products of high diplomacy that were the expressed strategic policy of the United States. To quote again Earl Ziemke, he underscored the document's influence by comparing it to two more well known strategic level plans: "The officers who conducted the post-World War II

occupation of Germany were brought up on *FM 27-5*, not on the Morgenthau Plan or even JCS [Joint Chiefs of Staff Directive] 1067."[79]

The Establishment of the School of Military Government and its Curriculum

FM 27-5 served as the intellectual foundation of the Army's conception of postwar occupation, but the Army, and more specifically the Army's G-1 section, which had doctrinal responsibility for military government, now needed some way to turn the principles in that manual into concrete reality.[80] Even before the U.S. entered the war, Army officials were determining how best to do this, though the ever increasing list of administrative tasks across the Army staff was making it exceedingly difficult to do so. Nonetheless, Brigadier General Wade Haislip, the G-1 chief wrote a memorandum in December to General Marshall proposing the establishment of a Military Government School, relying upon a proposal by the Army's Provost Marshal General, Major General Allen Gullion.[81]

FM 27-5 had, in fact, been prepared under Gullion's supervision while he had served as the Army's top lawyer, its Judge Advocate General, a position he held before serving as the Army's top policeman as its Provost Marshal General.[82] Gullion was a West Point graduate who had served who had served as III Corps judge advocate in World War I. He was best known as the prosecutor in the Billy Mitchell court-martial in 1925 and had also served on U.S. delegations to two international conventions on laws of war, and had been the Administrator of the National Recovery Act in Hawaii from 1933 to 1935.[83] Made The Judge Advocate General in 1937, Gullion was later appointed to be the Army's top law enforcement official, Provost Marshal General, in July, 1941, for a short time actually holding *both* positions until becoming solely Provost

Marshal in December of the same year.[84] Gullion was also instrumental in executing a highly controversial facet of martial law in the continental United States: he advocated and oversaw the exclusion of Japanese-Americans from the Western Defense Zone in early 1942 on grounds of military necessity.[85]

Gullion's energetic efforts to push forward a military government school and to bring a military government program into being would later bring him criticism from even President Roosevelt himself. Indeed, resistance to the idea came first within the Army's ranks. While Gullion, Major General Myron Cramer, the Judge Advocate General (Gullion's successor), and the War Plans Division all agreed that the Provost Marshal should run the school, the G-3, in charge of the Army's overall operations, did not concur, stating that the requirements were too vast and also too dissimilar to military police matters.[86]

In the back-and-forth exchanges between Army staff sections, Gullion eventually carried the day. While the theory about military government contained in *FM 27-5* gave the G-3 a basis to push back on the Provost Marshal taking on the job, the practical realities of the problem as set forth in the Hunt Report provided arguments to let Gullion's organization take on the responsibility. Cramer, in siding with the Provost Marshal against the G-3, extensively cited the Hunt Report, quoting its assertion that there had been a "crying need for personnel trained in civil administration and possessing knowledge of the German nation."[87] While recognizing, and even to a certain extent agreeing, with the G-3's opinion about the Provost Marshal running military government, Cramer further stated:

> …[T]he question is a practical as well as a theoretical one. As has been shown, there are strong objections to the assignment of the task of instruction in military

> government to any one of the other agencies which have been suggested, but The Provost Marshal General is willing to undertake the task. The present Provost Marshal General, MG Allen W. Gullion, who presumably will serve as such for the duration of the existing war, has had a wide and varied experience, both civil and military.[88]

The practicality of the argument prevailed, and on February 9, 1942, General Gullion was directed to take "immediate action by order of the Secretary of War" and was charged with operating the function of training officers for "future detail in connection with military government" which involved establishing a school.[89]

After initially trying to establish the school at Fort McNair in order to use the resources of the Army War College, Gullion brokered an arrangement to use facilities at the University of Virginia, three hours southwest of Washington, in Charlottesville, Virginia, and in March 1942, the War Department concurred with his plan.[90] Initially, the School was not to exceed 100 officers per course and have a small staff with permanent overhead not to exceed 12 officers and civilian instructors, 25 civilians, and one enlisted soldier.[91] The lecturers were a mix of officers, some with practical experience, and civilian lecturers, some distinguished professors in their fields.

While Gullion would have oversight, the School's commandant, charged with its daily administration, was Brigadier General Cornelius Wickersham, in civilian life a prominent New York lawyer. Wickersham also had a military background, having served as a major in WWI and an active reserve officer for 20 years.[92] Like Gullion, he would be the subject of criticism as controversy about the School developed. Nonetheless, he served as the School's commandant until 1944, when he became the primary American military advisor for the European Advisory Commission.[93]

Along with Gullion and Wickersham, a third figure served as a primary catalyst for military government training. Colonel Jesse Miller would serve as the Director of the Military Government Division within the Office of the Provost Marshal General when it was created in August 1942, and even beforehand he was instrumental in establishing what became a comprehensive military government training system.[94] Miller was a Kentucky lawyer who had served in the Army as an aide to the Provost Marshal General from 1918 to 1919 and also as a judge advocate. He had also held a variety of federal governmental positions, serving as a special U.S. representative for the Nicaraguan presidential elections, as an assistant solicitor for the Bureau of Internal Revenue, and as Executive Director of the National Labor Relations Board in the early thirties.[95]

It was Miller who, in a detailed memorandum to Gullion in January 1942, set forth a plan for the School's nature, scope and personnel. Relying on the Army's understanding of military government principles, he stated that the "ideal type" of military government school "integrates the local laws, institutions, customs, psychology, and economics of the occupied area and superimposed military control with a minimum of change in the former and a maximum of control by the latter."[96] The basic materials that provided the underlying foundation for such training would come from *FM 27-5* and the relevant international laws of occupation, as well as records of the American occupations of Vera Cruz, the Philippines, and the post-World War I Rhineland.[97] On that foundation, more specialized and particular studies could follow to include intensive study of the culture, language and political systems of the countries to be occupied, and then practical application of relevant principles to School-generated problems.[98]

A review of class lectures and course notes from students confirm that faculty and administrators essentially adopted Miller's approach, however modified and refined over the course of the war. Lecturers referred to both *FM 27-5* and *FM 27-10.* In his class notes, Major Richard van Wagenen, who later worked in the Military Government Division, wrote that "27-10 is binding and mandatory …" and noted *FM 27-5*, even if it was a "guide only …" writing that one could not "use [a] field manual as [a] substitute for thinking." Students studied the Hunt Report carefully to glean lessons learned.[99] While students studied contemporary occupations, the American military's historical experiences in occupations were the templates and standards by which occupations should be judged.[100] One lecturer, Professor Ralph H. Gabriel (who was the Learned Professor of History at Yale) noted that only Britain had a comparable record of occupation experience: the U.S. and U.K. were the "two nations with the longest and most varied experiences with military government."[101]

In another lecture, Lieutenant Colonel Paul Andrews also stressed the distinctiveness of American military governments, a theme of anti-colonialism that comported with America's image of itself as a nation devoid of European imperialist ambitions: "…American history also affords, to its honor, examples of the occupation of territory not for profit, not for restoration of a previous sovereign, not for annexation, not to compel the signing of a treaty or the payment of reparations; occupations where the motive of benevolence was predominant."[102] Andrews went on to cite Cuba, the Philippines and Puerto Rico as examples of American military government seeking to ensure those islands gained autonomy and self-reliance and, eventually for the Philippines, independence.[103]

This revealed a not-quite resolved tension in American understanding of military government. The actions of American officers in locales such as Cuba or the Philippines often promoted reforms that fostered "American" values and virtues. As Gabriel pointed out in a lecture, an American military governor or civil affairs officer "carries the culture of the United States and his life is governed by the values of that culture." But Gabriel said that this was a problem that the principles of military government sought to redress: "The existing laws, customs, and institutions of the occupied country have been created by its people and are presumably best suited to them." Gabriel went on to say, "That is a recognition of the fact of uniqueness in cultures."[104]

In another lecture, Thomas Barber stated "four great axioms of civil affairs." The first and fourth of these axioms were related to the paramount importance of "military necessity."[105] To "prevent the population [from] interfering with" and/or "induce them to helping" the occupying force was the first axiom, and "[t]he will of the commanding general is the law of the land" was the last.[106] But the second and third axioms related to non-interference: "Military government supervises the existing government. It does not govern" and, "The best government is the least government. … This is always true… . The existence of a military government is an almost intolerable burden on the people, and the presence of every member of that government is an insult to their pride."[107] Non-interference was thus related not only to American benevolence but to military practicality and necessity: injuring a people's pride by excessive and interventionist government would only antagonize the population that the military was attempting to control.

The question perhaps hardest to answer was: When *did* a military governor and his staff intervene to impose a social, economic, or cultural change? Regardless of the non-ideological premises of some of *FM 27-5*'s principles, the lecturers and students were by no means oblivious to the world around them. There were detailed lectures at the School, for instance, on the growth of Nazism in Germany, and on anti-Semitism in Germany and its influence on German culture.[108] One way to address it was to separate military government "administration" from American "policy." Barber went so far as to compare military government with "plumbing"—providing basic services and keeping things running.[109] Higher, far-reaching strategic decisions that could affect the course of a nation's society or culture would have to come from a source that was presumably non-military. As the school's official history stated, the Army's role was to be "administrative, the precise pattern of which would be determined by high policies which the Army itself was incompetent to prescribe, but which properly should be laid down by civilian agencies of the government."[110]

At the same time, and in keeping with the doctrinal premise of *FM 27-5*, it was essential that such agencies not interfere with the military government "as long as military necessity prevailed."[111] To quote fully from the official history of the School: "[R]esearch of the School's faculty and student body…revealed one fact with great clarity i.e., that, in the early stages of any occupation and so long as any military necessity continued, complete and exclusive control of the area would have to be entrusted to the Army.[112] This strong belief by the Army's military government planners that "every effort should be directed by the War Department toward insuring complete control by the Army" while military necessity required would cause controversy—and

collision—with civilian leaders within the government as the war progressed.[113] At what point did larger strategic imperatives, to include, for example, the need to impose sweeping reform, override military necessity?

Expansion of the Military Government Program

The program for military government grew steadily over the course of the war in sometimes overlapping and interconnected areas. The War Department approved the School of Military Government at the University of Virginia in Charlottesville in February 1942 to train 100 officers per class, with each class operating on a four-month cycle to meet the curricular requirements. Deficiencies became quickly apparent after the course started in May of that year. Notably, class sizes were far too small (the first class only had 49 students). If 100 students were trained per class, that meant a maximum of 300 officers per year could be trained to perform military government duties. By any estimation of the possible postwar responsibilities the U.S. might have, the number was grossly inadequate. The German occupation force had used 3500 military government personnel in Belgium alone in World War I, and currently used 7000 alone in Poland, indicating that, regardless of whether such models of military government should be emulated, there did appear to be a significant lack of American personnel for potential duties in nations far larger than those German- occupied countries.[114] Awhile new pool of officers—and possibly, locations for training—would be necessary.

In August 1942, to facilitate this need, Marshall approved the expansion in the number of students and faculty for the School, provided they came from personnel of the Army Specialist Corps—which meant that once they had completed training, such

officers would be returned to an inactive status without pay if there were no active duty vacancies.[115] Specifically, Gullion received allowance to appoint 2500 in the Specialist Reserve Section of the Officer Reserve Corps (which replaced the Army Specialist Corps), provided that the rate of intake would not exceed 300 a month and that those brought in for such duty had been determined to be skilled in civil government functions such as public works and utilities, fiscal affairs and economics, public health, sanitation, public relations, law and other fields relevant to military government.[116]

The officers served, if activated, for the period of the war and for six months thereafter. When the war legally terminated was an open question, however, as a judge advocate legal opinion pointed out—conceivably, for instance, the war was not technically over until a formal treaty of peace was signed, which could be several years after a surrender of armed forces.[117] With this greater pool of personnel approved, Gullion began actively recruiting for possible candidates.[118] As the accompanying letter provided reveals (see figure 2), Gullion launched an energetic campaign that readily sought assistance and recommendations from other governmental agencies. The letters were not sent randomly, but were only sent to those apparently so recommended. Indeed, it was a successful approach, though one that could ultimately anger other governmental officials who felt it represented overreaching by the Army.

Eventually, the School requested to increase its own capacity to 175 students per course and to decrease its length from four to three months, a request approved in September 1943.[119] But the School in Charlottesville would still prove inadequate to meet the demand that Gullion set. The solution was to partner with civilian universities throughout the country to create Civil Affairs Training Schools. Miller worked to set up

the concept at six civilian universities—most of which, out of an apparent desire to assist in the war effort, were ready to cooperate.[120] Under the Civil Affairs Training School systems, students being readied for military government in the European theater first received basic military training and general military government principles at the Provost Marshal's School at Fort Custer, Michigan, for one month, then went to one of ten civilian institutions for more extensive training. Students with Asian assignments were sent to the Charlottesville first, then to the respective civilian schools. The roster of Schools was impressive, including among the training locations Harvard, Yale, Stanford, Chicago, and Northwestern. It neatly solved the resource dilemma, all the while ostensibly providing quality training for the future military government officials.[121]

By mid-1943, the training structure for military government was essentially in place and underway. In a July letter to Secretary of State Cordell Hull, Assistant Secretary of War Robert Patterson described what was then available for military government personnel. He listed four categories of training:

1. Officers in the grades of captain to colonel who would have top administrative functions were trained at the School of Military Government at Charlottesville where the curriculum included "theory and practice of military government, liaison with friendly civil governments, special conditions in certain foreign areas, and language study." Generally two-thirds of the class came from various arms and services, and the

--Dear Sir:

The Provost Marshal General is creating a pool of highly skilled men, in a variety of technical and professional fields, for future use in the military government of hostile areas ultimately to be occupied by American armed forces. In assembling these groups, the War Department is relying heavily upon nominations submitted by other governmental agencies having special interests in particular fields. Those selected will be appointed in the Officers Reserve Corps and may be called to active duty for a period of four months for training after which they will be carried in an inactive status, without pay, permitting the continuance of their present civilian activities until their services are required.

Your name has been submitted as a person qualified for appointment on this roster. If you are interested in having further consideration given to it, please accomplish and return the inclosed questionnaire (in duplicate), with small photograph, at your earliest convenience. If a further examination of your qualification results in your selection, an effort will be made to tender you a commission which will be commensurate with your ability and experience and at the same time fair to officers who have been commissioned for a relatively long time. Self-addressed envelope is inclosed for your use.

Selective service registrants classified IA or Class II are not eligible for appointment. If you are ineligible or are not interested in this opportunity, a reply to that effect will be appreciated.

Figure 2
Major General Gullion's Recruitment Letter[122]

remaining were commissioned directly from civil life. They received four months of training (later reduced to three months, and then reduced even further).

2. Those with highly specialized technical or professional knowledge and were recruited directly from civilian life were given training at one of the Civil Affairs Training Schools. Instruction included the "theory and practice of military government, specialized training, and language training." They spent one month at the Provost Marshal General's School at Fort Custer, then three months at a civilian university.

3. Less extensive training was provided for junior officers who were expected to be assigned to occupational military police duties or as junior civil affairs officers. They were given four weeks of training in military government at the Provost Marshal's School.

4. Finally, enlisted personnel identified to be utilized as occupational military police were trained for 8 weeks at an enlisted course, also at the Provost Marshal General's School.[123]

This system varied over the course of the next three years, before finally being completely phased out in 1946. Nonetheless, the essential division of labor between the Charlottesville School and the Civil Affairs Training Schools endured throughout the war. The end result was a total of 5925 officers trained in military government roughly by the time occupation duties began in Japan: 3465 for Europe, 2370 for the Far East, and 90 foreign officers.[124] These personnel would be the core of military government officials who would conduct the postwar occupations for the Army.

To ensure their proper recruitment, training, and structuring within military commands required the establishment of a military government division, such a division

would also involve other departments and agencies, to include civilian agencies, with the Army's postwar occupation planning efforts. The same August 1942 memorandum that permitted the expansion in the number of personnel to be recruited for postwar military government responsibilities also established the Military Government Division within the Office of the Provost Marshal General, with Colonel Miller assigned as Director.[125] The division was a direct sub-organization under Gullion, with a gradually expanding number of branches and responsibilities. (See figure 3, which shows the Military Government Division within the Provost Marshal's Office, and figure 4, which shows the Military Government Division in relation to other Provost Marshal Office functions.)

In October 1942, Miller wrote to Gullion recommending that the Military Government Division "assume responsibility for the preparation, in collaboration with all competent agencies of the government, of a series of blueprints for the military occupation of the following areas, among others: Germany, Italy, Japan, France, Belgium, Holland, Denmark, Norway, Poland, and Czechoslovakia."[126] Miller went on to list various agencies to cooperate with in accomplishing the project, to include the State Department, the Board of Economic Warfare, and the Office of Strategic Services.

In collaboration with these organizations, the Military Government Division would assemble data for a "detailed plan, including personnel requirements, for the military government of each area" which could serve as a recommendation for the theater commander for use in the initial stages of the occupation.[127] This effort led to these civilian agencies assisting in creating the aforementioned civil affairs handbooks on a variety of *FM 27-5*-driven topics. At the same time, Miller and his division set forth

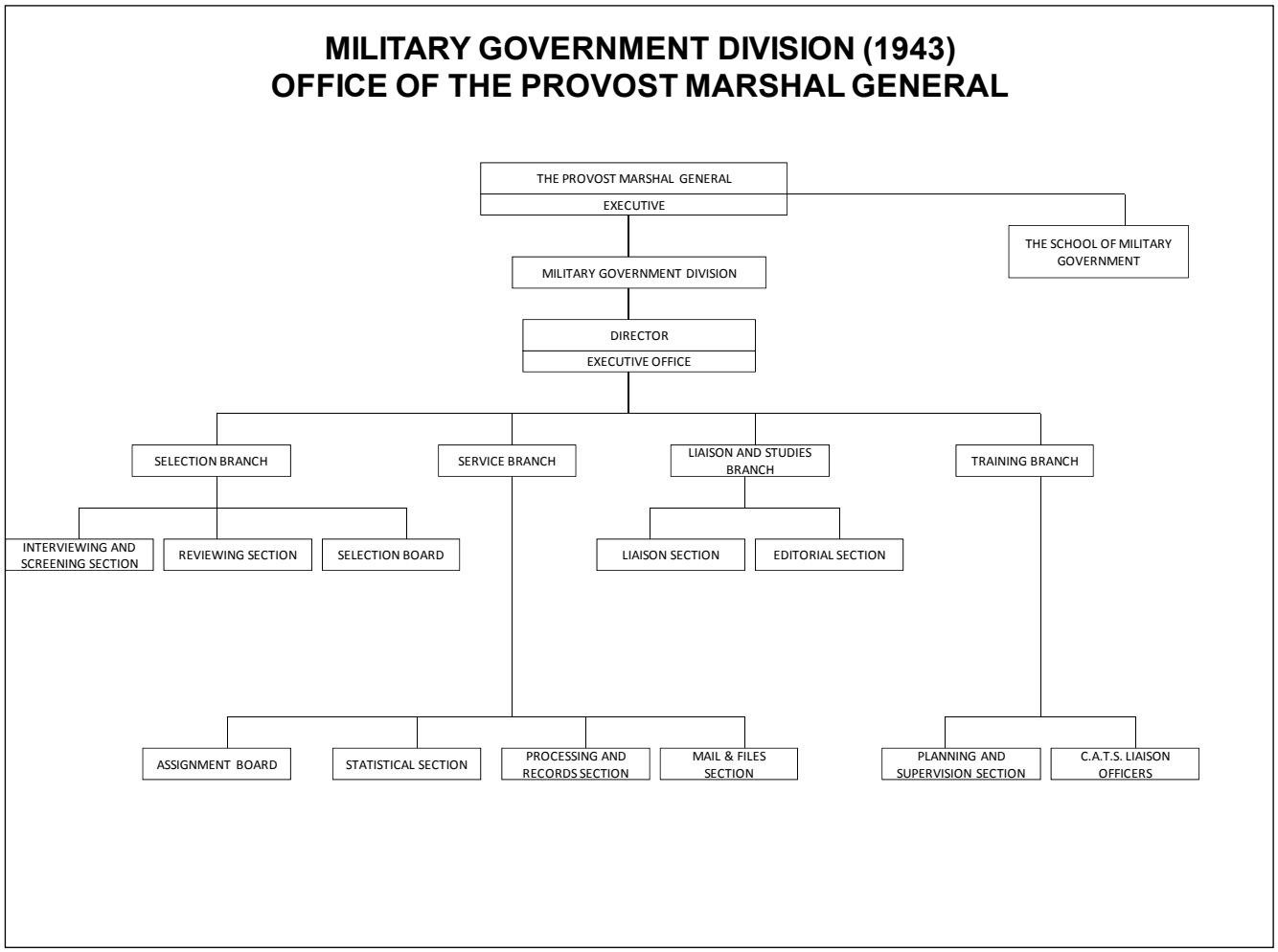

Figure 3
Military Government Division, 1943[128]

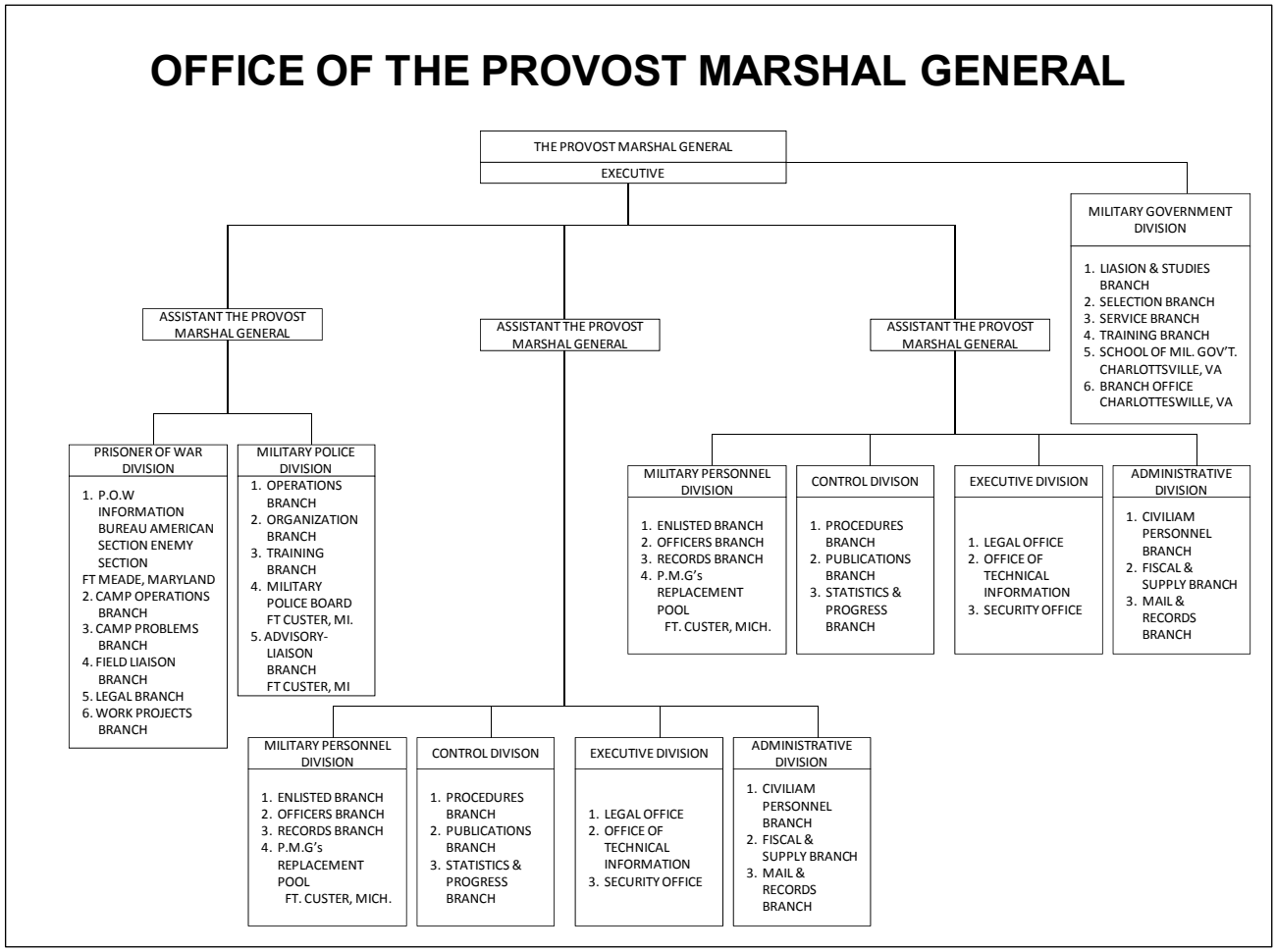

Figure 4
Office of Provost Marshal General, 1943
(showing all responsibilities, to include military government)[129]

recommendations on how to organize military government teams in theater commander's commands.[130]

Military Government Staff Sections and Units

What emerged from these and other recommendations were the organizations that would administer civil affairs and military government at operational and tactical levels. The establishment of these organizations revealed the Army's ability to produce internally the bureaucratic apparatus to support its doctrinal mission. At unit headquarters, civil affairs/military government staff sections were given either general staff or special staff status and authority. General staff sections were those that dealt with traditional, large-scale issues that spanned the breadth of a military operation: personnel, intelligence, operations, and logistics and the staff officers on these staffs were usually officers with considerably broad experience.

In the European theater, the civil affairs/military government staff sections attained the more authoritative general staff status and were eventually given "G" status and known as the G-5 staff section.[131] The acknowledgment of the staff office, at least in the European theater, as a G-5 general staff section, represented a significant recognition of the importance of military government responsibilities.[132] In a March 1944 report to Major General John Hilldring, the Director of the Army's Civil Affairs Division, civil affairs officer Major John Boettiger noted how important civil affairs staff sections at the Supreme Allied Headquarters (the Supreme Headquarters, Allied Expeditionary Force, known as SHAEF) had become.[133] By V-E Day, the G-5 organization at SHAEF had grown into a large and complex organization, with eight subdivisions devoted to military government administration, and covering all the military

government duties required in *FM 27-5*.[134] Likewise in the European theater, civil affairs/military government staff sections were set up below SHAEF, down to army group, army, corps, and division level, and after some initial confusion over the table of distribution and allowances (TDA), authorizations for such personnel were provided. On April 15, 1944, for example, the TDA authorizations for European theater U.S. armies, corps, and divisions were issued.[135] While there was initial confusion and uncertainty about the use of such personnel, by V-E Day the Army created over 2000 authorizations for G-5 staff personnel in Europe.[136]

In the Pacific, the formation of military government staff varied widely, though more typically the civil affairs/military government teams existed as special staffs, reflecting the lesser importance of occupation governance during the island hopping campaigns. Special staffs dealt with technical matters, and the officers usually had special skills, such as in law or medicine, but usually lacked the knowledge and breadth of military experience to operate at the general staff level.[137] The Tenth Army, for example, which was originally slated to serve as the force to provide military government for Korea, had a G-5 special staff section, and had been involved in the occupation of Okinawa. But below that level, there were serious staff shortages for civil affairs: one of the Tenth Army's tactical units, the XXIVth Corps, would be given the mission of occupying Korea, a role for which it was organizationally and otherwise unprepared.[138]

Whereas G-5 staff sections interacted with other staff sections at unit headquarters, the civil affairs/military government detachments operated in the field and interacted directly with populations of occupied territories. Detachments were specifically created to relieve combat units of civil responsibilities and also to provide on-the-ground

expertise in governance and civil administration operate. At the same time, the detachments remained, at least during combat operations, under the authority of local tactical commanders. Detachments could have varying responsibilities: while some performed purely administrative functions, many performed operational duties, accompanying division in combat and often serving as "spearheads"—moving ahead of the division headquarters and serving as its advance party in order to set up operations in a town or village.[139] Detachments could also vary in composition and number depending upon the communities to which they were assigned: the civil affairs/military government detachment assigned to an industrial city, for example, would have more men assigned to it, with a greater variety of civil skills than one assigned to a small coastal fishing port, and such detachments were often kept busier with day-to-day problems such as getting local authorities to bury dead civilians after a town was taken, or overseeing rubble clearance from the streets, than with implementation of intricate governmental policies.[140]

Difficulties and Controversies

This rapid training, organizing, and allocating of personnel to civil affairs/military government structures showed clearly the power of the Army to assemble rapidly organizational structures. Yet doing so was not without internal difficulty and controversy, much of it inherently related to the Army's difficulty in linking military objectives to longer-term political goals. Because military operations had their own timetable, it was often difficult to predict when areas would fall under Allied control and to what units. Training was therefore not always properly coordinated and linked to the location. Nowhere was this truer than in the Far East, when the sudden surrender of

Japan threw of all timetables and forced planners and organizers to scramble to put together sufficient assets to get to occupied locations. While much work had been done regarding the probable Japanese occupation, little had been done regarding Korea. There had been little to no formal study of Korean language or culture at the School of Military Government or one of the Civil Affairs Training Schools. Many of the units that eventually arrived in Korea had either been units that had performed civil affairs functions in the Philippines or were originally assigned for duties in Japan.[141]

Additionally, not all such personnel in those organizations, particularly in the detachments, received sufficient training and education to perform their tasks to the fullest, partly because the end state they were supposed to work toward in the occupied territories they would administer was not clearly defined. There had indeed been major efforts of Army officials in the military government division to set up extensive training, both at the Military Government School in Charlottesville, Virginia and the various Civil Affairs Training Schools at prestigious American colleges and universities, and there were efforts, at least in the European theater, to ensure the curricula at such schools were aligned with current policies and procedures.[142] In accordance with *FM 27-5*, further specialized training was given in theater to ensure further understanding of the particular problems to be faced in the occupied territory.[143] A fundamental training problem, at least in the first two years, however, was that there was little to no education on policy goals provided: what were the civil affairs/military government personnel actually working for ultimately? This was due in large degree to the deliberately apolitical stance of the training, and also due to the lack of clear policy direction provided beyond winning the war.[144]

There was also dispute as to whether the detachments should be assigned to commanders of combat units or under a separate chain of command under a civil affairs officer. Some senior civil affairs officials, to include SHAEF G-5 Brigadier General Frank McSherry, contended that having such units fall under tactical commanders and not an overall civil affairs commander in effect made each tactical commander the military governor for the area in which he was operating, and creating a hodge-podge of policies and procedures lacking uniformity and consistency.[145] What eventually occurred was a compromise. The detachments remained under tactical commander control, at least during and shortly after combat operations. After victory was assured, and the occupations had clearly moved beyond assuring enemy defeat, detachments were put directly under civil affairs command authority.[146]

The most fundamental dispute, however, was not within the Army, but between the Army and other governmental agencies. The actions by Gullion and others were seen as farsighted and appropriate by senior Army officials, but also as aggrandizing and overreaching by civilians in other governmental agencies. Disputes arose throughout the war, though none as prominent and serious as those which took place in late 1942, when the most significant challenge to the Army's authority to administer postwar military government was made by high ranking civilian officials in the Roosevelt Cabinet, as examined in the next chapter.

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[1] U.S. War Department, *Basic Field Manual, Military Government, FM 27-5, July 30, 1940*. (Washington, D.C.: U.S. Government Printing Office, 1940).

[2] Brigadier General William E. Shedd for Assistant Chief of Staff, G-3, January 18, 1940 in Harry L. Coles and Albert K. Weinberg, *Civil Affairs: Soldiers Become Governors* (Washington, D.C.: Center of Military History, 1964), 7.

[3] See FN 4, Coles and Weinberg, *Civil Affairs: Soldiers Become Governors*, 7. King wrote a supplement for the 1927 Army War College Committee on civil affairs. Major Archibald King, "International Law in its Bearing on Administration of Civil Affairs by Military Authority in Occupied Territory," Supplement no. 3, G1, Report of Committee, NO. 11, Subject: Administration of Civil Affairs by Military Authority in Occupied Territory File No 341-11, October 19, 1927, Army War College Curricular Files, U.S. Army Heritage Education Center, Carlisle Barracks, PA (hereinafter AHEC),.

[4] Assistant Chief of Staff, G-1, for Assistant Chief of Staff, G-3, January 18, 1940 in *Soldiers Become Governors*, 7.

[5] U.S. War Department, *Rules of Land Warfare*, *1934* (Washington, D.C.: U.S. Government Printing Office, 1934). Indicating the War College's significance in the process, Colonel Edwin Glenn of the Army War College wrote the first revision of GO 100 that became the Army's *Rules of Land Warfare* in 1914. *See* Donald A Wells, *The Laws of Land Warfare: A Guide to the U.S. Army Manuals*, (Westport, CT: Greenwood Press, 1992), 5.

[6] In both versions, international laws regarding military occupation are contained in chapter 10, paras. 271-344. *Rules of Land Warfare, 1934*; U.S. War Department, *Field Manual, FM 27-10, Rules of Land Warfare, October 1, 1940* (Washington, D.C.: U.S. Government Printing Office, 1940), paras. 271-344.

[7] FN 4, Coles and Weinberg, *Civil Affairs: Soldiers Become Governors*, 7.

[8] Military Government Division, Office of The Provost Marshal General, "History of Military Government Training" (1945), p. 4., box 1, entry 443, RG 389, National Archives, College Park, MD (hereinafter NARA).

[9] Dan Allen, "Franklin D. Roosevelt and the Development of American Occupation Policy in Europe" (PhD diss., Ohio State University, 1976), 4. Stimson himself indicated this in a letter he drafted to FDR but never sent. Henry L. Stimson to President Roosevelt (undated) in "History of Military Government Training," box 1, entry 443, RG 389, NARA.

[10] Samuel Huntington, "Inter-Service Competition and the Political Roles of the Armed Services," in *Problems of National Security*, ed. Henry Kissinger (New York: Praeger, 1965), 468

[11] Headquarters, Department of the Army, *Field Manual 1-02, Operational Terms and Graphics* (Washington, D.C.: Headquarters, Department of the Army, September, 2004), 1-65. For a contemporary discussion of doctrine, see Headquarters, Department of the Army, *Field Manual 3-0 Operations* (Washington, D.C.: Headquarters, Department of the Army, 27 February 2008), D-1-D-3.

[12] Barry Posen, *The Sources of Military Doctrine: France, Britain, and Germany Between the World Wars* (Ithaca, NY, Cornell University Press, 1984), 13. For an example of how Army leaders used doctrine in the time period of *FM 27-5*, see U.S. War Department, Basic Field Manual, *Military Training*, *FM 21-5*, July 16, 1941 (Washington, D.C.: U.S. Government Printing Office, 1941). Paragraph 17 of that manual states: "Commanders of all grades must be familiar with tactical doctrine. Their tactical judgment should be developed and confirmed by applying the doctrine in the solution to all types of problems." Ibid., para. 17.

[13] Posen, 13-33. See also Sten Rynning, *Changing Military Doctrine: Presidents and Military Power in Fifth Republic France, 1958-2000* (Westport, CT: Praeger, 2002), 2-4.

[14] Birkhimer's work was published by James J. Chapman, a private publishing company, 1892. William E. Birkhimer, *Military Government and Martial Law* (Washington, D.C.: James J. Chapman, 1892) title page.

[15] Virgil Ney, *Evolution of the United States Army Field Manual: Valley Forge to Vietnam* (HQ, US Army Combat Developments Command: 1966), 63, 70-71. See also Walter Edward Kretchik, "Peering through the Mist: Doctrine as a Guide for US Army Operations, 1775-2000" (PhD diss., University of Kansas, 2001), 117-18.

[16] Ney, 75.

[17] Ibid.

[18] *FM 27-5, July 30, 1940*, para. 1.

[19] FM 27-5 defined military government as "that form of government which is established and maintained by a belligerent by force of arms over occupied territory of the enemy and over the inhabitants thereof. In this definition the term *territory of the enemy* includes not only the territory of an enemy nation but also domestic territory recovered by military occupation from rebels treated as belligerents." *FM 27-5, July 30,1940*, para. 3. Apart from a few stylistic differences, the War College Basic Manual's definition was identical: "Military Government is that form of Government which is established and maintained by a belligerent by force of arms over occupied territory of an enemy, and over the inhabitants thereof. 'Territory of the enemy' includes also domestic territory recovered from rebels treated as belligerents." "Basic Manual for Military Government by U.S. Forces," para. I.2, in G1, Report of Committee, No. 6, Subj: Provost Marshal General's Plan, Military Government, File No 1-1935-6 November 1, 1934, Army War College Curricular Files, AHEC.

[20] *FM 27-5,* July 30, 1940, para. 5.

[21] "Basic Manual for Military Government by U.S. Forces," para. I.3; *FM 27-10*, October 1, 1940, para. 6. Birkhimer, on the other hand, separated the commander's power from the sovereign's: "The character of government to be established over conquered territory depends entirely upon the laws of the dominant power, *or* the orders of the military commander." W. Birkhimer, Military Government and Martial Law, 33, emphasis added.

[22] *FM 27-5, July 30, 1940*, para. 5. General Orders 100: Instructions for the Government of Armies of the United States in the Field (Washington, D.C.: War Department, April 24, 1863), Reprinted by the House of Representatives, 43rd Congress, 1st Session, January 24, 1874, section I, paras. 3, 6. The War College Committee language stated: "During belligerent occupation, the power of the military commander flows directly from the laws of war, and is free from constitutional limitations on executive, legislative, and judicial powers. On the cessation of military operations, the military commander is subject to certain rules of law, of which the most important is the principle of "immediate exigency" or "necessity." Major John H. Van Vliet et al., Supplement No. 2 to Report of Committee, no. 6, subject: Military Government Plan, G1, Report of Committee, no. 6, Subj: Provost Marshal General's Plan, Military Government, File No 401-6, October 23, 1933, Army War College Curricular Files, AHEC.

[23] See, e.g., James W. Riddleberger, "Impact of the Proconsular Experience on American Foreign Policy: A Reflective View" in Robert Wolfe, ed. *Americans as Proconsuls: United States Military Government in Germany and Japan, 1944-1952* (Carbondale, IL: Southern Illinois University Press, 1984), 393. Riddleberger, who served as the Central European State Department Desk Officer, noted the profound difference between the Army's and the State Department's mode of decision-making, the former being highly decentralized, with great deference given to the commander, and the former centralized and directed by the Secretary or a subordinated in Washington. Commenting on the Army's method, Riddleberger noted that "[l]ogical and necessary as [the Army's method] may be, it could be called the antithesis of diplomatic procedures. Thus it was inevitable when the two concepts would clash." Ibid.

[24] *FM 27-5, July 30, 1940*, para. 9a.

[25] Ibid., para. 10a.

[26] *General Orders 100*, section I, paras. 14-15; *FM 27-10, Rules of Land Warfare, October 1, 1940*, para. 4a. According to Donald Wells, "Every manual from General Orders 100 in 1863 through the current revised 1976 edition of the Law of Land Warfare affirmed that military necessity was the primary principle by which laws of war were to be interpreted." Donald A. Wells, *The Laws of Land Warfare: A Guide to the U.S. Army Manuals* (Westport, CT: Greenwood Press, 1992), 34.

[27] *General Orders 100*, section I, paras. 15-16.

[28] See Mark Grimsley, *The Hard Hand of War: Union Military Policy Toward Southern Civilians, 1861-1865* (Cambridge, UK: Cambridge University Press, 1995), 149-51; Richard Shelly Hartigan, *Lieber's Code and the Law of War* (Chicago: Precedent Publishing, 1983), 16.

[29] See *FM 27-10, Rules of Land Warfare, October 1, 1940*, para. 4b and c. Wells noted that the 1914 and subsequent versions of Rules of Land Warfare presumably added the humanity and chivalry principles to mitigate the concept of military necessity. D. Wells, *The Laws of Land Warfare*, 35.

[30] *FM 27-10, October 1, 1940*, para. 9b.

[31] "Military necessity" was *not* defined in terms of occupation responsibilities in the *Rules of Land Warfare*. There was a provision that discussed the "necessity of military government" but that relates to the inability of a legitimate government to function, and did not relate to the common understanding of military necessity. *FM 27-10, October 1, 1940*, para. 281.

[32] *FM 27-5, July 30, 1940*, para. 9a.

[33] *FM 27-5, July 30, 1940*, para. 33.

[34] Though a proclamation to the people can be, and usually is, issued. Ibid.

[35] Ibid.

[36] Colonel I.L. Hunt, "Some Principles of Military Government" (lecture, Army War College, Washington, D.C., February 28,1933), G-1 Course no. 7, Army War College Curricular Files, AHEC.

[37] In the World War I Rhineland, occupation only began after fighting ceased, so there was no phase I for that occupation as subsequently defined by Colonel Hunt or in *FM 27-5*.

[38] *FM 27-5, July 30, 1940*, para. 10d.

[39] Ibid., paras. 10 c, d, and e.

[40] See chapter 1, 18-20 for discussion.

[41] American Military Government of Occupied Germany, 1918-1920, Report of the Officer in Charge of Civil Affairs, Third Army and American Forces in Germany (Washington, D.C.: Government Printing Office, 1943), 67, 333-45. This theme was

also stressed in several War College studies. For example, a 1931 report noted that military government "at first utilized the military chain of command for purposes of civil administration without regard to the German political subdivisions. This caused serious breakdown of local government whenever troops were moved. Later administration of civil affairs was separated from the military chain of command and utilized German political subdivision." "Memorandum for Chairman," Committee no. 5, subject: Administration of Civil Affairs, October 22, 1932 in G1, Report of Committee, no. 5, subject: Administration of Civil Affairs in Occupied Territory, Enemy Aliens, Prisoners of War, Draft Deserters, and Conscientious Objectors, File No 381-5, October 22, 1931, Army War College curricular files, AHEC.

[42] Ibid.

[43] Colonel Lewis K. Underhill, "Organization of Military Government" (School of Military Government lecture, 1943) quoted in Merle Fainsod, "The Development of American Military Government Policy During World War II" in Carl J. Friedrich, et al., *American Experiences in Military Government in World War* II (New York: Rinehart & Co., 1948), 27.

[44] Hiram Motherwell, "Military Occupation, and Then What?," *Harper's*, October, 1943, 440.

[45] Fainsod, 28-31.

[46] *United States Army and Navy Manual of Military Government and Civil Affairs, FM 27-5 and OpNav 50E-3, December 22, 1943* (Washington, D.C.: Government Printing Office, 1943). "The revised manual gains significance and presumably will command greater respect in the field because it is issued jointly by the Army and Navy… ." Major Frederick S. Simpich to General Allen Gullion, subject: Revision of FM 27-5, November 11, 1943, box 716, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[47]Ibid. Ralph H. Gabriel praised the jointness of the 1943 version saying it "symbolized the close co-operation that has characterized the two services in the present conflict; it established identity of doctrine in an area of vast importance; and it made clear that thinking on the relation of war to civil populations had been made adequate to the complexities of modern civilization." Ralph H. Gabriel, "American Experience with Military Government" *The American Historical Review*, 49 (July, 1944): 630.

[48] Colonel Frank Hastings to the Chief, Civil Affairs Division, subject; Draft of Army and Navy Manual for Military Government and Civil Affairs, August 3, 1943, box 716, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[49] *FM 27-5 and OpNav 50E-3,* section I, para. 9n.

[50] Ibid.

[51] *FM 27-5 and OpNav 50E-3*, section I, paras. 1 and 8. Note paragraph 8 does, in contrast to the 1940 version of FM 27-5, make explicit sovereign authority over the military governor by stating that the military commander/governor is "limited only by the laws and customs of war and by directives from higher authority." *FM 27-5 and OpNav 50E-3*, para. 8.

[52] *FM 27-5 and OpNav 50E-3*, section I, paras. 1 and 8, emphasis added.

[53] See also Fainsod, 31. Fainsod also points out a "marked hardening of attitude toward enemy populations" in that the "welfare of the governed" is no longer listed among basic objectives. Specifically, fraternizing with the local populace is discouraged. *FM 27-5 and OpNav 50E-3*, section I, para. 9i(10).

[54] *FM 27-5 and OpNav 50E-3*, section I, para. 4.

[55] Historians have noted that a distinction would be made between the terms "military government" and "civil affairs" in practical application during actual occupations. The former term would be used for conquered enemy territory and the latter, less imperialist-sounding, for administration in liberated territories. See, e.g., Thijs W. Brocades Zaalberg, *Soldiers and Civil Power: Supporting or Substituting Civil Authorities in Modern Peace Operations* (Amsterdam: Amsterdam University Press, 2006), 26-7.

[56] See, e.g., the title of section III of the 1940 manual is "Civil Affairs Section of the Commanding General, Theater of Operations." *FM 27-5, July 30, 1940*, section III.

[57] *FM 27-5 and OpNav 50E-3*, section I, para. 1c, emphasis added.

[58] Ibid.

[59] Adjutant General to Provost Marshal General, subject: Establishment of School, March 13, 1942 in "History of Military Government Training," entry no. 443, box No. 1, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA. In an earlier memorandum from Jesse Miller to General Gullion, Miller states that the "express provisions of FM 27-5 are that the civil affairs section of any army of occupation should be qualified, as a group, to function, with an adequate background, in a variety of civil activities, including public works, utilities, finance, health, safety and welfare, education, justice and communications." Jesse I. Miller to Major General Allen Gullion, subject: School of Military Government, January 10, 1942, in "History of Military Government Training," entry no. 443, box No. 1, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[60] Colonel C.P. Stearns, "Civil Affairs Functions in the Present War," January 15, 1943, class III, remarks at opening exercises, School of Military Government, entry no. 443, box No. 1, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[61] Earl Ziemke, *The US Army in the Occupation of Germany, 1944-46* (Washington, D.C.: Center of Military History, 1975), 3.

[62] Colonel Frank H. Hastings, Assistant Commandant, "Procedure for the guidance of student officers in connection with civil affairs problems," January 22, 1943, in "History of Military Government Training," entry no. 443, box No. 1, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[63] Major General J.A. Ulio, memorandum no. W350-91-42, Assignment of Graduates of the School of Military Government, September 16, 1942, box no. 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[64] Military Government Division, "Topical Outline of Military Government Handbooks," (undated, believed to be 1942), in "History of Military Government Training," entry no. 443, box No. 1, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[65] Military Government Division, Liaison and Studies Branch, "Checklist of Civil Affairs Handbooks, No. 2," May 30, 1944, in "History of Military Government Training," entry 443, box 1,Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA. In addition to Germany, by May, 1944, the following countries also had handbooks prepared on a similar range of issues: Austria, Belgium, Bulgaria, Denmark, France, French Indo-China, Hungary, Italy, Japan, Manchuria, The Netherlands, Norway, the Philippines, Poland, Rumania, Thailand, and Yugoslavia. Ibid.

[66] The introduction to one of the handbooks (on the monetary and banking system of Austria), set forth their purpose: "The preparation of Civil Affairs Handbooks is a part of the effort to carry out these responsibilities as efficiently and humanely as possible. The Handbooks do not deal with plans or policies (which will depend upon changing and unpredictable developments). It should be clearly understood that they <u>do not imply any given official program of action</u>. They are rather ready reference source books containing the basic factual information needed for planning and policy making." The quoted handbook was prepared by the Board of Governors of the Federal Reserve System and the Federal Reserve Bank of New York. *U.S. Army Civil Affairs Handbooks: Austria, Army Service Forces manual, M 36-5, Section 5 Money and*

Banking, November 29, 1943 (Washington, D.C.: U.S. Government Printing Office, 1943), Introduction.

[67] Vernon, 25-32.

[68] Ibid., 26

[69] Ibid., 26-29

[70] Ibid., 29.

[71] Ibid., 27.

[72] The already marginalized State Department had no comprehensive alternative postwar vision. Though the Soviet Union was suspected by some, it was still a U.S. ally, and the postwar world was uncertain. Dean Acheson noted that even after the war "It didn't strike home to us that the British Empire was gone, the great power of France was gone … all of this was gone to hell. These were countries hardly much more important than Brazil in the world." Dean Acheson, interview by Theodore A. Wilson and Richard D. McKinzie, June 30, 1971, 5-6. Harry S. Truman Archives, Independence, MO.

[73] Supreme Headquarters, Allied Expeditionary Force, *Standard Policy and Procedure for Combined Civil Affairs Operations in Northwest Europe*, revised May 1, 1944.

[74] Ibid., Introduction, paras. 1 and 2.

[75] Ibid., part 2, section 1, para. 24a.

[76] Ibid., part 2, section, para. 25. The SPP was subsequently reviewed by SHAEF civil affairs planners in light of *FM 27-5*, with the planners concluding that "A close comparison of *FM 27-5* and the SPP will disclose very little difference… ." Lieutenant Colonel E.R. Blatzell, "Draft Notes Comprising Standard Policy and Procedure for Combined Civil Affairs Operations in North West Europe (SPP) and *FM 27-5*," February 8, 1944, in box 31, SHAEF Policy, 1943-1945, Papers of Frank McSherry, AHEC.

[77] Much of the original planning was done by the Tenth Army G-5 staff; only in August, 1945 did the occupation mission shift to XXIV Corps, a subordinate unit in Tent Army. See C. Leonard Hoag, *American Military Government in Korea: War Policy and the First Year of Occupation, 1941-1946* (draft), (Washington DC: U.S. Army Center of Military History, 1970), 98-100, available at AHEC.

[78] Ibid., 98-99.

[79] Earl Ziemke, “The Formulation and Initial Implementation of US Occupation Policy in Germany” in *U.S. Occupation in Europe After World War II*, ed. Hans A. Schmitt (Lawrence, KS: Regents Press of Kansas, 1978), 42.

[80] *FM 27-5, July 30, 1940,* para. 6 stated that the Personnel Division (G-1) of the War Department “is responsible for the preparation of plans for and the determination of policies with respect to military government.”

[81] Brigadier General Wade H. Haislip to Chief of Staff of Army, subject: Training of Personnel for Military Government and Liaison, December 3, 1941, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[82] The Judge Advocate General to Assistant Chief of Staff, G-1, subject: Training of Personnel for Military Government, December 23, 1941, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[83] A short biography of Gullion is found in *The Army Lawyer: A History of the Judge Advocate General’s Corps, 1774-1975* (Washington, D.C.: Government Printing Office, 1975), 154-57.

[84] Ibid., 156.

[85] For a discussion of Gullion’s involvement in the Japanese-American exclusion policy, as well as John J. McCloy’s (McCloy would provide the chief civilian leadership for the Civil Affairs Division), see Kai Bird, *The Chairman: John J. McCloy and the Making of the American Establishment* (New York: Simon and Schuster, 1992)149-151.

[86] Brigadier General Harry L. Twaddle for Assistant Chief of Staff, G-1, subject: Training of Personnel for Military Government and Liaison, December 9, 1941, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[87] The Judge Advocate General for Assistant Chief of Staff, G-1, subject: Training of Personnel for Military Government, December 23, 1941, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[88] Ibid.

[89] *Immediate Action by Order of Secretary of War to Provost Marshal General*, subject: Training of Personnel for Military Government and Liaison, February 9, 1942, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[90] Brigadier General H.R. Bull, Acting Assistant Chief of Staff, G-3 to Chief of Staff, subject: Training of Personnel for Military Government and Liaison, March 5, 1942, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[91] Adjutant General to Provost Marshal General, subject: Establishment of the School of Military Government, March 13, 1942, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[92] Colonel Frank Hastings, "History of the School of Military Government," March 13, 1945, p. 3, box 719, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[93] Ibid.

[94] Supplement to Administrative Log, Military Government Division, for Major Charles D. Hill, Assistant Executive Officer, June 4, 1945 in box 719, RG 389, NARA. Based on the log's recording, it appears that Miller served in a civilian capacity as Acting Director, Military Government Division from August to November 11, 1942, after which he was placed in an active military status at the rank of colonel and given the title of Director. Ibid.

[95] A short biography of Miller is found in *Who's Who in America*, 22 (1942-43).

[96] Jesse I. Miller to Major General Gullion, subject; School of Military Government, January 10, 1942, box 719, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[97] Ibid.

[98] Ibid.

[99] Lieutenant Colonel Paul S. Andrews, "Liaison-Preliminary," course vii, class iv, May 18, 1943, box no. 840, RG 389. In the class notes of Major Richard van Wagenen, who would later work in the Military Government Division, he writes that "27-10 is binding and mandatory [emphasis]…but 27-5 guide only. … Cannot use field manual as substitute for thinking" Richard H. van Wagenen, "Class notes, January-May 1943 School of Military Government" in Richard H. van Wagnenen Papers, box 1, AHEC.

[100] Major van Wagenen, references in his class notes that his class studied the current Italian, Japanese, and German occupations. Richard H. van Wagenen, "Class notes, January-May 1943 School of Military Government" in Richard H. van Wagenen Papers.

[101] Ralph H. Gabriel, “Preliminary Survey of American Experience with Military Government,” course V, class VII, February 7, 1944, box 840, Office of the Provost Marshal General, Military Government Division, Liaison and Studies Branch File 1942-46, RG 389, NARA.

[102] Lieutenant Colonel Paul S. Andrews, “Liaison-Preliminary,” course VII, class IV, May 18, 1943, box 840, Office of the Provost Marshal General, Military Government Division, Liaison and Studies Branch File 1942-46, RG 389, NARA.

[103] Ibid.

[104] Ralph H. Gabriel, “Military Government and the Civilian Population,” course VI, class III, March 12, 1943, box 840, Office of the Provost Marshal General, Military Government Division, Liaison and Studies Branch File 1942-46, RG 389, NARA.

[105] Thomas H. Barber, “Functions of a Civil Affairs Staff Team,” course IX, class IV, June 12, 1943, box 840, Office of the Provost Marshal General, Military Government Division, Liaison and Studies Branch File 1942-46, RG 389, NARA.

[106] Ibid.

[107] Ibid.

[108] R. Van Wagenen, “Class notes.”

[109] T. Barber, “Functions of a Civil Affairs Staff Team.”

[110] Military Government Division, “History of Military Government Training,” 7.

[111] Ibid.

[112] Ibid., 6.

[113] Ibid.

[114] Ibid.

[115] Colonel O.I. Nelson, Assistant Secretary, General Staff to Commanding General, Services of Supply (SOS), (Attn: The Provost Marshal General), “Expansion of the School of Military Government and Military Government Division,” August 14, 1942, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[116] Brigadier General J.F. Mee, Adjutant General to The Provost Marshal General, "Increase in Procurement Objectives, Army Specialist Corps," October 12, 1942, box 711, RG 389, NARA; Major General White to The Provost Marshal General (thru Military Personnel Division, SOS), "Appointment of Persons Skilled in Military Government in the Specialist Reserve Section, Officer Reserve Corps," November 23, 1942, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[117] Major General Myron Cramer, The Judge Advocate General to Major General Allen Gullion, April 10, 1943, box 712, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA. Cramer used World War I as an example:

> It seems appropriate to remark that a state of war, once declared, does not ordinarily end with a cessation of hostilities, but continues until the conclusion of a treaty of peace or until some date fixed by law. Thus the state of war between the US and Germany initiated by the declaration of April 6, 1917, continued until nearly three years after the armistice which put an end of the fighting, when it was terminated July 2, 1921, by act of Congress approved on that date… It thus appears likely that all commissioned personnel of the Army will remain subject to continued active duty for some time after the cessation of actual hostilities. Furthermore, the liability of military personnel for active service during the period following the present war may, of course, be affected by the enactment of new legislation.

Ibid.

[118] Major General Allen Gullion, Sample Letter to Possible Military Government Candidates (undated), box 718, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[119] Lieutenant General Brehon Somervell to Provost Marshal General (3rd Endorsement), July 27, 1943, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[120] Colonel Jesse Miller to Chief, Civil Affairs Division (ATTN: Lieutenant Colonel G.G. Berry), "AUS Officers at Civil Affairs Training Schools," June 16, 1943, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[121] The following documents discuss the Civil Affairs Training Schools: Chief, Civil Affairs Division to Provost Marshal General, subject: Attendance of Officers Already in the Army at Civil Affairs Training Schools (CATS) for Military Government Training, June 26, 1943, box 711, RG 389, NARA; Colonel Jesse I. Miller for Director, Civil Affairs Division, subject: Disposition of Graduates of School of Military Government and

Civil Affairs Training Schools (CATS), April 11, 1944, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[122] Ibid.

[123] Robert P. Patterson to Cordell Hull, July 29, 1943, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[124] Director, Military Government Division, "Final Report of the Present Director, Military Government Division," (undated, but based on dates and the closure of the Division in 1946, believed to be in 1946), box 719, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA. Gullion had apparently predicted a requirement of 6000 military government personnel. Ibid. Regardless of the quantity of personnel, the quality of instruction would be scrutinized and criticized during and after the war. A survey of military government officers published in 1956 concluded that, based on responses, training was:

> generally adequate, but could have been strengthened by CA/MG [civil affairs/military government] unit training, better training materials, more effective training programs in theater CA/MG Schools, more feedback of instructors from the fields of operations to training centers, formal training for CA/MG enlisted men, more emphasis on CA/MG functions directly associated with the conduct of normal military operations, more emphasis on geographic areas of probable assignment, and more emphasis on language instruction and on the selection and use of interpreters.

George Fitzpatrick, et al., *A Survey of the Experience and Opinions of US Military Government Officers in World War II* (Chevy Chase, MD: The Johns Hopkins University Operations Research Office, 1956), 3.

[125] Colonel O.I. Nelson, Assistant Secretary, General Staff to Commanding General, Service of Supply (SOS), (Attn: The Provost Marshal General), "Expansion of the School of Military Government and Military Government Division," August 14, 1942, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[126] Colonel Jesse I. Miller to Major General Allen Gullion, subject; Blue Printing for Military Government, October 7, 1942, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[127] Blue Printing for Military Government, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[128] Various organizational charts showing the Military Government Division and the Office of the Provost Marshal General can be found in box 718, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[129] Ibid.

[130] Major General Allen Gullion to Assistant Chief of Staff, G-3, subject: "Need for Civil Affairs Officers in Divisions, Corps and Armies," box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[131] E.H. Vernon, "Civil Affairs and Military Government" *Military Review*, (January, 1946), 30. Vernon was an infantry officer assigned as instructor at the Army's Command and General Staff College at Fort Leavenworth, Kansas.

[132] "This Division [Civil Affairs Division] will perform the normal functions of a General Staff Division on all matters pertaining to Civil Affairs." Memorandum to Chief of Staff, Supreme Headquarters, Allied Expeditionary Force, Subject: Organization Civil Affairs, February 7, 1944, box 29, SHAEF Organization, 1943-1945, Papers of Frank J. McSherry, AHEC.

[133] Report of Major John Boettiger, provided by Major General John H. Hilldring, to SHAEF Commander, March 2, 1944, in box 33, SHAEF Correspondence, Speeches, 1943-1945, Papers of Frank McSherry. AHEC.

[134] The 1943 FM 27-5 listed 24 separate functions (plus one "miscellaneous) for military government to perform, all of which fall into one of the SHAEF G-5 subdivisions listed in the G-5 figure reproduced above. *United States Army and Navy Manual of Military Government and Civil Affairs, FM 27-5 and OpNav 50E-3, December 22, 1943* (Washington, D.C.: Government Printing Office, 1943), para. 12a-y.

[135] *Occupation Forces in Europe Series 1945-1946, Training Packet no. 51*, 16, 20-21.

[136] Ibid., 36.

[137] Ibid.

[138] Philip H. Taylor, "The Administration of Occupied Japan," *The Annals of the American Academy of Political and Social Science*, 267 (January 1950): 141, 143.

[139] *Occupation Forces in Europe Series 1945-1946, Training Packet no. 51*, 22-23.

[140] Frank McSherry, Speech to The School on Demobilization and Disarmament, "Civil Affairs as it pertains to Disarmament and Control Machinery," November 30, 1944, box 33, SHAEF Correspondence, Speeches, 1943-1945, Papers of Frank McSherry, AHEC.

[141] For a description of the inadequately trained U.S. forces that first arrived in Korea, see E. Grant Meade, *American Military Government in Korea* (New York: King's Crown Press, 1951), 46-51. See also Hoag, 15. For an analysis of military government detachments, to include their prior service in locations other than Korea or their intended assignment to locations other than Korea, see Statistical Research Division of the Office of Administration, Headquarters United States Army Military Government in Korea (USAMGIK), *History of the United States Army Military Government in Korea Part I, Period of September 1945-30 June 1946*, (October 1946), 21, 32, AHEC.

[142] Colonel Karl Bendetsen to Brigadier General Frank McSherry, December 30, 1943 (Bendetsen was a SHAEF G-5 official writing to McSherry about the need to reconcile the Civil Affairs Training School curriculum with the SHAEF Standard Practices and Procedures (SPP) for civil affairs), box 31, SHAEF Policy, 1943-1945, Papers of Frank McSherry, AHEC.

[143] *United States Army and Navy Manual of Military Government and Civil Affairs, FM 27-5 and OpNav 50E-3, December 22, 1943* (Washington, D.C.: Government Printing Office, 1943), para. 29b.

[144] Hajo Halborn, *American Military Government: Its Organization and Policies* (Washington D.C.: Infantry Journal Press, 1947), 4.

[145] Brigadier General Frank McSherry to Major General Roger Lumley, "Organizational Standard Policy and Procedure for Combined Civil Affairs Operations in Northwest Europe, December 13, 1943, in box 31, SHAEF Policy, 1943-1945, Papers of Frank McSherry, AHEC.

[146] The British civil affairs leadership in SHAEF disagreed, and the disagreement points out differences in strategic outlook between American and British strategic planners. Responding to McSherry, UK senior civil affairs officer Major General Roger Lumley indicated that integration into the tactical chain of command was politically the better option. In countries that the SHAEF forces expected to liberate, separation of civil affairs units, as McSherry and the American staffers preferred, suggested an intention to set up a longer-term military government in those countries. Lumley wrote:

> This will rouse the suspicions of our Allies, the more so since they are now aware…that the doctrine taught for some time has been that in Allied Countries, civil

affairs is confined to what is strictly necessary for the conduct of military operations and is not an invasion of national sovereignty … this change of method is capable of rousing suspicion and creating political difficulties with the Allies.

The British viewpoint prevailed, at least during combat operations. After combat operations ceased, and SHAEF dissolved, the senior American commanders in Germany and Austria moved to establishing a separate military government chain of command as soon as practicable. Major General Roger Lumley to Brigadier General Frank McSherry, January 13, 1944 in box 31, SHAEF Policy, 1943-1945, Papers of Frank McSherry, AHEC.

Chapter 4 - FDR, Interagency Conflict, and Military Government

The War Cabinet and the Pitfalls of Building Consensus

Others in the federal government contested the Army's claim that it should handle postwar governance, and as a result, clashes occurred at the highest levels of the Roosevelt administration, clashes exacerbated by the frictions in FDR's cabinet that predated the United States' entry into World War II. In 1940, he was reelected for an unprecedented third term of office. As a way to build consensus, both for his reelection and to prepare for the war that he saw on the horizon, he assembled a team within his Cabinet and on the various Boards and agencies that had arisen during the New Deal era of the 1930s. It included progressive New Dealers such as Secretary of Interior Harold Ickes, the self-styled "curmudgeon" who had championed some of FDR's more controversial social programs, and Vice-President Henry Wallace, who was admired as a visionary and common man crusader by some and derided as a naïve dreamer and USSR fellow-traveler by others.[1] But FDR did not confine his political choices to progressives for his third administration. One choice included the arch-conservative, free-market oriented Jesse Jones of Texas as his Secretary of Commerce. Most importantly for the war effort, he also chose two Republicans who had bucked their party's isolationist stance, Henry Stimson and Frank Knox, to serve as his Secretaries of War and Navy, in no small part to ensure military preparedness did not become a partisan political issue.[2]

In so doing, he helped form a national consensus by deliberately creating a team of rivals that could unify the parties and the nation on big goals such as winning the war. At the same time, within the team itself, the conflicting personalities and viewpoints

often caused an actual breakdown of consensus on smaller issues. Some historians have noted that FDR's desire to dominate events led him purposefully to create competing interests. Historian Robert Dallek contends that FDR became "a court of last resort on major issues" who therefore kept control in his own hands.[3] Though Dean Acheson thought differently, thinking such a claim "nonsense," Acheson nonetheless noted a certain inability of FDR to control subordinates, claiming that FDR was "tone deaf to the subtler nuances of civil governmental organization."[4] And Secretary of War Henry Stimson was frequently exasperated with FDR's management and leadership style, commenting on having to endure "all the typical difficulties of a discussion in a Roosevelt Cabinet," and complaining of FDR's apparently exclusive remedy of "more meetings" rather than decisive leadership" and of FDR's habit of not delegating and "want[ing] to do it all himself."[5]

Perhaps knowing the contingencies of politics better than his subordinates, Roosevelt often let the logic of events determine policy choices rather than relying on close, detailed planning to do so.[6] Sometimes there was no decision at all, and events would sometimes be decided essentially by default. Particularly when it came to postwar planning, FDR chose not to decide, or chose to defer, for what he perceived as sound, practical reasons. After all, in the first months of the war, whether the United States and the Allies would actually prevail against the Axis powers was still an open question. Even then, his administration was flooded with plans, proposals and ideas on how to organize, lead, and reconstruct the postwar world.[7]

Much of the advice, from both the public and private sphere, was laudable and sensible. But FDR perceived that he had to tread carefully when dealing with postwar

matters. After all, he had assembled a fractious coalition within his own administration to create a political consensus to win the war, and he did not want to lose it over efforts to win the peace. According to biographer James MacGregor Burns, Roosevelt was haunted by Woodrow Wilson's political defeat and the League of Nations debacle after the First World War. He moved, especially during the first years of America's involvement with "almost fanatical cautiousness on postwar organization."[8] He might allow committees to be formed and experts in one department or another to do some quiet, general planning, but any movement to detailed planning, especially when the outcome was not certain, could detract from the war effort.

He also looked at an electorate uncertain about what America's postwar role should be. Two 1943 reports on America's postwar roles revealed the ambiguous feelings Americans had. A March 1943 intelligence study concluded that while most Americans agreed that the isolationism of the 1930s was an "outmoded formula," nonetheless they were "far from happy about the alternative of international cooperation."[9] Most Americans (63%) agreed with the idea of the United States participating in a world organization of nations.[10] Additionally, 77% believed America should "completely disarm its enemies." But a far lower percentage (49%) held that America should "change people's way of thinking in the enemy countries" by taking charge of education and other significant postwar societal reconstruction efforts.[11] Importantly, the study also noted that even the positive responses did not "suggest the timorousness with which they approach the task of building a secure peace, the reservations they hold, or the tentativeness of their new opinions." The study went on to say:

> There seems to be a pronounced tendency to regard the idea of a community of nations as an abstraction belonging to the remote future. The public nervously shies away from concrete plans for bringing a more secure world into being. Only in part does this reluctance stem from the reasoned conclusion that such discussion is premature. The size and dangers of the task appear to be far more important inhibiting factors. … Many Americans are appalled at the complexity of the problems involved in world reconstruction.[12]

A second survey, done in later 1943, provided similar concerns for FDR. Summarizing its findings in a note to presidential advisor Harry Hopkins, economist advisor Isador Lubin stressed the greater importance the American public gave to domestic, as opposed to international affairs.[13] According to the survey, "[p]eople are almost twice as much interested in domestic affairs as international affairs. … Two-thirds of the people think we should not give postwar aid to foreign countries if to do so would lower the standard of living in the United States."[14] Furthermore, while 73% expressed "considerable" interest in domestic affairs, 46% expressed only an "average" interest in foreign affairs.[15]

Concerns about the postwar economy troubled many in the government as well. A study written by M. H. Pettit of the War Department's Ordnance Office and forwarded to Undersecretary of War Robert Patterson in April 1943, indicated that current interest in dealing with postwar problems "global in scope" could cause the government to "fail to see clearly what is under our nose… . Many domestic problems are casting their shadows ahead."[16] The major problem revealed by the study involved the readjustment of the national industrial economy from a wartime to peacetime basis. World War II had brought an unprecedented investment by the federal government in the nation's industry. Defense Plant Corporation, the US Government's investment agency, owned hundreds of plants outright for aircraft, communications, machine tools, iron and steel

and other major industries, and the government's investment in industrial plants and equipment was 26 times greater than that of AT&T's.[17] Government officials feared greatly a retriggering of depression, if not worse. As Pettit noted, "With the disappearance of the common interest in winning the war, the basic conflict among [business and industry] for maximum participation in the profit (but not in the loss) resulting from the operating of industry, will re-assert itself."[18] If there were not careful, wise and closely monitored policies established for the termination of war contracts, the orderly liquidation of factories and equipment inventories, and the transfer of functions to peace-based industries, chaos and economic disaster could result.

A presidentially approved report in early 1943 from the National Resources Planning Board, another FDR-created executive agency, highlighted the tension between FDR's lofty goals of individual freedom and international harmony and concern about home front prosperity.[19] The Board prepared the report, in the President's words, to assist Congress in "development and consideration of appropriate legislation to achieve normal employment, to give assurance for all our people against common economic hazards, and to provide for the development of our National resources."[20]

The report stated that "We look to and plan for … [t]he fullest possible development of the human personality, in relation to the common good, in a framework of freedoms and rights, of justice, liberty, equality, and the consent of the governed." It went on to use language highly similar to that of the Atlantic Charter's, asserting that the war America was waging was "not a war for revenge and conquest, for more lands, and more people; but for a peaceful and fraternal world in which the vast machinery of

technology, of organization, of production may be made to serve as the effective instruments of human ideals of liberty and justice."[21]

The most vital problem identified would be the "maintenance of full employment and avoidance of a prolonged depression following a short-lived post-war boom." It pointed out that for there to be international order, there had to be national prosperity. Thus the reports discussed plans for the development of the economy, for actions by state and local governments, and the demobilization of the huge American armed services as well as the demobilization of war plants. At the same time, the problems abroad still had to be addressed:

> To make victory secure, the United States as part of the United Nations must aid in the disarmament of the Axis powers, the demobilization of armies, the repatriation of war prisoners and dislocated populations, the feeding of the starving peoples, and the rehabilitation of devastated areas. The United States must gear its agriculture and industry to the tasks involved, and perhaps apply some form of lease-lend, use its shipping facilities, and supply technicians and organizers on a scale unknown heretofore.[22]

This remained a daunting challenge and requirement, even if who was going to be responsible for addressing them was not yet clear.

Thus Roosevelt approached postwar schemes with some caution. What should be done, and what agency should lead the effort in postwar matters, to include postwar governance of territories following the war, was an open question. Yet certainty and clarity did lay in one issue: winning the war. And as might be expected, during the war, all things military were of primary and even paramount importance. FDR's wartime ties to the military were strong, and he was comfortable in his role as commander-in-chief.[23] Army Chief of Staff George Marshall and Navy Chief of Naval Operations Ernest King reported directly to him, and he made Admiral William Leahy his White House Chief of

Staff. At the same time, his relationship with his military chiefs regarding strategic issues was complex. While there was little doubt that civilian authority was unquestioned throughout the war, the military, especially the Joint Chiefs of Staff, emerged as the most influential and powerful arm of the executive branch, and indeed of the government, apart from the President himself.[24]

On major issues of grand strategy Roosevelt sometimes decided against his military subordinates, such as when he overruled Marshall's call for a cross-channel attack in 1942 or 1943. Yet on many other matters that were predominantly military in nature, FDR was deferential. John J. McCloy, who had served as Assistant Secretary of War during World War II, later observed: "The President's consultations with his uniformed officers—unlike those of his distinguished colleague in victory, Mr. Churchill—rarely resulted in the imposition of his views on the military but rather in his acceptance, almost without question, of the views of the military."[25] Military necessity could trump all other matters. For example, when Marshall demanded in January 1942 that the Munitions Assignment Board remain answerable to the Combined Chiefs of Staff, and not FDR or Churchill, Roosevelt acquiesced.[26]

Often overshadowed historically by Army Chief of Staff George Marshall, Secretary of War Henry Stimson was as influential as Marshall in the Army's development of postwar occupation planning.[27] He was, in historian Michael Beschloss's words, a figure with whom Roosevelt did not dare play too many games: his knowledge, experience, and key standing in the coalition Cabinet made him a powerful ally and adversary.[28] A paragon of the American WASP establishment and spiritual father of the Cold War "Wise Men," Stimson, Yale and Harvard Law graduate, was a distinguished

Wall Street attorney, and had been Secretary of War under Taft and Secretary of State under Hoover. He had also been a colonel of artillery during the First World War (and would thereafter always be called "the Colonel"). He had even had considerable firsthand experience in a form of American colonialism that strongly resembled military government, having served as Governor-General of the Philippines in the 1920s.[29] Stimson had combined an American paternalism that seemed like a variation of European colonialism with a willingness to let local Filipino authorities conduct the day-to-day administration largely by themselves. Thus, as Governor-General, he left the day-to-day administration almost entirely to the people, essentially leaving laws and customs intact. Yet he was an opponent of granting Filipino independence in the near future, determining the country was not suitably advanced at that time.[30]

Many of Stimson's most important experiences were shaped by his military service. He wrote in his diaries that his "best lesson in democracy had been in the 77th Division"—the American unit that he had served in during the First World War.[31] Stimson was also an internationalist who had broken from the isolationist wing of his party.[32] As a lawyer, he was appreciative of the rules of international law and the legal prerogatives that came with sovereignty. He noted in a 1939 article, for example, that international law had required that the United States to treat the elected Republican government of Spain as both the lawful government and as the only government of Spain entitled to receive assistance from the United States: "Until the insurrection has progressed so far and successfully that a state of belligerency is recognized by the outside nations, no rules of neutrality apply."[33] Whatever the political status of the

Spanish Republic, a nation whose socialist government likely did not appeal to Stimson, the norms of international law were clear and had to be followed.

Stimson was a strong proponent of military government's necessity in conquered or liberated territories. To him, it was a "great and proper function," and the American tradition of military government was a long and honorable one.[34] In the postwar memoir that he coauthored with McGeorge Bundy, they wrote: "World War II demonstrated with unprecedented clarity the close interconnection between military and civilian affairs; nowhere was this connection more evident than in military government. … [I]t was a natural and inevitable result of military operations in any area where there was not already a fully effective friendly government."[35]

Stimson, however, did not believe FDR shared his views of military government in any way. Indeed he commented that he believed that FDR thought the idea of military government was "strange" and even "abhorrent."[36] Yet what Roosevelt really thought of military government—as a vestige of Old World imperialism, as a required and appropriate postwar process, or as an obstruction to needed societal transformations—would actually never be totally clear to the War Department, or, for that matter, to other members of FDR's wartime team. Indeed that lack of understanding about Roosevelt's intentions fostered disputes and tensions with those on the opposite side of the political spectrum in FDR's administration, the New Dealers.

While most of the New Deal's impetus had been spent by the late 1930s, the New Deal still had powerful voices in FDR's wartime administration.[37] Two in particular would be at the center of early postwar planning controversies. One was Henry Wallace. As a champion of civil rights, he was years ahead of his contemporaries, and

as a true believer in a building a better world, he was a strong proponent of some international body to govern the conduct of states. Wallace represented such an important part of the FDR coalition that Roosevelt made him the 1940 vice-presidential pick. Many also viewed Wallace with deep suspicion. He had only recently become a Democrat in 1936 and was distrusted by members of his new party as a Republican apostate. When Roosevelt elevated him from Agriculture Secretary to Vice Presidential nominee, booing broke out in the convention hall.[38] Many Democrats and Republicans also thought of him as a "doe-eyed mystic," the living manifestation of the "hopelessly utopian, market-manipulating, bureaucracy-breeding New Deal."[39] He could make statements both sincere and generous, yet also naïve and misinformed.[40]

Such distrust and disdain were evidently shared by Stimson, who thought little of Wallace's managerial abilities. As one example, the War Secretary recorded in his diaries the first meeting of the then-Economic Defense Board (the future Board of Economic Warfare), which Wallace chaired. Stimson scornfully noted that Wallace kept everyone waiting by being initially absent, having "forgotten his own date which he had fixed himself."[41] And it was in his role as Chairman of the Board of Economic Warfare, an organization presumably with major responsibility for postwar planning, that many of the cracks and fissures of the FDR coalition would reveal themselves when he clashed with others in the Roosevelt administration.

A second New Deal figure of importance was Harold L. Ickes, Secretary of Interior. Another New Deal progressive, he was a champion of civil rights and Roosevelt's Four Freedoms, and he was not afraid to confront the War Department over matters he regarded as morally significant. He once brought to Stimson's attention allegations of

discrimination in the Army against 500 members of the Abraham Lincoln Brigade, the famous outfit of American volunteers that had fought for the Spanish Republicans. If true, Ickes contended, "they are so shocking, particularly in an Army that is fighting for the Four Freedoms, that the Army itself ought to be the first, on its own initiative, to clear the record."[42] Ickes was especially suspicious of military plans and designs, and echoed Henry Wallace's view that what was needed was a "people's peace…founded upon certain elementary principles," with a list of rights—to think, speak, print freely, equal education, etc.[43] What Europe and the world did not need was a return to *realpolitik* after the war, so "power-statesmen [can]…return to their pleasant little game of international penny-ante."[44] His immediate experience with American military government in Hawaii only confirmed his suspicions that military men would grab power and then refuse to give it up. Feeling his own authority as Secretary of Interior had been circumvented there, he fulminated that "[w]ithout protest" the territorial governor of Hawaii, Joseph Poindexter, had "abdicated' his responsibilities to the military there after Pearl Harbor and had allowed the military to set up a military governor of Hawaii, "an office not recognized by our Constitution, and an office that was thus brought into being for the first time since we became a nation."[45]

As the controversy over government in Hawaii revealed, Ickes also had a very real interest in postwar occupation responsibilities. The Interior Department did have authority and responsibility over the governance of American territories such as Guam and the Philippines, and he argued that because of the Interior's "unique experience with primitive people" it should "participate actively in the administration of any islands in the Pacific which may be occupied and governed by the United States."[46] He actively

campaigned for a prominent role in postwar planning, and wanted to lead a group to discuss postwar planning for the Far East.[47]

Wallace and Ickes, then, were both representatives of the New Deal and "Progressive" side of FDR's war Cabinet. They, along with others would also play key roles in controversies that had civil-military implications, such as the fate of the Board of Economic Warfare, the imposition of martial law in Hawaii, and the exclusion of Japanese-Americans from the Western Defense Zone. These controversies, in turn, helped to inform and shape theirs and other FDR cabinet members opinions regarding the Army's role in postwar governance, and in particular the Army's establishment of the School of Military Government. Understanding these controversies is critical in understanding the Army's ultimate ability to preside over postwar governance planning and implementation. For what was especially evident in the aforementioned civil-military controversies was that the civilian New Dealers lost in every case. Wallace in his role as Chairman of the Board of Economic Warfare would not succeed in promoting or implementing his postwar visions, and the spectacular failure of that Board would indicate the limitations of FDR's managerial style. Ickes, as an unafraid and unabashed skeptic of notions of military necessity in wartime, would be generally unsuccessful in disputes with the Army over martial law in Hawaii. So would other civilian members of FDR's Cabinet over the Western Defense Zone Japanese-American exclusion policy. Finally, the interagency dispute over the School of Military Government would show how deeply and inextricably developed, by late 1942 and early 1943, were the Army's conceptions about postwar occupation and how much it had already done to achieve its own goals regarding it. As the controversies revealed, the Army's internal culture, to

include its patterns of organizational control as well as its years of prior thinking and planning postwar occupations, gave it major organizational advantages. These advantages, given FDR's predisposition to favor military choices, resulted in the Army's success in becoming predominant in postwar governance planning.

The Board of Economic Warfare and Interagency Dispute

The growth of the federal government, especially in the executive branch, was unprecedented during FDR's presidency. Most noteworthy was Roosevelt's creation of a plethora of new federal agencies as ways to deal with the unprecedented economic and later military challenged faced by the United States. As sociologist Carl Grafton has pointed out, the creation of new agencies is indeed predicated upon sudden, discontinuous socioeconomic and/or technological shifts, though the very process of attempting to understand the major change—what Grafton calls "conceptualization" can in fact cause agencies to reorganize or even self-destruct as they attempt to grapple with the problem.[48] In the thirties, FDR established eight executive agencies to implement New Deal programs. In the early phase of World War II, he created an unprecedented 18 new agencies.[49] Many of these focused on wartime economic activity, to include the lending or leasing of defense items to nations resisting the Axis; the control of commercial exports to protect American materiel, the procurement abroad of strategic materials, economic warfare against enemies, and in the field of postwar activity, the relief and reconstruction of liberated areas and the planning for economic reorganization in defeated Axis countries.[50] By executive order, he directed the setting up of offices, committees, and boards to as a way to manage and control America's involvement in the global conflict. The Office of Lend-Lease Administration was the

most famous example, having been established in 1940 to get critical defense materiel to countries fighting the Axis while America was still officially neutral, under the personal direction of one of FDR's closest counselors, Harry Hopkins.[51]

When it came to postwar economic reconstruction and rehabilitation of countries either liberated or conquered, FDR's goals were more enigmatic. Roosevelt was concerned about moving too fast with postwar schemes, about alienating the electorate or his own coalition-style government. At the same time, there was another large section of the FDR constituency, whom New Dealers such as Wallace and Ickes represented, that positively *did* see the need to plan and pursue an activist postwar agenda. As early as 1941, there were disputes as to who should ultimately run overall economic planning within his administration. The Secretaries of Interior, Treasury and State Departments all thought that their organizations should play large roles, though the Interior Department could only credibly claim occupation authority over United States territory (primarily The Philippines), and Treasury could only assert primacy over financial matters. Shortly before and during the North African campaign, State in particular appeared as a candidate for the postwar leadership role. Yet FDR had significantly reduced the Department's influence, especially in the early war years, and essentially served as his own foreign minister.[52] As Secretary of State Cordell Hull noted, after Pearl Harbor, Hull did not sit in on meetings that involved military matters, nor did FDR did not take him to the Casablanca, Cairo, or Tehran Conferences and he had to learn what actually happened at those meetings from sources other than the President.[53]

Whether Roosevelt deliberately glossed over long-range details, or whether his managerial style simply allowed agency power struggles to occur, the result was serious and intense interagency rivalry.[54] The creation of a plethora of new agencies exponentially increased the rivalries' intensities. As sociologist James Stever has pointed out, such newly created agencies created intense feuds over jurisdictions and domains. Indeed, far from creating an all-encompassing federal bureaucracy, the opposite resulted: supposed centripetal movement toward such total control was nowhere near as powerful as centrifugal tendencies caused by the environment and the politically charged atmosphere of the time.[55]

On July 30th, 1941, FDR established the Economic Defense Board under the chairmanship of Vice-President Wallace (renamed the Board of Economic Warfare after Pearl Harbor). While its wartime functions were somewhat limited—the Office of Lend-Lease, for example, carved out much of economic activity in Europe-- as defined in the Board's founding executive order, its functions and duties included "mak[ing] investigation and advis[ing] the President on the relationship of economic defense … measures to post-war economic reconstruction and on the steps to be taken to protect the trade position of the United States and to expedite the establishment of sound, peace-time international economic relationships."[56]

Chairman Wallace sought to make the Board an agency that advanced postwar ideas about global industrialization and higher living standards. Wallace intended to use the Board as a platform to export his own vision of the New Deal abroad, developing systems to create international economic cooperation, joined with efforts to combat illiteracy and poverty to eradicate imperialism altogether.[57] But there were

significant problems from the outset. The President's views of the postwar world were not clear to Wallace, and while the Board had major authority, to include dealing directly with foreign governments, FDR kept a hold over the Board's fiscal spending.[58] Then there were the bureaucratic difficulties of establishing a complex organization made up of other governmental agencies, many of them long standing, each with their own agendas, staffs and budgets, and not necessarily united in a common purpose. Wallace especially fought State over prerogatives. Wallace noted that the Department's difficulties with the Board were "mostly jurisdictional ones without any reference to principles."[59] He was determined to have unilateral authority to act with foreign governments, informing but not necessarily obtaining State's permission to do so.[60] But when he attempted to get exports under the Board, he had to get FDR to sign an executive order to transfer State's export authority to him, and only after great resistance.[61] While Wallace was successful in getting this much greater responsibility, it brought a need for reorganization and expansion of powers that took months to complete. The Board did become a functioning bureaucracy with 2500 people and three divisions, but this took considerable start-up time. It did not meet at all for the first four months of 1942.[62]

If his relationship with State was uneasy, with Secretary Jones of Commerce it bordered on mutual contempt.[63] Not only was conservative, big-business Jones worlds apart ideologically from Wallace, he also was chairman of the Reconstruction Finance Corporation, a Hoover-era government organization that FDR had kept for his New Deal agenda. The Corporation represented another side of the New Deal, one that promoted competition, expansion, and economic development. It provided government

loans to businesses, and Jones' parsimonious view of loaning government dollars soon clashed with Wallace's expansive ideas of using government monies as ways to increase industrial production and thereby enact socially transformative designs.[64]

Matters came to a head when Wallace got the President to sign an executive order in April 1942 granting Wallace's Board broad authority, to include providing to the Board the ability to represent American interests in dealing with economic warfare agencies in foreign countries, an encroachment on State Department authority. It also transferred from Jones's Corporation to Wallace's Board the power to buy abroad materials for production. Wallace did it without consulting the State or Commerce Departments, though apparently leading Roosevelt to believe that he had.[65] Hull was infuriated, and for his part, FDR felt that Wallace had duped him, and his relationship with the Vice-President was permanently soured.[66] Shortly afterwards, another showdown with Jones brought the end of Wallace's grandiose postwar plans by sealing his Board's doom. The conflict erupted when Wallace made public allegations about Jones's supposedly derelict handling of the Reconstruction Finance Corporation, a huge political mistake, since Jones was actually close to the President. Enough fighting and bickering had gone on, with Wallace generally getting the worse of it, until finally Roosevelt intervened. In July 1943, he abolished the entire organization, placing its functions within a new executive agency, the Office of Economic Warfare, later the Foreign Economic Administration under Leo Crowley, a businessman and a fiscal conservative close to Jones.[67] Crowley was not one to attempt to impose a New Deal vision on the postwar world: he lacked both the desire and interagency influence to accomplish

Wallace's goal.[68] New Deal visions for postwar reconstruction, at least under Wallace's direction, were dashed.

The end of the Board of Economic Warfare did not end postwar planning efforts by civilians in FDR's administration. There were other civilian organizations that were involved in postwar matters, though none had the opportunity as the Board did to leverage civilian influence. The Office of Foreign Relief and Reconstruction Operations under the direction of Governor Herbert Lehman of New York was intended to coordinate and direct relief efforts in liberated countries, but since its authority was not established by formal executive order, disputes broke out between it and other agencies, and it ended up being folded, like the Board, into the Foreign Economic Administration.[69]

Indeed, Roosevelt established the State Department's Office of Foreign Economic Cooperation in July 1943 as the primary agency to have the power to coordinate American policy in liberated areas, and as part of its charter it was supposed to pay "major attention to the relations of civilian agencies with the Army."[70] The Office was an attempt to gain some responsibilities back to State, but in the end its existence only increased the interagency warfare: the Office of Foreign Economic Cooperation tended to side with Lend-Lease against the Board of Economic Warfare (before it folded) and the Office of Foreign Relief and Reconstruction Operations. Soon the Office of Foreign Economic Cooperation too was folded into Crowley's organization.[71] Finally there was the Foreign Economic Administration itself, under Crowley's restrained vision. It ended up partnering with and subordinating itself to the Army and was not capable of conceiving or planning a postwar world beyond matters of providing economic aid and

logistics—essential tasks to be sure, but a far cry from the conceptions of Wallace, whose lack of managerial and political skills helped to destroy his own organization.

The story of the Board of Economic Warfare illustrates the centrifugal tendencies of the *ad hoc* civilian organizations. The infighting, the dueling over prerogatives, and the lack of internal coherence were not lost on commentators of the period. In an article written in September 1942, economist and journalist Eliot Janeway wrote about the

> consequence of Washington's aimless and overadvertised whirl … . [T]he present crisis has arisen out of the failure of the inhibited civilian agencies to check or balance anything. The truth is that the Army and Navy have been the only groups in Washington pressing for more power. Instead of being checked by the counterpull of the civilians, they have run headlong into a vacuum.[72]

Janeway was writing about the virtual takeover of key economic positions by military men, but his comments could be applied with only slight modification to postwar planning efforts as well. What Janeway noted was the failure of anyone taking over as a "chief of staff" of all the civilian agencies, which properly managed, would direct the wartime economic effort. The Army and Navy, while "far from free of incompetence, bureaucracy, and a fantastic amount of self-defeating paperwork," had bureaucratic advantages: "they are disciplined, unified military organizations with a concentration of power at the top … [and] able to dominate…civilian committee colleagues."[73]

Martial Law in Hawaii and Japanese- American Exclusion in the Western Defense Zone

Secretary Ickes was likewise concerned about the power vacuum that the military was filling, if by default. He and others in the FDR Cabinet would dispute the Army's first exercise of martial law and military government not abroad, but in United States territory, in the Hawaiian Territory, where the Army imposed martial law, and in the

United States itself, where military commanders had extensive powers given to them in the so-called defense zones.

Martial law was imposed in Hawaii on December 7, 1941, with Lieutenant General Walter Short becoming the military governor. A steady succession of events expanded the military's civil authority in the territory: on December 8, all civilian courts were closed, and on the 9th Roosevelt approved both martial law in the territory and the suspension of habeas corpus. Even after the battle of Midway, and after the imminent threat of invasion had passed, the military retained power in the islands. On October 16, 1942, FDR designated Hawaii a military area pursuant to Executive Order (EO) 9066, thus granting to military authorities great power to exclude residents under penalty of law from areas on the islands it deemed necessary.[74]

While not provided the power to impose absolute martial law, the authority given to military commanders of respective defense zones in the continental United States was nearly as great. Lieutenant General John DeWitt, the Commanding General of the Western Defense Zone, activated in June 1941, in particular, provided the most visible display of military power.[75] Relying on both EO 9066 and a common law understanding of military authority, DeWitt published a series of proclamations throughout 1942 that included putting restrictions on public gatherings, prescribing conditions for outdoor lighting, and, most controversially, establishing an exclusion policy that resulted in the removal of over 100,000 Japanese-Americans from zone to the U.S. interior.[76]

In both the Hawaii and the Western Defense Zone examples, Army officials on the ground and in Washington relied on both their understanding of the law and the requirements imposed by military necessity. For example, a December 15, 1941

opinion from the Western Defense Zone staff judge advocate quoted extensively from U.S. common law cases in setting forth the case for military authority in emergency situations. As the opinion concluded, military authority could require actions even if outright martial law was not imposed: "When the exigencies of the situation require, the commanding general may, in time of war, use every means necessary to accomplish his military mission, including the summary taking of privately owned property. This authority exists irrespective of any declaration of martial law."[77]

Similar arguments were used in Hawaii to justify continued military authority over government. In December 1942, Lieutenant General Emmons, the military governor wrote to Assistant Secretary John McCloy regarding a dispute with Attorney General Francis Biddle over the relinquishment of civil authority in Hawaii. Finding Biddle's proposals inadequate, Emmons asserted: "My responsibility as Commanding General and Military Governor requires me to defend the Hawaiian Islands at all costs, and as the prelude to such an eventuality, to organize the military and civil population to co-operate in that defense."[78]

Assistant Secretary of War John McCloy deferred to the judgment of the commander on the ground regarding the Japanese-American exclusion. In the words of his biographer Kai Bird, "[I]t was simply a question of whether the removal of the Japanese Americans was a military necessity. He was fully prepared to allow the military authorities to make this judgment."[79] Other FDR Cabinet members argued heatedly with the War Department over Hawaii and the Western Defense Zone. Secretary of Interior Ickes privately fumed that civilians had abdicated authority in Hawaii and that the term "military governor" was "not recognized by our Constitution."[80]

Attorney General Biddle and members of the Justice Department (to include FBI Director J. Edgar Hoover) argued against the Japanese-American exclusion policy as unwarranted.[81] Yet in both cases, the Army's arguments were generally successful. Biddle eventually acquiesced to the Army's arguments, and Federal courts throughout the war generally (though not always) deferred to the Army's exclusionary policies.[82] In Hawaii, martial law remained an issue of tremendous controversy. The Army's authority gradually diminished over the course of the war. But it was only totally ended in October 1944, the same month that FDR restored the writ of habeas corpus by proclamation.[83]

The Hawaii martial law and the Western Defense Zone exclusion controversies reveal the FDR administration's deference to the military on such matters. But the controversies reveal more. They also show how the Army used arguments for military necessity in ways that maximized the U.S. Army's influence and interests by referring to terms and conditions that were set by the Army itself. In wartime, the Army, as the subject matter expert, was the best judge of what would constitute possible invasion or sabotage in Hawaii and the Western Defense Zone. It was thus able to thwart other actors and agencies, such as Biddle at Justice and Ickes at Interior, and thus prevailed in the interagency disputes.

The School of Military Government Controversy[84]

Another controversy involving the School of Military Government would immediately threaten the Army's role in postwar governance. By the summer of 1942, high-ranking officials and FDR himself became suspicious of the Army's military government training. Noting that his wife Eleanor had apparently expressed some concerns about the

Charlottesville school and perhaps fearing it was a conservative training ground, the President sent a memorandum to Undersecretary of War Robert Patterson, asking to speak to him about it.[85] As an indication of how little high ranking officials knew, Patterson reported back on July 20th, stating that while some work had been done in War Department, "very little attention" had been paid to the training of personnel, even though the School of Military Government was in operation and midway through its first class.[86]

By August, suspicions among the FDR administration about the School had heightened. Rumors that it was either a reactionary hotbed or filled with incompetents (or both) had gotten to the point where FDR wanted further discussion. FDR called for another meeting with Patterson, and he also sent a memorandum to General Marshall stating that he wanted specifically "a breakdown, and possibly the names of those who are taking the Charlottesville course, and why they were selected."[87] As the memorandum indicated, what raised Roosevelt's suspicions had to do as much with who was in the School as what was taught. Was it a magnet for anti-New Deal politicos who wanted to influence America's postwar policy? Just as concerned as FDR was with braking the perceived utopianism of Wallace, he still needed to placate his still powerful New Deal/progressive front. The last thing he wanted was the perception that Old World imperialism was to be the postwar American model.

Marshall sent back a detailed study that August, as well as a by-name student roster. Clearly intended to assuage FDR's concerns, he pointed out that the Navy had a similar though much smaller school underway at Columbia (perhaps a subtle way to get the naval-oriented Roosevelt's favor). He also anchored the School's justification

for existence in the Army's doctrine on the subject, *FM 27-5*, providing FDR a copy for him to read, and quoting its text as a justification for the training in several places. He cited in particular paragraph 7 which prescribed qualifications and backgrounds of those required for key positions in military government.[88]

Marshall also included a report from the Army's Inspector General (IG), which validated the School. The report stated that the School was developing officers to be efficient managers, but it sought to dispel notions that it was training them to be statesmen: the personnel being trained were to handle purely military matters of administration, leaving policy questions to those beyond the War Department. The report also stressed repeatedly the practicality of the School—its emphasis on training engineers, sanitation officials and the like, and noted that while the first class had spent excessive time on "international law and political philosophy, which are not essential to subordinate officials," that overemphasis had been remedied. Perhaps most importantly for FDR, the report indicated that only 8 of the 51 personnel in the current class had any political background. Finally, it made three recommendations: that the school be retained under Army control, that it be expanded to take in 150 rather than 100 students now authorized, and that the additional 50 come from the Army Specialist Corps and that they be returned to their civilian jobs upon completion of course and called up when needed.[89]

Meanwhile, John McCloy, the Assistant Secretary of War who had worked on both the Hawaii martial law and Western Defense Zone exclusion policy, also examined the issue.[90] Hopkins had asked McCloy informally to look into the School as well, and McCloy wrote back to him that "Somebody has been seeing things. The [s]chool is

simply a necessary component of military education."[91] McCloy also tried to normalize the school by saying among other things that in World War I there was similar training (this was erroneous —one of the Hunt Report's points was that such a school had been badly needed). He referred twosome of the faculty, to include Paul Andrews, Dean of the Syracuse Law School, and Hardy Dillard of the University of Virginia Law School faculty, and he mentioned that Colonel Miller was a friend of Isador Lubin, an economist advisor to FDR. He further pointed out that almost all the students had been selected by commanding officers, and none had been selected based on political affiliation.[92]

In his response to Hopkins, McCloy also structured the notion of postwar occupation in a way that reflected the Army's classic understanding: "In the present war we will be apt to have all types of jurisdiction—martial law, as we now have in Hawaii; military government, such as you would have in an occupied zone, and liaison work in communities in which we merely support the civilian administration."[93] His comment revealed how extensive was the Army's involvement in areas outside of the battlefield. The idea of "communities" where the military would "support the civilian administration" were inchoate, undefined, and without any sort of real context or historical meaning, though presumably appropriate if military necessity required the Army to have jurisdiction. On the other hand, both "martial law" and "military government" were doctrinally defined and practices with legal standing. Military government, indeed, was to be considered reasonable and *de rigueur* in the present context. It was a logical, codified, and appropriate practice for the Army to prepare for—the Army had done exactly that by codifying it in doctrine and establishing training for it. Indeed, McCloy contended that the attacks were by "chronic under-the-bed lookers who had visions of

grand rehabilitation schemes after the war, in which they themselves might play no mean part….[such persons] suddenly became alarmed when they heard of this [s]chool without realizing that it was not only the normal but the necessary function of military government."[94]

McCloy convinced Hopkins, who wrote back to him: "I have heard all about the [S]chool that I want to hear for the present. I am sure it is all right."[95] Yet such was not the case. FDR did not respond back to Marshall in September or October, and it was in October that Gullion's energy and ambition triggered an eruption in the Cabinet. As Guillion had gotten the military government program underway, he had begun sending notifications to various agencies within and outside the government, requesting liaisons with agencies, and seeking assistance and recruiting personnel as possible students for the school.[96] Initially, Ickes seemed to go along with this, and had designated Undersecretary Abe Fortas to maintain liaison with Gullion in connection with the program. In a September 30, 1942 note, Ickes wrote to Stimson that the administration of territories and insular U.S. possessions were under his department's jurisdiction, which provided Interior with much experience in the matter, hinting at his own department's prerogatives in such matters.[97]

What apparently set Ickes off occurred in October when Miller asked Fortas for the names of engineers, economists, lawyers, and other civilians who might be qualified to serve as advisors to military governors.[98] Ickes recorded in his diaries that he had met with FDR in early October, and that he had told the President that the Army was training "pro-consuls" at the School in Charlottesville.[99] He also noted that a reason he wanted to establish his department in occupation planning going was to start a civilian training

program of its own "and thus crowd the Army out."[100] Most interesting in Ickes' account was FDR's response. Roosevelt knew all about the school, and indicated that he was going to do something about it: "[Roosevelt] does not think that Army men are the people who should have civil administration entrusted to them."[101] But Ickes was also concerned that FDR would put off deciding the issue until it was too late to do anything to change course.[102]

The matter climaxed in two Cabinet meetings in late October and early November 1942. While FDR did not allow minutes taken at his Cabinet meetings, the recollections in the diaries of Stimson and Ickes, and the post-Cabinet notes of Attorney General Francis Biddle, provide valuable insights. At the meeting, according to Ickes, FDR somewhat chastised Stimson for the School, with Ickes remarking that it looked like "militaristic imperialism" and that it should be stopped.[103] Ickes thought that Stimson seemed surprised, though the Interior Secretary thought that Stimson surely knew the School was in operation. Ickes further remarked that the School was in his mind "one of the most dangerous indications that has come to my notice… . We ought to be getting ready to administer for the interval necessary to reestablish governments after the war. But the administration ought to be by civilians, although it would be necessary to have troops at hand to keep the peace."[104] Biddle's notes of the meeting mirrored Ickes', though with an interesting addition. Afterwards, he met with Vice-President Wallace suggesting to him that a study be made of turning the training over entirely to civilian colleges such as Harvard and Columbia, and thus apparently avoiding any charge that the Army was training a pool of modern-day pro-consuls, with Wallace responding favorably.[105]

Apparently the notion of the Army being the "lead" in postwar occupation duties, at the very least the training for such duties, would seem to have been in jeopardy. The President was skeptical, and the Vice-President and two prominent Cabinet members, Ickes and Biddle, looked to oppose the concept. Even Secretary of Navy Frank Knox had apparently thought that civil governors should run postwar occupations.[106] In reality, the case against military government was not quite as clear. Stimson viewed the affair as a "foolish rumpus" and saw it less as a civil-military crisis and more of a power play by other departments that were "greatly piqued" at the Army for "setting up something that would encroach on their prerogatives."[107] He blamed the matter on what he called the New Deal "cherubs" and noted that Assistant Secretary of State Dean Acheson accepted the school.[108] Perhaps most importantly, FDR's own view was more nuanced. Regardless of what FDR told Ickes in a private meeting, what he had objected to publically was *not* the idea of the School, but that those some of the faculty and students there were perhaps not adequate to the task.[109] The distinction was important. FDR was siding seemingly with his New Dealers by attacking the School, but he left an out, presumably, to Stimson: fix the School, and all might be well.

Ickes in particular (and others, such as Wallace, though not so vocally) was, however, determined to stop the School and gain some control over what they expected to be extensive postwar governance planning in conquered and/or liberated territory. Yet, the arguments provided were far from convincing. Much of what they did have were either *ad hominem* attacks about the quality of personnel at the School, which could either be rebutted or were irrelevant to the central issue, or were vaguely sinister-sounding attacks on "militarist imperialism." Two of the more comprehensive civilian

arguments against the School and military primacy in postwar occupation--one a report by key Roosevelt aide Jonathan Daniels and the other a counterproposal on a civilian-run training system by S.K. Padover, an Ickes assistant-- were revealing in their arguments' weaknesses. [110] Daniels' report was essentially aimed at FDR's concern that the school might be a breeding ground for imperialists or at least opponents to FDR, and Daniels framed the issue in a way to appear that FDR did have something to worry about. He reported that 53% from the first class at least had some previous government experience and that the School was somewhat hostile to the Roosevelt Administration.[111]

Daniels' evidence of this hostility, however, was scarce, and that which did exist sometimes amounted to little more than character slurs. He admitted that it was not "strictly true" that "no friends of the Roosevelt Administration need apply." But he speculated all same and said that the truth was "not far off," basing his finding on speculation and cherry-picked anecdotal evidence "My impression is that while many of the officers are not on record as to their political and social views, more of them would probably be politically sympathetic with Major George Norwood, wealthy anti-New Dealer … from South Carolina, than with … New Dealer … Major Lewis Hyman Weinstein, from Boston." He wrote that Gullion seemed defensive, calling himself a "Kentucky Democrat" and a "New Dealer enough to run the NRA [National Recovery Administration] in Hawaii." Daniels characterized Wickersham as a "sincere, ineffectual-appearing man, whose eyes blink in a nervous tic" and noted that Miller, "while intelligent and highly regarded by many, is vigorously disliked by some important elements in Labor because of his opposition to the creation of the NLRB [National Labor

Relations Board]."[112] Yet that was as far as his survey of the School's administration went: he conceded that apart from Wickersham and Miller, he had not interacted with other members of the faculty.[113]

The central issue for Daniels was "the place and meaning of the School and the Provost Marshal General's Division of Military Government in America's plans for successful war and sensible peace." Daniels conceded that the military was needed to run the "truly military phase." But he noted that, in the Army's view, this might be lengthy and would even include things such as supervising education. Daniels also pointed out that if the same personnel were used when the transition to civilian control occurred, "a military attitude toward people and problems might be carried over into civilian control." His solution was twofold: turn the process over to the State Department and appoint a New Dealer to run it, "someone aware of the democratic process and devoted to the welfare of people under it. In this connection, while he may not have foreign experience, I think of such a man as David Lilienthal of TVA [Tennessee Valley Authority]."[114]

Whether Daniels' recommendations had traction is debatable. It is true that in June 1943, FDR directed Cordell Hull to establish the Office of Foreign Economic Coordination under the State Department's direction, an agency whose responsibility it was to serve as "one central point in Washington for the coordination of interrelated activities of the several US agencies operating abroad."[115] But the organization's charter, especially vis-à-vis the military, was unclear. Even after its set-up, it was not certain whether War or State had ultimate responsibility for postwar planning. And after the Office's establishment, the Army continued to plan for its postwar occupation duties,

continue to train military government officials, and indeed, to set up an even more powerful and influential section, the Civil Affairs Division.[116]

This suggests that Roosevelt likely was playing both sides in directing the Office of Foreign Economic Cooperation to be stood up (though it would soon fall by the wayside and, as previously mentioned, be absorbed into another federal agency) and in letting the Army continue to conduct training and planning. Probably the very thing FDR wanted to avoid the most to preserve his win-the-war coalition was to analogize postwar occupation to a gigantic worldwide effort to impose the New Deal, and taking Daniels' suggestion of putting the TVA director in charge of it would almost certainly have had that effect. Additionally, Daniels likely did not understand the military government model as the Army understood it, which sought precisely to "maximize" the independence of the occupied territories as much as possible in order to ensure the least interference with military efforts. In other words, the real concern to the military government model should not have been the imposition of a "military attitude," of a kind of jackbooted militarism similar to Hitler's *Gauleiters*, but the acquiescence to local control by the American military authorities.

Padover's memorandum to Ickes, sent to him in January 1943, was a more aware and penetrating document than Daniels' report, and Ickes, who adopted Padover's arguments, forwarded the document to FDR as well for consideration. In his memorandum, Padover admitted that the Army has a "plan and a purpose. The Army's plan is to train administrators for the post-war world and thereby to control it." In so doing, the Army will "monopolize all of the training and research facilities of the country by a process of total absorption. In other words, the present plan is to put the men

skilled in social science, public law, administration, scientific management, etc., into uniform." While this is exaggerated (Stimson and his War Department would certainly contend that a notion that the Army sought to "control" the postwar world was ludicrous), Padover got the essentials correct. The Army *did* have a plan, *was* moving forward on it, and *was* actively recruiting to put in uniform a large manpower pool in all the areas he mentioned.[117]

Padover's solution to civilianize the postwar planning and training process involved the creation of a "Center of Administrative Studies" that would be "interdepartmental—most important of the agencies are the Department of the Interior, the State Department, and the Board of Economic Warfare." Thus proposed, the agencies would set up a planning Board for "training and research, to draw up administrative plans and work out policy." The establishment of the Center was phase one. Phase two involved setting up a research agency "for the study of what the British call "colonial problems, but which we prefer to call problems of non-industrial groups and areas." Phase three involved organizing contact with major scholars, universities, and learned bodies in the U.S.[118]

In retrospect, given the increasing call for interagency cooperation in post-conflict reconstruction, some of Padover's ideas seem remarkably ahead of their time.[119] But Padover's proposal had serious flaws. His justification for a civilian agency was that by "tradition, training, background, and outlook, the Army is not equipped for long-term administration of foreign areas… ." This was institutionally myopic. One could argue that if any agency had studied and had experience in administration of foreign areas, it was the Army, which had done it over twenty times in its history around the world.

Furthermore, the Army was already far ahead of any governmental agency in developing doctrine and setting up training. In contrast, for Padover's scheme to work, an entire postwar administration apparatus would have to be interdepartmentally established to even begin to get to some level of institutionally expertise—a "Center for Administrative Studies" followed by a "research agency." What civilian agencies lacked was precisely what the Army did have, in strategist Michele Flournoy's words, a "training culture."[120] With the advent of professional military schooling in the late nineteenth and early twentieth century, additional training and education were virtually mandatory for military officers to rise to higher levels. Nothing like this was developed for civilian governmental agencies. What Padover thus was attempting to do was create such training in the absence of such a culture, without the requisite doctrine, organizational knowledge, and experience to effectuate such training.

Additionally, what made his proposal perhaps most problematic was a neo-colonialist approach: Padover even made mention of it in his proposal. The "research agency" would study "what the British call 'colonial problems,' but which we prefer to call problems of non-industrial groups and areas." In fact, there were many experts in the Interior Department in what they called "primitive cultures" who thereby had greater expertise in cultural and sociological issues than anyone in the military, who focused on the so-called "plumbing" of civil administration, an expertise that would presumably exist to be implemented by greater control and management over resident civil populations.[121]

In contrast to the above arguments, Stimson had major advantages in the interagency controversy. The Army had a historical and intellectual foundation

regarding postwar occupation. It had a formulated doctrine, historical examples, and a staff working hard on military government issues. Stimson did not have to propose new structures, or make unsettling proposals about New Deal-like postwar orders. He could forcefully lay out the case for both the School and the Army's overall management of postwar occupation duties rooted in the Army's institutional conceptions of military government and postwar occupation responsibilities. After the October Cabinet meeting, Stimson prepared a lengthy written rebuttal to Ickes' charges, which, while he did not send, reflected the essence of the arguments that he would make in favor of the School and the Army's conception of postwar occupation.[122] In it, he discussed the October Cabinet meeting in which he understood FDR to "feel that the idea of the Army's School of Military Government…was a good one, if confined to a proper scope, but to have misgivings about the caliber of its faculty." He separated Roosevelt's concerns for other Cabinet members, who sensed in it the "germ of imperialism."

In the letter, Stimson framed the issue with the argument most likely to appeal to Roosevelt as a war president. The object was to win the war, and because civilians might commit acts of sabotage and other perfidy, "[m]ilitary necessity, therefore, demands that the army be in complete control" at least in the immediacy after conflict. To Stimson, the issue is so rational as to be beyond doubt: "No one, I believe, would quarrel with the view that, so long as military necessity exists, it is the army and no other agency which must hold the reins of government."[123] He then asked rhetorically, "When does military necessity come to an end?" Here he relied on the American Army's tradition and experience. "No rule of thumb" he asserted, could answer this. He cited two examples: during the Civil War and in the Philippines after the Spanish-

American War, “we paid a heavy price for concluding prematurely that [the need for military government] had disappeared. The treacherous nature of our present enemies will make a correct determination of this question more important than it has ever been in the past.” He then went on to point out that was eminently reasonable that occupation duties would last at least as long as the Rhineland occupation of fourteen months, in places throughout the world.[124]

Stimson quoted from the Hunt Report (“the finest document of its kind ever to come out of the Army”) and noted that it became the basis for “a Field Manual on Military Government (*FM 27-5*).” Finally, he addressed concerns about so-called “militarist” occupations by recapitulation of the Army’s doctrine:

> The ideal type of military government is one that preserves to the fullest extent consistent with military necessity, the local institutions and customs of an occupied area. Military government, with this objective in view, is thus one that is superimposed upon the preexisting local organization and seeks to shape the latter to the military and political exigencies of the occupation. Hence if the job is to be well done, those charged with its execution must have a knowledge, not only of the local institutions, customs, economy, and psychology of an occupied area but must be prepared to supervise or to function in every sphere of activity that may be encountered in the field of public administration.[125]

Those who would execute those polices were the officers being trained at the School. They would not be military governors but rather “the administrative assistants to Military Governors. Nor [will they be] civilians. They [will be] all officers of the Army of the United States.” Likewise these officers would be administrators, executing policy from agencies presumably outside the War Department.[126]

The arguments carried all the weight of experience and of a codified doctrine. It also forcefully, and in sharp contrast to the civilian agency arguments, linked postwar occupation with the actual winning of the war. Wartime and postwar strategy conflated.

It was not, so to speak, “In winning the war we must not lose the peace,” a formulation sometimes heard regarding nation-building strategies, but rather “in winning the peace we must not lose the war.”[127] As an argument, it therefore both addressed FDR’s concerns and it preserved the Army’s prerogatives.[128]

The arguments were powerful, but whether they were fully persuasive remains unclear, because, as noted, Stimson did not send the letter, though the ideas in it framed his thinking and his arguments at a follow-up Cabinet meeting.[129] There Stimson, in his own words, attempted to show “how ridiculous was the proposition that we were trying to train Army officers for proconsular duties.” According to his account, Roosevelt himself looked to derail his efforts, “constantly interrupting” Stimson with “discursive stories,” but Stimson said he kept going and he concluded, “[I] think I finally got it across.”[130] According to Ickes, FDR stated “in clear language” that, “while the Army might have to take over temporarily, it should be the purpose to turn the civilian government back to civilians, even native ones, as soon as possible.”[131]

While Ickes’ account seems to indicate Roosevelt favored his own understanding, again what FDR said was ambivalent. After all, FDR’s assertion that the military turn over to civilians the occupation responsibilities was not a point of contention for Stimson. The real and unanswered question was *who* was going to control the overall process for postwar planning. There would be significant dueling between agencies and departments for the next several months. FDR would personally criticize Gullion for “lacking elasticity of mind”—an enigmatic reference to a document by Gullion regarding the need of military government, and Ickes would continue to attack the School.[132] The School would get bad publicity, ironically, as being an agent of Wallace-driven

utopianism ("globaloney" as one opinion writer termed it), and would actually go to ground for a short period in the spring and summer of 1943.[133] FDR also said throughout much of 1943 that the State Department should have significant postwar responsibility by putting the Office of Foreign Economic Cooperation under it, though that organization's charter was itself ambiguous.[134] But it was also during 1943 that the Army stood up the Army's Civil Affairs Division, without any apparent objection, and it was during this year that the School of Military Government both increased its student body and also branched out to prestigious colleges to establish its Civil Affairs Training Schools.[135] And on November 10, 1943, in a letter to Stimson, Roosevelt directed that the Army undertake the planning necessary to ship and distribute relief supplies in occupied areas, subsequently clarified to doing so for the first six months after liberation from the Axis forces.[136] Stimson clearly felt vindicated, as he stated in his memoirs: "So clearly did the Army prove itself to be the proper agency for such work that more than two years after the end of the war, long after the military importance of the overseas theaters had been superseded by the dominance of economic and political problems, the War Department was still carrying on the administration of the American occupation in defeated countries."[137]

If this is not what many of the New Dealers wanted, they had not made their arguments well, and they may have missed a chance at a more collaborative interagency relationship by overstating claims about "militarism" and "imperialism"—notions that the historical record could disabuse. Such claims only alienated someone such as Stimson, who considered them affronts. Furthermore, any hint of utopian

schemes was not what FDR wanted in his role as "Dr. Win-the-War": he was instead comfortable with goals that could be explicitly linked to wartime success.

Additionally, the internecine feuding that saw organizations such as the Board of Economic Warfare self-destruct revealed the limitations of such bodies. Lacking internal coherence, hierarchies of control, and historical precedents, the *ad hoc* FDR war committees lacked the ability to provide a coherent and meaningful counterweight to the War Department. As inefficient and wasteful as that department could be, it was already working, training personnel, producing plans, and refining doctrine. And with the landings of the Allies in North Africa in November 1942 and the subsequent experiences there in 1943, soon those personnel, plans and doctrines were put to the test of reality.

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[1] A relatively unflattering account of Wallace can be found in Thomas Fleming, *The New Dealers War* (New York: Basic Books, 2001), 92-98, 456-57. A much more sympathetic account is found in John C. Culver and John Hyde, *American Dreamer: A Life of Henry A. Wallace* (New York: W.W. Norton & Co., 2001). Ickes entitled his memoir *The Autobiography of a Curmudgeon* (New York: Reynal and Hitchcock, 1943).

[2] See Mark Stoler, "U.S. Civil-Military Relations in World War II," *Parameters*, 21, no. 3 (Autumn, 1991), 65. There are numerous accounts on FDR and his wartime Cabinet. The best include: More detailed studies include: James MacGregor Burns, *Roosevelt: The Soldier of Freedom* (New York: Harcourt, Brace, 1970) and Robert Dallek, *Franklin D. Roosevelt and American Foreign Policy, 1933-1945* (New York: Oxford University Press, 1995). For general overviews of FDR's entire administration, see Frank Freidel, *Franklin D. Roosevelt: A Rendezvous with Destiny* (Boston: Little, Brown & Co., 1990) and David M. Kennedy, *Freedom from Fear: The American People in Depression and War, 1929-45* (New York: Oxford University Press, 1999).

[3] Dallek, *Franklin D. Roosevelt and American Foreign Policy,* 359.

[4] Dean Acheson, *Present at the Creation: My Years in the State Department* (New York: W.W. Norton and Company, 1969), 47.

[5] See Diaries of Henry L. Stimson, April 23, 1942, p. 139, vol. xxxviii, reel 7; November 6, 1942, p. 19, vol. xli, reel 8; February 1, 1943, p.1, vol. xlii; and reel 8, New Haven, CT: Yale University Library, microfilm.

[6] Kent Roberts Greenfield, *American Strategy in World War II: A Reconsideration* (1963; repr. Westport, CT: Greenwood Press, 1979), 77.

[7] See Kathryn McHale, General Director, American Association of University Women, to Franklin D. Roosevelt, June 25, 1942, Postwar Problems, Official Files (OF) 4351, Franklin D. Roosevelt Archives, Hyde Park, NY (hereinafter FDR Archives).

[8] Burns, *Roosevelt: The Soldier of Freedom*, 427.

[9] Office of War Information, Bureau of Intelligence, "Attitudes toward Peace Planning," March 6, 1943, Postwar Problems, OF 4351, FDR Archives.

[10] Ibid., 2.

[11] Ibid., 6.

[12] Ibid., 7-8.

[13] Hadley Cantril and Gerard B. Lambert, "Suggested Procedure to Make Administration's Post-War Policy Acceptable to American Public," Confidential Report for Samuel I. Rosenman, November 15, 1943, Papers of Harry Hopkins, Sherwood Collection, Box 329, FDR Archives. In a note attached to the report, Lubin writes to Hopkins that "The results of this survey convince me that the President in making his speech on the State of the Nation should give primary emphasis on domestic affairs." Isador Lubin to Harry Hopkins, January 6, 1944, Papers of Harry Hopkins, Sherwood Collection, box 329, FDR Archives.

[14] Cantril and Lambert, "Suggested Procedure to Make Administration's Post-War Policy Acceptable."

[15] Ibid.

[16] M.H. Petit, "The Effect and Influence of War Department Policies and Procedures on the Readjustment of our National Industrial Economy," submitted to Undersecretary of War Robert Patterson, April 23, 1943 in the Papers of Robert Patterson (Postwar Planning Folder #1), Library of Congress, Washington, D.C. (hereinafter LOC).

[17] Ibid.

[18] Ibid.

[19] National Resources Planning Board, *Message from the President of the United States Transmitting Two Reports of the National Resources Planning Board*: "National Resources Development Report for 1943" and "Security, Work, and Relief Policies" (Washington, D.C.: U.S. Government Printing Office, January 1943).

[20] Ibid.

[21] Ibid.

[22] Ibid.

[23] Secretary of State Cordell Hull recounted how Roosevelt "loved the military side of events," and how FDR preferred to be called Commander-in-Chief rather than President during the war years. Cordell Hull, *Memoirs,* vol. II (New York: The MacMillan Company, 1948), 1111.

[24] See, e.g., Michael C. Desch, *Civilian Control of the Military: The Changing Environment* (Baltimore: The Johns Hopkins University Press, 1999) 25; Kent Roberts Greenfield, *American Strategy in World War II: A Reconsideration* (Baltimore: The Johns Hopkins University Press, 1963), 50-51. For an account of the rise of the Joint Chiefs of Staff, see Stoler, "U.S. Civil-Military Relations in World War II," *Parameters*, 21 (Autumn, 1991): 60-73.

[25] John J. McCloy, *The Challenge to American Foreign Policy* (Cambridge, MA: Harvard University Press, 1953), 38.

[26] Paul A.C. Koistinen, *Arsenal of World War II: The Political Economy of American Warfare, 1940-45*, (Lawrence, KS: University Press of Kansas, 2004), 512.

[27] As an example, Andrew Roberts in his book *Masters and Commanders* remarks how Marshall "effectively removed from the War Secretary [the role of] being the president's principal military adviser and a central contributor to strategic decision making." Roberts, *Masters and Commanders: How Four Titans Won the War in the West, 1941-1945* (New York: HarperCollins, 2009), 34. John McCloy also noted that it was Roosevelt's "habit to consult [Stimson] relatively infrequently and only on the broadest Army and Air Force Questions." McCloy, 37. Forrest Pogue, Marshall's definitive biographer, noted on the other hand that even on matters where he could go to FDR directly, Marshall sought Stimson's support in advance, recognizing the support and influence that Stimson provided. Forrest C. Pogue, "George C. Marshall on Civil-Military Relationships in the United States," in Richard H. Kohn, ed., *The United States Military Under the Constitution of the United States, 1789-1989* (New York: New York University Press, 1991), 201.

[28] Michael Beschloss, *The Conquerors: Roosevelt, Truman and the Destruction of Hitler's Germany, 1941-1945*, (New York: Simon and Schuster, 2002), 88.

[29] For Stimson's influence on the postwar American foreign policy establishment, see Walter Isaacson and Evan Thomas, *The Wise Men: Six Friends and the World They Made* (New York: Simon and Schuster, 1986), 180-5. For a brief description of Stimson's senior War Department officials, see Geoffrey Perret, *There's a War to be Won: The United States Army in World War II* (New York: Ballantine, 1991), 25-6. For a recent biography of Stimson see David F. Schmitz, *Henry L. Stimson: The First Wise Man* (Wilmington, DE: Scholarly Resources, 2001).

[30] Ibid., 129.

[31]Diaries of Henry L. Stimson, December 18, 1942, p. 101, vol. xli, reel 8.

[32] Ibid., 134.

[33]Henry L. Stimson, "American Foreign Policy and The Spanish Situation," *New York University Contemporary Law Pamphlets*, series 1, no. 14 (1939): 5.

[34] Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War*, (New York: Harper and Brothers, 1947), 48, 556.

[35] Ibid., 48, 553, 556.

[36] Ibid., 556.

[37] For a brief discussion on the end of the New Deal, see Paul Koistinen, *Arsenal of World War II*, 513-14.

[38] Ibid.

[39] Kennedy, *Freedom from Fear*, 457.

[40] As when, in a speech at the Commodore Hotel in New York City in May 1942,, he said that "Russia…was changed from an illiterate to a literate nation within one generation and, in the process, Russia's appreciation of freedom was enormously enhanced." Office of Executive Director, Memorandum No. 10, Address by Vice President Henry Wallace, May 28, 1942, "The Price of Free World Victory," in box 11, Papers of Eleanor Lansing Dulles, Dwight D. Eisenhower Presidential Library, Abilene KS.

[41] Diaries of Henry L. Stimson, August 13, 1941, p. 26, vol. xxxv, reel 7, microfilm.

[42]Harold L. Ickes to Henry L. Stimson, April 19, 1943, Secretary of Interior File, Harold L. Ickes Papers, Library of Congress, Washington, D.C. (hereinafter LOC). Stimson subsequently replied in a slightly annoyed fashion, saying the charges had

been thoroughly investigated and had no basis in fact. Henry L. Stimson to Harold L. Ickes, April 26, 1943. Secretary of Interior File, Harold L. Ickes Papers, LOC.

[43] Harold J. Ickes, *The Autobiography of a Curmudgeon* (New York: Renyal and Hitchcock, 1943), 335-36.

[44] Ibid., 331-32.

[45] Diaries of Harold L. Ickes, July 19, 1942, Harold L. Ickes Papers, reel 5, LOC, microfilm.

[46] Harold L. Ickes to Franklin D. Roosevelt, December 28, 1942, School of Military Government File, OF 5136, FDR Archives.

[47] Diaries of Harold L. Ickes Diaries, July 19, 1942, reel 5, LOC, microfilm.

[48] Carl Grafton, "The Reorganization of Federal Agencies," *Administration and Society*, 10 (February 4, 1979), 441-443, 448.

[49] James A. Stever, *The End of Public Administration: Problems of the Profession in the Post-Progressive Era* (Dobbs Ferry, NY: Transnational Publishers, 1988), 108. Stever points out that during FDR's administration, agencies at the federal level grew by a total of 29 percent, higher than the Kennedy and Johnson administrations, which increased federal bureaucracy by 23 percent, and higher than Nixon's administration, which grew it by 18 percent. Ibid.

[50] Quentin M. Sanger, *Administrative History of the Foreign Economic Administration and Predecessor Agencies*, Office of the Historian, Foreign Economic Administration, June 15, 1946, 10, on file at the U.S. Army Heritage and Education Center, U.S. Army War College, Carlisle Barracks, PA (hereinafter AHEC).

[51] Ibid., 16.

[52] FDR's preference to conducting foreign policy himself apparently began in his first term of office. See F. Freidel, *Franklin D. Roosevelt: A Rendezvous with Destiny*, 106-09.

[53] Hull, *Memoirs*, vol. II, 1109-1110.

[54] For the view that FDR deliberately created such interagency competition, see, e.g., Donald G. Stevens, "Organizing for Economic Defense: Henry Wallace and the Board of Economic Warfare's Policy Initiatives, 1942," *Presidential Studies Quarterly* 26 (Fall 1996): 1127-28. For the view that it was poor management, see Acheson, *Present at the Creation*, 47.

[55] Stever, 117.

[56] Executive Order no. 8839, July 30, 1941, para. 3d, Board of Economic Warfare File, 1941, OF 4226, FDR Archives. For a list of Board authorities, see also Department of State Bulletin, vi (Washington, D.C.: Government Printing Office, April 13, 1942), 337.

[57] John C. Culver and John Hyde, *American Dreamer: The Life and Times of Henry Wallace* (New York: W.W. Norton and Co., 2000), 271.

[58] Ibid., 291.

[59] Henry Wallace, March 4, 1942 diary entry in John Morton Blum, ed., *The Price of Vision: The Diary of Henry Wallace, 1942-1946* (Boston: Houghton Mifflin, CO., 1973), 56.

[60] As Wallace told Roosevelt, "The State Department should be informed at all times of action taken by the Board, but should not be in position of giving its specific approval before action can be taken." Henry Wallace, March 25, 1942 diary entry in *The Price of Vision*, 59.

[61] Stevens, 1129.

[62] Sanger, Administrative History, 42.

[63] Stimson noted in a diary entry the "good deal of friction" between Wallace and Secretary of Commerce Jones at a Board meeting. Diaries of Henry L. Stimson, April 23, 1942, p. 139, vol. xviii, reel 7. For an account of the Wallace-Jones feud as it related to the BOARD, see J. Burns, *Roosevelt, The Soldier of Freedom*, 341-42; T. Fleming, *The New Dealers' War*, 214-230.

[64] Sanger, "Administrative History," 126.

[65] Acheson, 41; Stevens, 1131.

[66] Ibid.

[67] Fleming*, The New Dealers' War,* 229-30.

[68] Crowley would have some difficulties in dealing with the Army even in modest ways regarding occupation policy. Near the end of the war, for example, Crowley dispatched a Foreign Economic Administration economist to London to discuss German occupation policy. The economist was given a cold reception by planners, and there is little evidence of the Administration having significant influence on postwar governance planning during wartime, though it was eventually included on the relatively short-lived Informal Policy Committee on Germany. See Stuart L. Weiss, *The President's Man:*

Leo Crowley and Franklin Roosevelt in Peace and War (Carbondale, IL: Southern Illinois University Press, 1996), 157, 216.

[69] See Sanger, *Administrative History of the FEA*, 166-203.

[70] Sanger, *Administrative History of the FEA*, 156.

[71] Ibid., 189.

[72] Eliot Janeway, Trials and Errors: The Civilians will have only themselves to blame if the Military takes over," *Fortune*, Sept 8, 1942, 14-18.

[73] Janeway, "Trial and Errors," 18.

[74] For an account of martial law in Hawaii, see J. Garner Anthony, *Hawaii Under Army Rule* (Stanford, CA: Stanford University Press, 1955). A chronology of events is provided at the beginning of the book. Ibid, ix-x.

[75]The Western Defense Zone included the states of Washington, Oregon, California, Montana, Idaho, Nevada, Utah, Arizona and the then-territory of Alaska. For an overview, see United States Army, Western Defense Command, "History of the Western Defense Command", September and October 1945, under the direction of MG H.G. Pratt, US Army, CG, Western Defense Command, AHEC.

[76] "History of the Western Defense Command," 16-18. The Japanese-American exclusion occurred through a steady series of proclamations. Public Proclamation no. 3 (March 24, 1942) established a curfew for Japanese-Americans along with all alien Japanese, Germans, and Italians. Public Proclamation no. 7 (June 8, 1942), excluded them from military area no. 1 (which encompassed the western coastal areas of the continental U.S. as well as a considerable ways inland). Public Proclamation No 8, (June 27, 1942) restricted Japanese-Americans to the relocation camps proper unless specifically authorized to leave. Proclamations were followed by exclusion orders, which gave precise instructions on times, locations, and methods of exclusion. The proclamations, exclusion orders, and other relevant documents are contained in Office of Assistant Chief of Staff, Civil Affairs Division, *Proclamations, Exclusion, Restrictive Orders and Collateral Documents* (San Francisco: Wartime Civil Control Administration, 1942), AHEC.

[77] Colonel Joel F. Watson, Staff Judge Advocate to Commanding General, Western Defense Command and Fourth Army, subject: Powers of the Commanding General of the Theater of Operations" (December 15, 1941) in Annex 3 to Chapter 19, "History of the Western Defense Command."

[78] Lieutenant General Delos C. Emmons to Assistant Secretary of War John J. McCloy, subject: Military Government of Hawaii (December 16, 1942) in Papers of Thomas H. Green, reel 1, microfilm, AHEC.

[79] Kai Bird, *The Chairman: John J. McCloy and the Making of the American Establishment* (New York: Simon and Schuster, 1992), 150.

[80] Ickes Diaries, July 19, 1942, reel 5, microfilm. Ickes later complained directly to Stimson about the Hawaii martial law situation: "As you know, I have always felt that there is no excuse for a "Military Governor" to be set up over any part of the American soil. That form of government has hitherto been reserved for conquered territory. Its use in Hawaii, because of the tragic events of December 7, 1941, has long seemed to me to be both unfortunate and unnecessary. I believe that it would be possible completely to eliminate the military government in Hawaii." Harold L. Ickes to Henry L. Stimson, January 27, 1943, in box 57, General Correspondence of Assistant Secretary of War John J. McCloy, 1941-45, RG 107, NARA.

[81] Bird, 149-151.

[82] A list of federal cases is found in Chapter 19, The JAG's Department, part I—Legal Advice to the Commanding General, Staff Sections, and Subordinate Commands, vol. III of "A History of the Western Defense Command," 4-11.

[83] Anthony, 101-118.

[84] Accounts of the controversy are found in two secondary sources. A narrative is found in Dan Allen, "Franklin D. Roosevelt and the Development of American Occupation Policy in Europe" (PhD diss., Ohio State University, 1976) 23-51. In Civil Affairs: *Soldiers Become Governors*, Harry L. Coles and Albert K. Weinberg provide a number of primary source documents as a guide to the controversy. Harry L. Coles and Albert K. Weinberg, Civil Affairs: *Soldiers Become Governors* (Washington, D.C.: Center of Military History, 1964), 10-29. While these accounts and references are very valuable, I have interpreted the events relying on primary sources from the National Archives, the Diaries of Harold Ickes and Henry Stimson, and documents found at the FDR Archives (many though not all of which are in both the above sources).

[85] Presidential Memorandum to Robert P. Patterson, July 17, 1942, School of Military Government File, OF 5136, CFWAR, FDR Archives.

[86] Robert P. Patterson to Franklin D. Roosevelt, July 20, 1942, School of Military Government File, OF 5136, FDR Archives.

[87] For meeting with Patterson, see Franklin D. Roosevelt to Marvin MacIntyre, August 8, 1942, School of Military Government File, OF 5136, FDR Archives. For FDR's direction to General Marshall, see Franklin D. Roosevelt to Army Chief of Staff, August 13, 1942, School of Military Government File, OF 5136, FDR Archives.

[88] General George C. Marshall to Franklin D. Roosevelt, subject: School of Military Government, Charlottesville, VA, August 19, 1942, School of Military Government File, OF 5136, FDR Archives.

[89] Ibid.

[90] For McCloy's role as High Commissioner of Germany, see Thomas A. Schwartz, *America's Germany: John J. McCloy and the Federal Republic of Germany* (Cambridge, MA: Harvard University Press, 1991).

[91] John J. McCloy to Harry Hopkins, September 10, 1942, School of Military Government File, OF 5136, FDR Archives.

[92] Ibid.

[93] Ibid.

[94] Ibid.

[95] Harry Hopkins to John J. McCloy, September 11, 1942, School of Military Government File, OF 5136, FDR Archives.

[96] See for example, Major General Allen Gullion to Norman H. Davis, Chairman, American Red Cross, September 18, 1942, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[97] Harold L. Ickes to Henry L. Stimson, September 30, 1942, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[98] Harold L. Ickes to Franklin D. Roosevelt, October 27, 1942, School of Military Government File, OF 5136, CFWAR, FDR Archives.

[99] Ickes Diaries, October 10, 1942, reel 5, microfilm.

[100] Ibid.

[101] Ibid.

[102] Ibid.

[103] Roosevelt sent an admonishing note to Stimson on the School: "This whole matter is something which should have been taken up with me in the first instance. The

governing of occupied territories may be of many kinds but in most instances it is a civilian task and requires absolutely first-class men and not second-string men." Franklin D. Roosevelt to Henry L. Stimson, October 29, 1942, School of Military Government File, OF 5136, FDR Archives.

[104] Ickes Diaries, October 25, 1942, reel 5, microfilm.

[105] Francis Biddle, Cabinet Meeting Notes, October 29, 1942, container 1, Papers of Francis Biddle, FDR Archives.

[106] Major General Allen Gullion and Robert P. Patterson, transcribed telephonic conversation, 1115 a.m., September 4, 1942, in Military Government Division, "History of Military Government Training," entry no. 443, box No. 1, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[107] Diaries of Henry L. Stimson, November 4, 1942, p. 7, vol. xxxvi, reel 8, microfilm.

[108] Ibid.

[109] Ickes Diaries, October 25, 1942, reel 5, microfilm. This is corroborated in Biddle's account: "There was a good deal of discussion about the problem of the administration after the war of reconquered territory. The general consensus of opinion was that the school at Virginia was not very good and that the problem should be approached on the basis of the military starting with the control and then turning it over to the civilians. Francis Biddle, Cabinet Meeting Notes, October 29, 1942, container 1, Papers of Francis Biddle, FDR Archives.

[110] The copy of Daniels' report in the FDR Archives is undated, but is attached to memoranda from Daniels to FDR's secretary, Marvin McIntyre dated December 2, 1942 and correspondence from Francis Biddle to FDR's personal secretary Grace Tully dated November 27, 1942. It is reasonable to surmise therefore, that Daniels' report reached the President sometime in either late November or during the month of December, 1942. Jonathan Daniels to Franklin D. Roosevelt (undated), School of Military Government File, OF 5136, FDR Archives (hereinafter Daniels Report). For Padover's memorandum, see S.K. Padover to Harold J. Ickes, January 8, 1943, School of Military Government File, OF 5136, FDR Archives (hereinafter Padover Memo).

[111]Ibid.

[112] Daniels Report.

[113] Ibid.

[114] Ibid.

[115] "Plan for Coordinating the Economic Activities of US Civilian Agencies in Liberated Areas" box 18, Records of the US Joint Chiefs of Staff, Central Decimal File, 1942-45, RG 218, NARA.

[116] The Office of Foreign Economic Coordination was based upon the following premises: (1) a central point in Washington for the coordination of interrelated activities of the several US agencies operating abroad, which would be at the State Department; (2) likewise in each liberated area a central point of leadership and coordination similar to that in Washington; (3) the participation of all agencies concerned through interdepartmental machinery which would provide a setting for close and continuous working relationships; (4) and at the same time such coordination would not remove the responsibility or authority of each agency for carrying out its own functions. As set forth, the bureaucratic difficulties of trying to be both a central point while allowing agencies responsibility and authority is apparent. Ibid. The organization of the Civil Affairs Division will be discussed in the following chapter.

[117] Padover Memo.

[118] Ibid.

[119] See for example the proposal by Michele Flournoy, "Training and Education for Post-Conflict Reconstruction," in *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, ed. Robert C. Orr (Washington, D.C.: Center for Strategic and International Studies, 2004), 126-137.

[120] Ibid., 126-127.

[121] Padover Memo.

[122] Ibid.

[123] Henry L. Stimson to President Roosevelt (undated) in "History of Military Government Training," entry no. 443, box No. 1, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA.

[124] Ibid.

[125] Ibid.

[126] Ibid.

[127] Ibid.

[128] Ibid.

[129] Stimson's account of the follow up meeting is in Diaries of Henry L. Stimson, November 6, 1942, p. 19, vol. xxxvi, reel 8, microfilm. The February 1, 1943 letter references the problems encountered in North Africa, where the State Department had taken the lead in much civil affairs work (to be discussed in chapter 5). In that letter, Stimson pointed out the distinction between administrative duties, which are for the military to perform, and diplomatic responsibilities. He also provided FDR with four brief case studies on American military government in both U.S. interventions in Cuba, the Philippines, and Puerto Rico. Henry L. Stimson to Franklin D. Roosevelt, Memorandum on Military Government, February 1, 1943, in Diaries of Henry L. Stimson, vol. xlii, reel 8, microfilm.

[130] Diaries of Henry L. Stimson, November 6, 1942, p. 19, vol. xli, reel 8, microfilm.

[131] Ickes Diaries, November 8, 1942, reel 5, microfilm.

[132] Franklin D. Roosevelt to General Edwin M. Watson, February 16, 1943, School of Military Government File, OF 5136, FDR Archives.

[133]For the memorandum requiring the School to cease public relations, see Colonel R. McDonald Gray to Colonel Ralph Witamuth, May 29, 1943, box 711, Office of the Provost Marshal General, Military Government Division, Unclassified Decimal File 1942-46, RG 389, NARA. For an example of how the School was seen, ironically enough, as a tool of Wallace-driven global New Deal ambitions ("globaloney"), see Editorial, "Fantastic and Nuts," *New York Daily News*, April 9, 1943.

[134] H. Stimson and M. Bundy, *On Active Service in Peace and War*, 48, 559.

[135] See chapter 5.

[136] Roosevelt to Stimson, November 10, 1943, in *Soldiers Become Governors*, 108-09; European Relief Report on Supply and Administration in Event of Unconditional Surrender, to Commanding General, Army Service Forces, November 13, 1943, in *Soldiers Become Governors*, 109.

[137] Bundy and Stimson, 561.

Chapter 5 - The Civil Affairs Division: Representing the Army's Interests in the Interagency and Intergovernmental Arena

FDR's Ambiguities and Continued Interagency Conflict

It was not until late 1943 that the Army created a bureaucratic structure, the Army's Civil Affairs Division, which ensured that it would have a predominant role in postwar governance planning and implementation. The Army had established a School of Military Government and a Military Government Division, with both organizations remaining under the control of the Provost Marshal Division. That Division continued to do a variety of planning, much of it theoretical, and the School continued to produce military government officers throughout 1943. The School indeed expanded its training program that year by creating the Civil Affairs Training Schools at numerous universities across the United States. Yet neither School nor division was at a high enough level in War Department organization to have major impact on the course of strategic thinking. As figure 5 below shows, following the 1942 reorganization of the Army Staff, the Provost Marshal General itself was a sub-agency of the Army's Services of Supply (later renamed the Army Service Forces). Any action from either the Military Government Division or the School thus had to work its way through at least three layers of higher authority to have access to the Chief of Staff.

If the problem was excessive layers of command and control on the military side, the problem on the civilian side was a seeming hodge-podge of agencies, committees, bureaus, Boards and Cabinet departments. While many had a variety of functions ostensibly connected to post-conflict civil administration, relatively little coordinated

ORGANIZATION OF THE SERVICES OF SUPPLY
(RENAMED ARMY SERVICE FORCES)

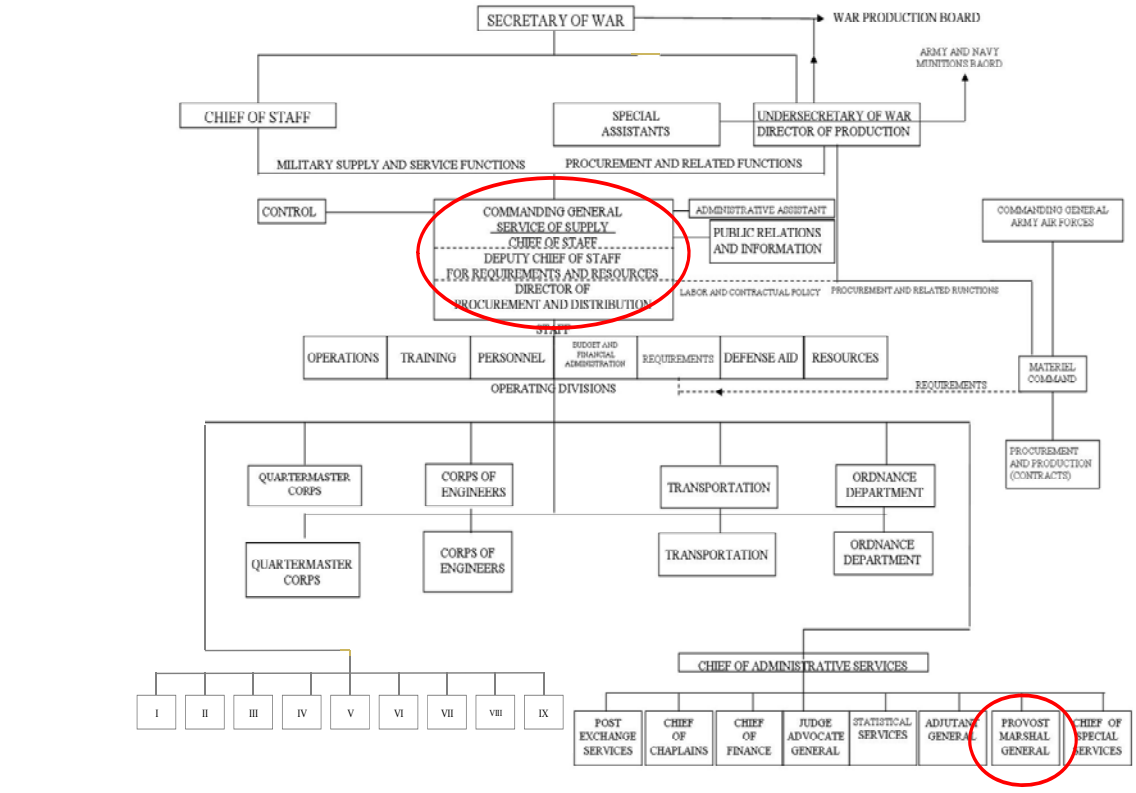

Figure 5
Services of Supply/Army Service Forces & Provost Marshal General[1]

planning had been done specifically for the North Africa campaign, Operation TORCH.[2] No doubt some of this was due to poor planning assumptions that included a hope, if not an expectation, that the French in the occupied areas would warmly welcome the Allies as liberators, thus making the question of military occupation irrelevant.[3] But the situation was further confused by Roosevelt's ambiguity in determining who should take the lead in occupation responsibilities. French North Africa, with its Vichy government, only added to the complexity. Robert Murphy, Eisenhower's political advisor in North Africa, noted in his memoirs that Roosevelt could never firmly decide whether French North Africa was to be occupied or liberated.[4]

The confusion in Washington over direction mirrored that in North Africa. Marshall apparently noted Eisenhower's "disgust with … seventeen civilian agencies roaming around areas in Africa, causing him more trouble than the Germans… ."[5] Eisenhower apparently felt consumed by civil affairs matters, claiming it took a majority of his time—more than even the conduct of combat operations.[6] Very early in the campaign, Eisenhower's frustration was evident. In a secret cable to Marshall on November 30, 1942, he wrote, frustrated that "Sometimes I think I live ten years each week, of which at least nine are absorbed in political and economic matters."[7] He went on to say that the sooner he was rid of such matters "outside the military in scope," the happier he would be.[8] At the same time, he did not want to cede control or authority to anyone outside the military. In a cable sent to Marshall just a few days earlier, he wrote:

> No one could be more anxious than General Clark and myself to rid ourselves completely of all problems other than purely military, but the fact remains that, at this moment and until North Africa is made thoroughly secure, in which process the capture of Tunisia will be an important incident, everything done here directly affects the military situation.[9]

Because of this direct impact on military operations, Eisenhower therefore argued that the State Department representative on his staff, Robert Murphy, not be independently accountable to State. Instead, "single headed responsibility" for all aspects of the operation, to include those dealing with civil and political matters, had to remain with the theater commander.[10]

To Stimson, interagency wrangling for power in what he thought was clearly a military domain was also a source of continuous frustration, as his diary entries indicated. Despite his best efforts in the School of Military Government dispute, Stimson had not yet convinced the President that the Army should have primacy. Stimson noted that Roosevelt "distrusted the Army as an agency for the temporary handling of civilian matters."[11] Instead, Roosevelt continually seemed to prefer civilians, whom Stimson wrote dismissively of as the "whole crew of agencies which have been squabbling with each other in their haste to get into North Africa."[12] . The seemingly haphazard arrangement of government agencies, often without clear charters or mandates, seemed to verify Stimson's point about the need for unified control under the overall authority of the military.

At least in the initial stages of the operation, Roosevelt had granted authority over all the liberated territories of North Africa to a number of boards and agencies ostensibly under the Department of State. The Office of Foreign Territories, among its other duties, was responsible for implementation of U.S. economic and social programs in North Africa. The Interdepartmental Advisory Committee was established to assist Office of Foreign Territories, and was made up of representatives of the Departments of State, Treasury, Agriculture, Lend-Lease, the Board of Economic Warfare, and others

(the War Department being initially omitted). Its mission was to serve as a clearing house for civil affairs. There was also the Office of Foreign Relief and Rehabilitation Operations, which was intended to provide for the essential necessities for the peoples of the occupied territories. Lastly, there was the Committee on Combined Boards, a Board that had both U.S. and U.K. representatives and which served as an inter-allied clearing house for civil affairs questions.[13]

These agencies had overlapping functions and responsibilities. The Interdepartmental Advisory Committee was intended to be a collaborative coordinating agency that would receive civil affairs-related questions in the theater and either send them to the appropriate U.S. agency for resolution, if the question was U.S.-specific, or to the Committee on Combined Boards, which would then attempt to best resolve the issue. Yet the Interdepartmental Advisory Committee was not successful as a coordinating agency. Not only was War Department membership lacking, but the committee lacked specific terms of reference and had a vaguely defined authority.[14] Instead, Eisenhower decided to go directly to Committee on Combined Boards as his conduit for all civil affairs questions, thus leaving the other agency out. The Committee, which had been set up based upon a recommendation from the U.S.-U.K. Combined Chiefs of Staff, was decidedly military in its orientation, and the secretariat for both organizations was the same. Thus Eisenhower could send a civil affairs question to that unified secretariat, an organization presumably more oriented toward the military requirements of the problem, and also presumably less likely to get entangled in the more problematic political questions--and less likely to get caught in the competition of various agencies on the Interdepartmental Advisory Committee.[15]

Brigadier General Lucius Clay, the Assistant Chief of Staff for Materiel in the Services of Supply Command recommended that all government agencies funnel through the Combined Chiefs of Staff/Committee on Combined Boards conduit.[16] By December 1942, that conduit was the Army's preferred communications route. Later that month, having Assistant Secretary of War John McCloy assigned to the Committee on Combined Boards for the duration as the War Department representative further improved the Army's ability to maintain some semblance of military control over the burgeoning North Africa occupation questions.[17] Yet while there may have been some success in the Committee on Combined Boards as a coordinating body, its utility was limited. Marshall subsequently noted its *ad hoc* nature: "[It] exists with the acquiescence of the Combined Chiefs of Staff. ... It has no charter. It has no staff. The secretariat is furnished by the [Combined Chiefs of Staff]."[18] Indeed, in large part because of these organizational limitations, the Committee on Combined Board's success would not extend beyond North Africa.[19]

Regardless of the Army's moderate success in using the Committee on Combined Boards as a way to control civil affairs questions, any notion of complete military primacy in civil affairs looked premature throughout much of 1943, and the picture remained unclear, as FDR sent mixed signals over authorities. On March 19, 1943, for example, he wrote a letter to the Office of Foreign Relief and Rehabilitation Operations Director Herbert Lehman authorizing him to "plan, coordinate, and arrange for the administration of the Government's activities for the relief of war in areas liberated from Axis control through the provision of food, fuel, clothing, and other basic necessities… ."[20] Yet the President also gave at least an ostensible primacy to the military by stating

that Lehman's organization would be "subject to the approval of the U.S. military commander as long as military occupation continues."[21] Relying on FDR's March letter that gave him authority to plan and organize civilian relief efforts, Lehman himself issued a statement on May 8th that indicated that he had broad postwar authority. In the letter, Lehman asserted that after the first ninety days following cessation of hostilities, all plans, information, and requirements for supplies would be entirely accomplished by his organization. The letter also stated that Office field officers in North Africa would be directly under Lehman's—and therefore not the Army's--authority.[22]

Stimson responded directly to Lehman in June, reiterating the standard military position: the theater commander, as military governor, had complete responsibility for all matters regarding supply, distribution and transportation for relief until a civilian government was established or until relieved of duties by the President.[23] Lehman, who was actually quite amenable to military interests and willing to work with the Army, somewhat relented, but offered a further proposal. In it, he proposed that his organization would be responsible for relief requirements for both the purely military and subsequent civilian periods of civil administration, thus separating out these requirements from purely military ones. The Army responded and again resisted: no separation of relief requirements from military supplies. The War Department wanted to have one overall supply effort that was an integral part of all the procurement and distribution plans. Separating civilian relief out from the overall military supply scheme would delink the two efforts and potentially lead to confusion.[24]

Lehman did not prevail in the argument. By mid-1943, alternative civilian agencies such as his organization were at a significant disadvantage. His field teams were small, and the administrative and logistic mechanisms to distribute relief would largely have to be provided by the Army even under Lehman's proposal. The organization's charter lacked the authority to do much more without direction from the President himself.[25] And while it may seem, in retrospect, that given Lehman's close relationship with the Army, a compromise more amenable to him may have been brokered, by this time, senior officials in the War Department were in no mood for any compromise of authority.

Another Presidential plan for coordination of post-conflict governance efforts took place in June 1943, in what appears to have been a last-ditch effort to bring together into a meaningful and coherent relationship all the civilian agencies that Eisenhower had complained were swarming over North Africa. The plan, developed at Roosevelt's behest by his Bureau of the Budget, sought to create "one central point for the coordination of interrelated activities of the several U.S. agencies operating abroad."[26] The effort would be under the leadership of the State Department, and a committee would be established consisting of State, War, Treasury, Navy, the Board of Economic Warfare, the Office of Lend-Lease Administration, and the Office of Foreign Relief and Rehabilitation Operations. In each liberated area there would be appointed an "Area Director" who would "provide overall direction and coordination to the economic activities of civilian agencies in their respective areas," though that Area Director would be subject to the military commander's orders.[27]

In a cover letter to Secretary of State Cordell Hull, FDR went into additional detail: "[C]ivilian agencies must be adequately prepared to assist our military forces in

performing those services and activities which they are expert. We must harness together military and civilian efforts."[28] The President then listed respective agencies—Office of Foreign Relief and Rehabilitation Operations, Office of Lend Lease Administration, Board of Economic Warfare, and Treasury—and explained their particular roles.[29] It was the most comprehensive attempt to unify civilian and military efforts in post-conflict operations so far, and at least on its face, the plan had merit. It did not seek to override the military's primacy, expressly indicating that the role of the civilian agencies was to assist the commander, and that the Area Director be subject to him. It gave the overall coordinating responsibility for the many agencies to the State Department, recognizing that longer-ranging foreign policy would be the overarching concern. It further attempted to delineate the specific requirements for each agency. The Office of Foreign Relief and Rehabilitation Operations for instance was to be "responsible for the relief and rehabilitation of victims of war in certain liberated areas." The Board of Economic Warfare was to be responsible for "foreign procurement, the development of strategic and critical materials…and other prescribed economic warfare measures." Treasury's role was to fix exchange rates, "and … assist on monetary, currency control, and general fiscal matters." FDR told Hull: "I shall rely on you to unify our foreign economic activities to the end that coherent and consistent policies and programs result. The Department of State should provide the necessary coordination, here and in the field, of our economic operations with respect to liberated areas."[30]

What resulted was the Office of Foreign Economic Coordination under the direction of Assistant Secretary of State Dean Acheson.[31] The organization was intended to settle jurisdictional disputes between the agencies, both among the civilians and

between the civilian and military. Yet once again, the effort ended in failure. As FDR biographer Kenneth Davis notes, "[A]s was generally true of Roosevelt's administrative arrangements, …responsibilities were not accompanied by a commensurate assignment of authority or power."[32] Lehman argued this very point, that the plan left civilian agencies with responsibilities, but took away the authorities to ensure the responsibilities were carried out. The Army, while acceding to the overall concept, would not alter its military planning to fit plans for other civilian agencies, reiterating that at least initially, the first occupation phase must be completely run by the military.[33] In particular, the Area Director idea was problematic: such a representative needed to work through the theater commander and not have direct access to Washington. Treasury, on the other hand objected, countering that such a link was required.[34] This took place concurrently with *other* interagency disputes, to include the long-running (and previously discussed) dispute within the Board of Economic Warfare. Once again, FDR decided to overhaul the process. Acheson's organization was absorbed (along with the Board of Economic Warfare, Lend-Lease, and Lehman's organization) into the Foreign Economic Administration under the direction of conservative, big businessman Leo Crowley in September 1943, and it never regained the authority or stature that had been envisioned for it. Yet another civilian interagency attempt resulted in falling far short of what was intended.

Establishing the Civil Affairs Division

Stimson believed that he needed a primary military government planning and policymaking organization that could assert military viewpoints, provide clear control and direction, and shape and fashion policy in way to ensure military interests were

protected. The scope of occupation matters in North Africa showed that the Army's current organizational methods were inadequate. Prior experience and planning had not contemplated the scale and complexity of occupation requirements. The War College committees of the twenties and thirties, for example, only briefly discussed centralized War Department planning—virtually all of the committees' attention had been on actions taken by theater commanders.[35]

Furthermore, though Army doctrine, expressed in *FM 27-5*, stated that the G-1 remained responsible for military government matters, after the 1942 War Department reorganization, the G-1 staff was reduced dramatically, from 73 officers to 13 and from 100 civilians to 20.[36] It was clear that the G1 could not take on such a responsibility. As for the Military Government Division (itself within the Provost Marshal General's Office), its primary mission was the training of military government officers for future occupations, and though it had a limited role in long-range planning, it did not and could not handle day-to-day planning for North African civil administration.[37] Additionally, it was too far down the War Department hierarchy to have meaningful influence at the strategic policymaking level.[38]

However unable Stimson may have been in persuading FDR of the need for military control over postconflict governance responsibilities, he did have the ability to establish an organization *within* the War Department. In so doing, he could create an organization that could have much greater influence than in the past, especially because the President himself had greatly strengthened the War Department's status and authority. In March 1942, the President, pursuant to Executive Order 9062, had already permitted the most sweeping reorganization of the War Department since Elihu

Root had established the General Staff in 1903. Not only did the order allow for Stimson and Marshall to unify command and control in a much more powerful way, it also allowed an unprecedented direct line between the War Department and the President. On matters of "strategy, tactics, and operations" the President in his commander-in-chief role made explicit his ability and authority to consult directly with the Chief of Staff himself. Accordingly, staff sections directly under the Chief of Staff could have a far greater ability to shape national policy than in any previous time in American history.[39]

Indeed, as the war progressed, the Army continued to assert its interests more forcefully, especially whenever military operations intersected with longer-range foreign affairs. The Joint War Plans Committee, for example, was established in early 1943 to advise the joint chiefs on political considerations when doing strategic planning.[40] During that same time, the Joint Strategic Survey Committee was set up to formulate grand strategy—the first time that a military planning group had moved deeply into a realm considered primarily related to foreign policy and political decision-making. Its charter stated that military authorities should "share with diplomatic and economic authorities the responsibility for shaping the national policy in peace as well as war."[41] Additionally, as part of the burgeoning departmental bureaucracy that came with the responsibility of managing a worldwide conflict, the War Department began to create high-level staff sections broken out from the General Staff that had functions that did not fit neatly within traditional domains.[42] Doing so allowed for more direct control from senior War Department leaders, which became especially important since so many of these new staff sections required interaction with civilian counterparts.[43]

The unprecedented development of these organizations within the massive governmental bureaucracy pointed out the obvious: it was not enough for high-ranking officials such as Stimson simply to make arguments to the President about the military's need to have primacy in post-conflict governance. Bureaucratic methods and organizational controls were central in gaining success in this environment. In the Roosevelt administration, a competent and cohesive Army agency had to represent the Army's view of the military's primacy in occupation matters at the point of planning and implementation. Throughout late 1942 and early 1943, officials in the War Department urged the creation of just that, one argument being made was that if this was not done, the State Department would dominate post-conflict occupation matters.

A key meeting in early February 1943 attended by Major General Lucius Clay, then Assistant Chief of Staff for Materiel, revealed the scope of the Army's current problems.[44] Clay attended it to discuss civil affairs policy with key civilian leaders in civil affairs matters and key administration officials such as Herbert Lehman and Milo Perkins, Chief of FDR's Bureau of the Budget. For Clay, the meeting illustrated the problem of what he called "idealistic" civilian agencies who sought to "improv[e] conditions throughout the world." Moreover, Clay was concerned that apparently little thought had been given to the Army's role in an occupied zone, especially in the initial phases of the operation.[45]

What was more telling were the disagreement and friction in the meeting. Lehman, frustrated with the lack of direction from the administration, wanted one overall agency in Washington to set a clear direction. According to Clay, however, many, including Assistant Secretary of State Dean Acheson, did not agree. Rather, Acheson defended

the current arrangement that gave the State Department a kind of putative overall authority.[46] For Clay, "the War Department [needed] to formulate a definite War Department policy as to its own relationship to civil affairs in occupied countries at the earliest possible date so that its views may be presented before a policy which may be contrary thereto has been established."[47]

A series of conferences between Stimson, Marshall, and Lieutenant General John Hull, a senior official in the Operations Division resulted in the creation of the Civil Affairs Division.[48] Officially, Stimson directed its creation by order, and the organization officially went into existence on March 1, 1943. [49] Both Marshall and Stimson each believed that he was responsible for the organization, and indeed both played key roles in its establishment. Marshall asserted that he established the Division "to take charge of civil matters," and as a way to relieve him and others of the various diplomatic and political burdens of civil affairs.[50] Stimson also stated that he established the Division, noting in his diaries that he created "[the Civil Affairs Division] to carry on the absolutely essential work which is necessary to be done on behalf of Eisenhower, the military commander, in regards to civil affairs."[51] The Secretary went on to say that he had "quietly" set up the Division in spite of the President's preference for civilian control of postwar governance of occupied territories.[52]

Stimson thus had not simply acquiesced to FDR's predisposition to put a non-military agency in charge, but had worked within his own department as a way to create a strategic-level organization that would favorably represent the Army in the interagency domain. Stimson's diary comments further revealed his linking of occupation with the necessities of military operations: "These civil affairs stem directly from the military

occupation. They affect its safety and its interest… ."[53] Noting that the President "obstinately refuses to see it yet," Stimson pointed out that the requirements and responsibilities of occupation would give rise to "far-reaching problems." Interestingly and consistently, he emphasized those problems were not primarily long-term political problems, but military ones that required military solutions: "[matters of civil affairs] will inevitably give rise to far-reaching problems which in part at least must be handled by the military commander and his department the War Department."[54]

In early February, Stimson directed John McCloy to establish the organization.[55] It was a logical and astute choice. Both Stimson and Marshall appreciated the Assistant Secretary's adroitness in problem-solving and Washington politics. McCloy had already worked skillfully in representing the Army's interests in the interagency disputes over the School of Military Government, the Japanese-American exclusion policy and the question of martial law in Hawaii. On the School issue, McCloy had successfully moved key FDR aide Harry Hopkins onto the Army's side.[56] On the Japanese-American exclusion policy, he had successfully, if controversially, carried the Army's position in contentions with the Justice Department.[57] And on the Hawaii martial law matter, he gradually gave back authority to civilians, but at a pace amenable to military leadership.[58] Even Harold Ickes, while going so far as to wonder whether McCloy had fascist leanings, liked him personally and got along with him.[59]

He also had on-the-ground knowledge of current civil affairs problems. In early January 1943, Marshall had personally requested that McCloy go on a mission to assess the North African situation (though Stimson demurred, saying that he was much too valuable and was needed at home, with FDR intervening and allowing McCloy to go

for a short trip).[60] While there, McCloy soon noted the rampant confusion in civil administration. Whereas the British had "competent people," the U.S. had confused monetary and fiscal policies, scrambled communication set-ups, and too many departments without clear direction. After talking to Major General Mark Clark, Eisenhower's deputy, McCloy reflected that he had never realized "how closely we sailed to a military occupation that we were not prepared to deal with."[61]

Along with such a prominent War Department civilian, the Civil Affairs Division needed a military director who could administer the division and have a significant, if not equal, level of influence as McCloy's. Marshall had discussed with Hull who should run the division, initially favoring a civilian, Boykin Wright, a high-powered official that according to Lieutenant General Brehon Somervell, the head of Army Services of Supply, was of Cabinet stature."[62] Perhaps because McCloy was to serve in that Cabinet-level role, Marshall instead chose a professional military officer whom he knew personally and who had a reputation as a solid administrator, Major General John H. Hilldring.

Hilldring proved to be a wise choice. An infantry officer who had been awarded the Distinguished Service Cross for heroism in the 1918 Meuse-Argonne offensive, Hilldring later served under Marshall at the Infantry School at Fort Benning when Marshall had been Assistant Commandant there. He had experience in wide-ranging areas: he had served in the Philippines in the late 1920s and had also commanded Civilian Conservation Corps Districts in the late 1930s. Hilldring was also currently the Army G-1, and thus already had apparent if not actual responsibility over military government matters. Additionally, he had gained Marshall's respect in a direct way. General

MacArthur had slated him to take command of a division in New Guinea, but before he left the U.S. in mid-1942, Hilldring suffered a heart attack and instead was about to be involuntarily retired for medical reasons. Awaiting the decision, he wrote to Marshall, pointing out that risk of death due to work-related stress and demands should not be an impediment to his continued service when so many men were risking their lives in combat.[63] This impressed Marshall, and he kept him on active service. Instead of combat command, Hilldring got the job as the Civil Affairs Division's Director and he remained in the position for the duration of the war.[64]

Organization and Purpose of the Civil Affairs Division

The *position* of the Civil Affairs Division within the War Department's organizational hierarchy was essential to its success in representing its interests within the Army, and also in intergovernmental and inter-Allied fora. Hilldring stated that in his opinion the most important step in the Division's establishment was where it stood in the War Department vis-à-vis other staff organizations. He doubted whether he could have coordinated the various civil affairs activities without the direct authority to speak for either the Chief of Staff or the Secretary, something only possible if the Division were high enough in the War Department.[65] This point was reaffirmed by the Division's executive officer, who stated that its most vital feature as a staff section was its direct access to either Marshall or Stimson.[66]

Figure 6 below, displaying the overall War Department structure in early 1944, shows both the Division's position in the department hierarchy—essentially one remove from the Chief of Staff (the Deputy Chief generally concerned with department administration and not policymaking) and two from the Secretary, and with an informal

supervisory line to the Assistant Secretary. Not only was the Division as near to the Chief and Secretary as the Army General Staff (Operations and G-1 thru G-4), the nerve center of the War Department organization, it was comparatively much closer than the Military Government Division, not displayed on the chart. That division was a subsection of the Provost Marshal General, which (as Figure 5 illustrated) was itself a subordinate of the Services of Supply (renamed Army Service Forces) staff function.[67]

Furthermore, the Division had a charter drafted by the Operations and Plans Division and signed by Stimson. The Division was to "inform and advise the Secretary of War in regard to all matters … other than those of a strictly military nature, in areas occupied as a result of military operations."[68] The charter also linked the Division to the Operations and Plans Division, the most important Division in the War Department, by requiring communications to theater commanders to be coordinated first with the Operations and Plans Division in order to ensure integration of civil affairs planning with purely military requirements. Equally important, the Civil Affairs Division was the primary coordinating agency for the Army in dealing with civilian agencies "exercising functions in any theater in which [the Division] may be engaged."[69] It thus became the War Department organization that represented War Department interests in post-conflict occupation matters at all interagency meetings.

THE WAR DEPARTMENT – JANUARY 1944

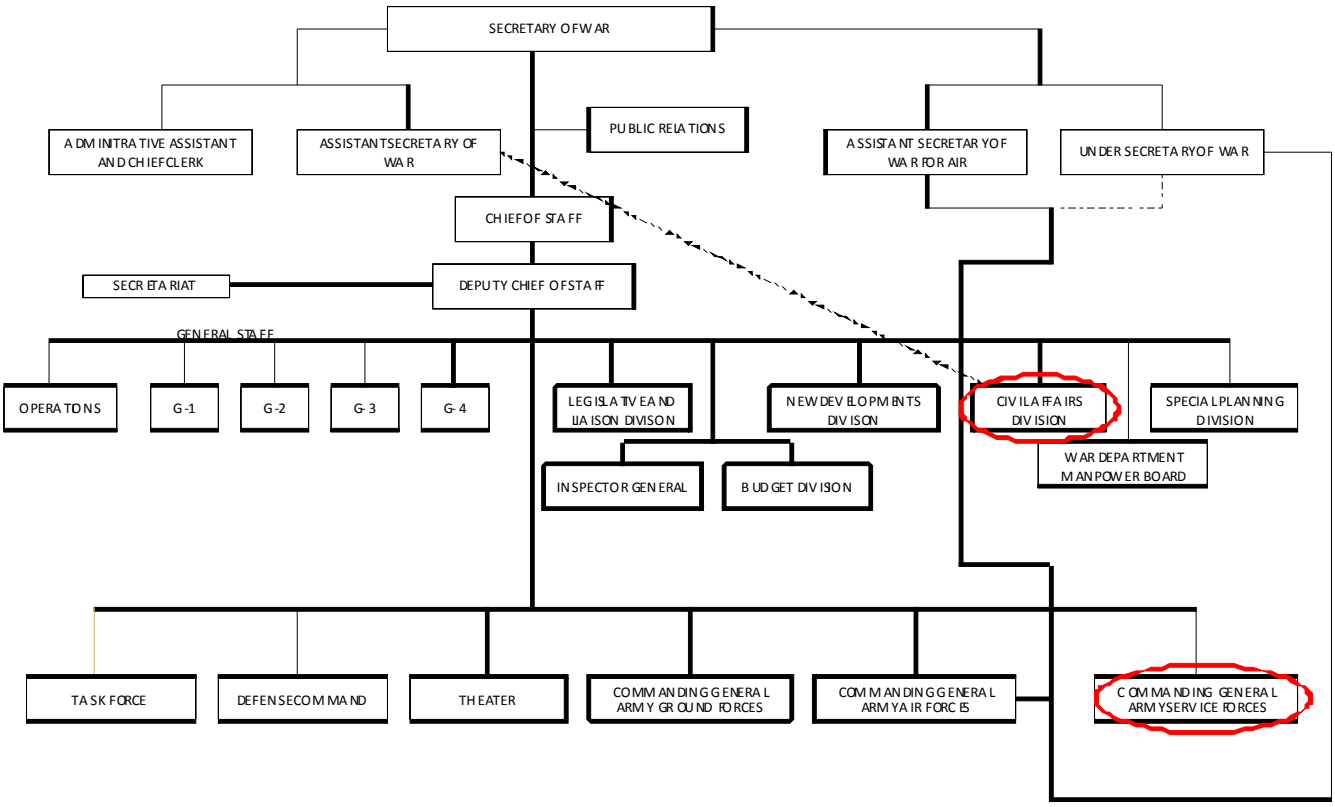

Figure 6
War Department Hierarchy Showing Position of Civil Affairs Division[70]

By March 12, 1943, the Civil Affairs Division's structure was essentially in place and most of its personnel provided. It was organized by functions and not geographic areas, remaining so for most of the war. The Division's director reported to the Chief of Staff and advised the Secretary. Its deputy handled special projects and its executive officer transmitted the director's decisions and coordinated the various branch activities. The branches were military government (changed later simply to "government" in part to sound less forbiddingly martial), civilian relief, economics (later merged into the economics and relief branch) and personnel and training. Whereas actual training of future military government personnel continued to remain with the military government division under the Provost Marshal, the Division's personnel and training branch assumed long range requirements for training and procurement. Since it was responsible for long-range planning as well, in August 1943, a planner position was created exclusively devoted to charting the Division's course for six months and more in advance.[71] (Figure 7 below.)

Within the U.S. military structure, the Civil Affairs Division quickly gained preeminence as the primary organization that planned for civil affairs and represented the Army's interests in postwar occupation matters outside the War Department. Inside the Army, as its charter stated, it formed a close link with the Operations and Plans Division which always had a working member on the Civil Affairs Division to ensure that there was integration. It also formed a relationship with Army Service Forces, both because of the presence of the Military Government Division within the latter's organization, and because the Army Service Forces had overall War Department responsibility for handling fiscal and related economic problems. Thus when

Eisenhower queried as to which organization, the Army Service Forces or the Civil Affairs Division, that he should look to for fiscal advice on non-military matters, Hilldring successfully argued that since so many such issues were interwoven with civil administration concerns such as foreign exchange rates, currency control, and taxation, that the Civil Affairs Division had to be given direct responsibility to formulate solutions to those problems.[72]

As a special staff section in The Pentagon, it had no command authority over any civil affairs/military government staff officers assigned to various units, nor did it possess such authority over military government detachments. Nonetheless, the Division was in the so-called "technical chain" of both. It could use its relationship, which was based on the particular expertise required for civil affairs issues, to provide policy guidance and direction to civil affairs/military government staffs (dubbed G-5s) at unit headquarters and civil affairs/military government detachments in the field.[73] Hilldring frequently corresponded with military government officials directly on a number of issues, providing information and policy guidance. Regarding the planning military government in Germany, for example, Hilldring's advice and counsel was sought by the G-5 of the Supreme Headquarters, Allied Expeditionary Force (SHAEF), Brigadier General Frank McSherry on a number of key issues, from the details regarding the activation and administration of the U.S. component of the Allied Control Council, the organization that

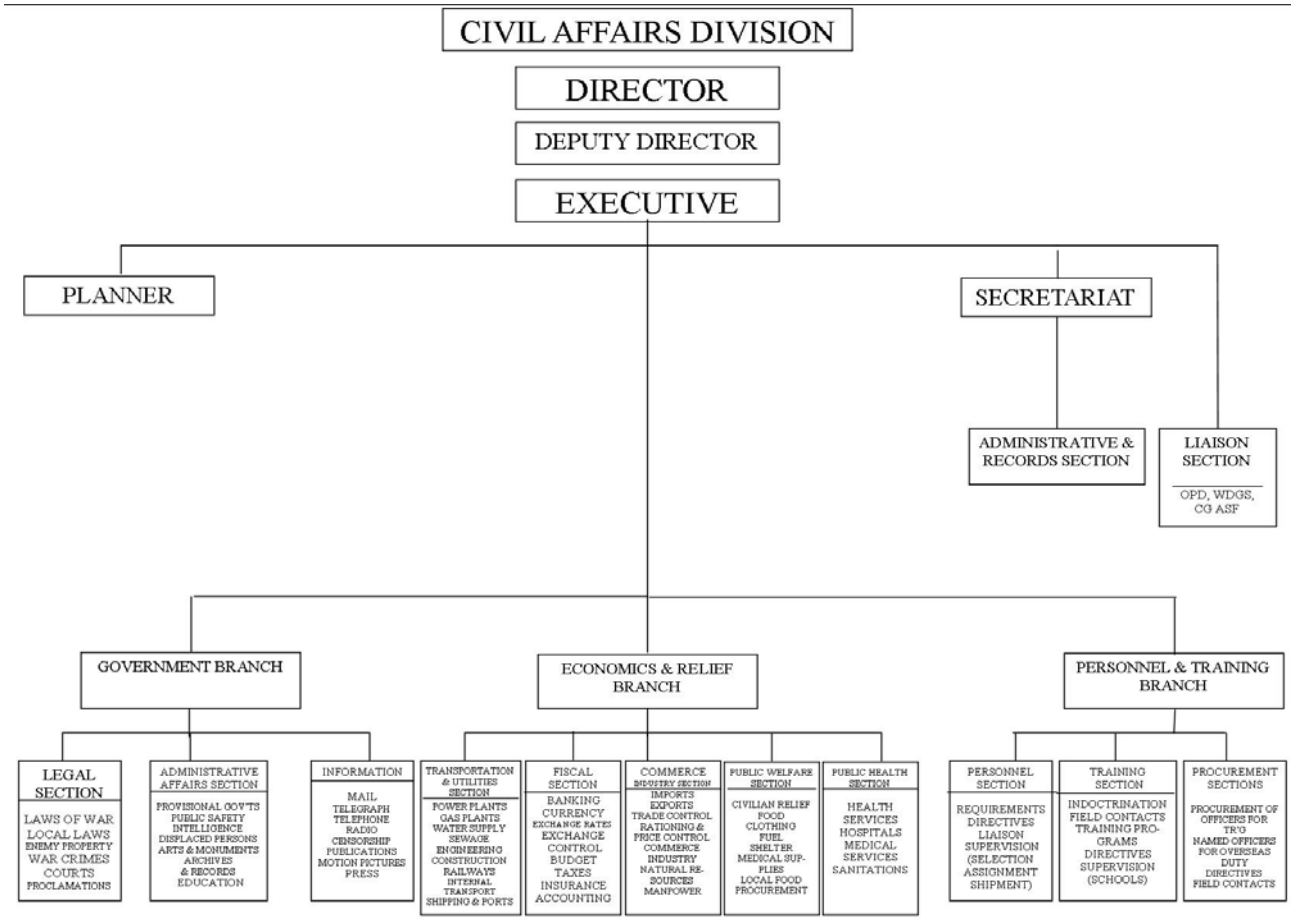

Figure 7
Organization of Civil Affairs Division[74]

would jointly preside over Germany's occupation, to ensuring that SHAEF public announcements on military government to the German populace were aligned with larger policy interests.[75]

The correspondence Hilldring conducted with Brigadier General Lester Flory further revealed the depth and breadth of his involvement as the Army's technical supervisor in civil affairs matters. In a March 1945 letter, for example, Flory, whom Hilldring had selected to head the U.S. Group Control Council in Vienna, thanked Hilldring for sending to him the latest working drafts on Austrian occupation matters. Doing so enabled him and his staff to keep abreast of the latest thinking at the highest levels of policymaking. [76] In an earlier February 1945 letter, Hilldring had provided his views about the possibility of the future Allied Control Council administering joint government throughout all of Austria. Apparently disagreeing with Flory, Hilldring stressed that zonal commanders should at least initially retain their full authority, noting further that it would be inappropriate for the European Advisory Commission, an international Allied body, to attempt to alter "the conventional channels of command by an intergovernmental agreement." This meant, in other words, altering the fundamental command structure of military government at the outset of the occupation.[77] In that same letter, Hilldring also responded to an administrative question, and his response revealed the boundaries of control that the Army's military government bureaucratic structure placed on occupation matters. When asked by Flory to whom a military government financial specialist should look for guidance, Hilldring was clear: the specialist was not to look either to the "U.S. Treasury or to any other civilian agency of our government for approval of a directive on financial policy." Instead, the information

channel was the military command channel: during the period of wartime operations in Austria, it would flow up to the Supreme Allied Commander, Mediterranean to the Combined Chiefs of Staff; and during the occupation period, it would go from the Commanding General, European Theater of Operations of the United States Army, to the Joint Chiefs.[78]

In joint Army-Navy relations, the Division was likewise successful in establishing itself as the military's executive agency for handling civil affairs concerns. While FDR continued to favor civilian primacy in postwar occupation responsibilities, in April 1943, the Joint Chiefs concurred on three fundamental points: 1) civil affairs were the "responsibility for the Theater Commander in his role as Military Governor until he was relieved of his responsibilities by the Commander-in-Chief"; 2) just as that commander was the Commander-in-Chief's representative in the field, the War Department was the Commander-in Chief's executive representative in Washington; and 3) the Civil Affairs Division was the appropriate War Department agency to "plan and coordinate the handling of civil affairs in nearly all of the occupied territories."[79] Wherever the Navy had interest in civil administration (such as the occupation of certain islands in the Pacific), the Navy was represented on the Civil Affairs Division as well.[80]

The Civil Affairs Division and the Interagency and Inter-Allied Process

With McCloy providing the Cabinet-level stature the Army needed, the Civil Affairs Division soon established itself in the interagency process. By April 1943, the Division members were regularly meeting with the Department of State, Treasury, and the numerous other FDR-created agencies. The Division prepared plans and policy statements, often at a theater commander's request, and then coordinated these plans

with the appropriate agencies. After getting general agreement, the Division then forwarded these plans to the appropriate commander, who used them to formulate his own detailed military government plans.[81] The Civil Affairs Division also began to assert a steadily growing control over the military-civilian process regarding civil administration for North Africa. McCloy stressed to Division officials to provide guidance to civilians in the Board of Economic Warfare, the Office of Foreign Relief and Rehabilitation Operations, and the other agencies. What was needed in places like North Africa were not executive-types: "If you have to send an executive," McCloy urged Civil Affairs Division officials to tell civilians, "be sure he can type."[82] Later in May, McCloy told Hilldring to start working on Italian armistice conditions, suggesting that he obtain information from the School of Military Government and noting that the school had previously worked on the armistice as a school practical problem.[83]

The Division also directed the Military Government Division to serve as the War Department's gatekeeper for information requests related to non-military concerns in countries that might possibly be occupied.[84] The Office of Strategic Services, after being requested for information in June, attempted to take over the researching of such information entirely, and thus supplant the other civilian agencies. Instead, at the behest of Civil Affairs Division senior leadership, an editorial committee was created that contained the various organizations, to include the Military Government Division, the Office of Strategic Services, and civilian agencies. The chairman of the committee was a Civil Affairs Division official, and, under the Division's direction, the committee became responsible for the preparation of civil affairs handbooks, as well as other studies. By the end of 1943, the State Department itself had membership in this

committee, essentially confirming the Division's oversight role for the production of information for potentially occupied areas.[85]

The Civil Affairs Division also played an important intergovernmental role on the State-War-Navy Coordinating Committee. This committee was largely the result of Secretary of War Stimson and Assistant Secretary McCloy, and as it name indicated, it consisted of representatives of the State, War, and Navy Departments, with War Department Civil Affairs Division personnel serving in important subcommittees. Its chairmanship, at least in its early phase, has historically been identified with McCloy, with Hilldring serving as his military advisor—a designation that, while inaccurate, nevertheless correctly reveals McCloy's dominating role. [86] The Committee became deeply involved in the most important aspects of postwar governance policy, and was especially influential in establishing occupation policy for Japan and Korea. Considered a forerunner to the National Security Council, its purpose was to "coordinat[e] the views of the three departments in matters of inter-departmental interest."[87]

By its limited membership, it excluded all other Cabinet departments, as well as all other agencies and committees set up during the Roosevelt presidency that War Department officials such as Stimson had found so problematic (and annoying) in the past.[88] This exclusion created intense interagency conflict between those in the Committee and those left out. In early 1945, pressure, particularly from the Treasury Department, forced the creation in April 1945 of the Informal Policy Committee on Germany, which for a brief period worked with the State-War-Navy Committee on postwar German matters, though not with any measure of success: the Informal Policy Committee folded by the end of August of the same year.[89] Agency conflict resurfaced

in June 1946 when the Department of Commerce asserted that any notion of equality between State and War and other agencies on the Committee was a sham, and that the State Department did not guide postwar policy regarding Germany, apparently having ceded all its authority to the military. What therefore was needed, according to Commerce officials, was an independent agency in which Commerce, as well as Justice, Agriculture and other departments and agencies would be represented. The idea however was rejected.[90]

There was much truth in Commerce official's allegations that, at least in the first year of the postwar occupations, the Committee was militarily-dominated, and hence, militarily focused. Called a "ratification of the War Department's *de facto* supremacy in foreign affairs," the Committee's recommendations on matters connected to military operations, essentially *all* significant matters discussed, were required to go the Joint Chiefs for approval.[91] As an example, the Subcommittee for the Far East was established in January 1945 to be the primary policy-making coordinating agency for Far Eastern matters, and in particular, for the expected occupations in Far East nations. The framework for determining policy matters in committees oriented around military interests. When a question was "primarily military in character" and policies were prepared by "non-military persons of the Government" (e.g., the State Department), military policies would govern. If there was a question that was political, it would govern, unless the policy itself would "serve to defeat a military objective."[92]

The Civil Affairs Division further represented War Department interests in the combined U.S.-U.K. domain. The Combined Chiefs of Staff had already been set up in January 1942, consisting of the British and American Joint Chiefs. Strategic

imperatives had compelled the two nations to form multiple combined Boards under the military chiefs of the two nations. For civil affairs matters, the initial proposal in late 1943 was to continue to use Committee on Combined Boards as the organization, but the American Joint Chiefs completely rejected the idea: that committee, as Marshall had pointed out, was a derivative organization without formal standing. Furthermore, while its secretariat was linked with the Combined Chiefs, its membership was predominantly civilian: the organization needed to be a military one.[93]

This seemed unnecessary to the British, far more used to combined military and civilian efforts that conducted integrated strategic thinking that came with worldwide empire. But the Americans counter-proposed with the Combined Civil Affairs Committee. Its function was to recommend to the Combined Chiefs general policies for occupied areas and areas to be occupied and be responsible for civil affairs planning. Most importantly, its charter asserted ultimate military control over the entirety of the process:

> The decision as to when and to what extent civilian departments and agencies will assist the military in the administration of civil affairs will be determined by the [Combined Chiefs of Staff], upon the recommendation of the military commander in the area. Generally, responsibility for the handling of civil affairs should be relinquished by the military as quickly as this can be accomplished without interference with the military purposes of the operation.[94]

This clearly reflected the American view, and specifically, the American Army's view, of postwar occupation responsibilities.

The set up of the Combined Civil Affairs Committee was not met without British resistance. The U.K. Chiefs recognized that there was a need for better coordination, given the problems in North Africa for the past several months, but they were resistant to the Combined Committee, no doubt fearing that this meant further loss of control and

proximity to London. Other U.K.- based organizations, in particular, the Administration of Territories (Europe) that ostensibly had responsibility for advanced occupation planning in Europe, would undoubtedly lose influence in determining postwar occupation policy.[95]

The American response, however, had an irresistible logic, even over British objections. Since the Combined Chiefs existed, it needed a similar combined committee on a matter as important (and as so far mishandled) as civil affairs for occupied areas. Furthermore, as McCloy effectively argued, it needed to be co-located with the Combined Chiefs of Staff in Washington.[96] It was also, as McCloy noted, politically necessary. McCloy asserted that Anglophobia was prevalent in the United States; Americans needed to be shown that it was not simply a "European" war among the nations of empire with perhaps postwar empire ambitions.[97]

The Combined Civil Affairs Committee was thus established in Washington, with McCloy serving as its chairman. The Americans on the Combined Committee wanted the military and civilian domains separated as much as possible, openly asserting the apparent difference between American and British viewpoints. Marshall at a Joint Chiefs of Staff meeting in the spring of 1943 commented that in the Middle East, the British had a committee "dominated by civilians which, to a large extent, exercise control over the military concerning their relations with the civil population."[98] Stimson at the same meeting noted that British believed that "almost immediately after an occupation takes place, the foreign office will be called upon to take action." Stimson was actually incorrect: the British government had decided that the War Office would have primary responsibility for at least the initial post-combat phase of the occupation period.

Furthermore, the Colonial Office, the long-established civilian agency that typically dealt with governance of overseas territories, and not the Foreign Office, which had much more in common with the U.S. Department of State, would act in an advisory capacity during the first phase.[99] Despite this error, Stimson's point did highlight a fundamental difference between the American and British strategic culture: the British had agencies, systems and processes in the civilian sphere long-accustomed to overseas governance, which the War Office could rely on and build upon. No comparable organizations existed in the U.S. government: postwar governance had been developed, and trained and organized for almost entirely within the U.S. Army.

As the Combined Civil Affairs Committee proceeded, the American position--to large degree a manifestation of doctrine contained in *FM 27-5*--became evident. The Americans sought a unified military government largely free of civilian interference and control. Their overarching concerns were to ensure military requirements were met in order to ensure overwhelming victory. Regarding the future occupations of Sicily and Italy, Stimson remarked that "[W]e want to have purely military and non-political government so long as we have any connection with it."[100] He also noted a difference between the U.S. and U.K. over Italian surrender terms: whereas the U.S. position was "unconditional surrender," Stimson was concerned that the U.K. might go "on a different line and…recognize some Italian government as the authorized one, instead of imposing a military government of the conqueror on it."[101]

Throughout the remainder of the war, the Civil Affairs Division's interagency and inter-allied influence, in the Combined Civil Affairs Committee and elsewhere, continued to grow. As serious planning for the invasion of Northwest Europe commenced in 1944,

the Division drew up the basic policy guidance for all postwar operations in Belgium, the Netherlands, Luxembourg and Norway.[102] It then drafted the guidance, and submitted it via the Combined Civil Affairs Committee to the Combined Chiefs for review and ultimate approval. The Division played a crucial role in the extremely complex and difficult determinations of policy for liberated France, with a prominent result being FDR maintaining Eisenhower's ultimate authority as the theater commander.[103] As further proof of the Army's dominance in civil affairs matters, in the interim period between final approval of the negotiated agreement with what would be called the *de facto* French authority, Eisenhower relied upon the field civil affairs handbook that had been issued shortly after D-Day, which made him, absent further guidance, the interim supreme authority in France.[104]

The Civil Affairs Division also deeply influenced the formation of and the subsequent actions taken by the European Advisory Commission, an Allied effort, established in January 1944, with representatives from the U.K., U.S., U.S.S.R., and eventually the French Provisional Government. Its headquarters was in London, and its American representative was John Winant, the U.S. Ambassador to Great Britain. According to Winant, the British Government insisted that the Commission deal with larger political questions, and as Lucius Clay recounted, the British already had zonal boundaries for Germany created before the Commission actually met.[105] For the Americans however, its purpose was decidedly limited, and the U.S. position (shared by the Soviets) was that the Commission should have a much narrower focus, dealing near-exclusively with the surrender and related issues of Germany and Austria.[106] As Winant asserted, the U.S. Government's support of the Commission was less than

robust, due in part because of the inability of the US to formulate a unified policy towards Germany.[107] George Kennan, who served as Winant's political advisor, provided a subtler reason: he recounted that the Commission in particular conflicted with President Roosevelt's desire for political maneuver room with respect to postwar Europe, a matter which FDR recognized as having both international and domestic implications.[108] Kennan went so far as to indicate that FDR would have preferred not to have the Commission at all. Forced to do so, he kept it on a "short leash" and thus limited its authority to zonal boundaries and surrender terms.[109]

If this was FDR's goal, it was apparently shared by the Joint Chiefs of Staff. They agreed to the Commission's establishment, and they agreed to send military representatives, but only on the condition that the body "keep strictly within the letter and spirit of its directive and in so doing be particular to avoid problems relating to the conduct of military operations, and concerning civil affairs of liberated or enemy territories incident to such operations prior to the end of hostilities."[110] The representatives sent from the War Department included, as Winant's military advisor, Brigadier General Cornelius Wickersham, who had served as Commandant of the Military Government School and Director of the Military Government Division, and members of the Civil Affairs Division, who would serve as the U.S. military's representatives on the Working Security Committee of the European Advisory Commission.

Indeed, in the very establishment of the European Advisory Commission in London in 1944, the American position, expressed primarily via the Civil Affairs Division, prevailed. In an attempt to get out from under US dominance, the British wanted the

Commission to have wide-ranging jurisdiction over postwar occupation matters. The U.S. view, as represented by McCloy and Civil Affairs Division officials, was to restrict it to the absolute terms as set forth in its commission—which amounted to surrender terms and a limited number of occupation control functions. The American Joint Chiefs in particular did not want the Commission to leverage in civilian control over civil administration during the immediate post-conflict period.[111] Instead, Civil Affairs Division officials insisted that the Combined Civil Affairs Committee be the means to resolve occupation questions, going so far as to refuse to provide to the Commission a military advisor until the British relented. The British did, and the Combined Civil Affairs Committee retained the authority.[112]

The European Advisory Commission's work on zonal boundaries and surrender terms was by no means insignificant. But the Commission was nearly powerless as an autonomous entity.[113] Winant, after first going through the Working Security Committee, which included the Civil Affairs Division representatives, then had to send any Commission recommendations to Washington for approval.[114] The War Department's approval, along with the Joint Chiefs of Staff's, was of even greater importance than State's in Washington, and Winant had to personally confer with McCloy, who was essential in getting final clearance on proposed Commission directives.[115] The Commission's limitations were likewise revealed in February 1945, when Wickersham corresponded with the SHAEF G-5 McSherry on the subject of SHAEF's need for detailed directives regarding the occupation of Germany in order to being planning. Wickersham commented that although the Commission had prepared 36 directives, only 16 had actually been approved by the Joint Chiefs, and even these

approved directives were being carefully scrutinized to ensure their conformity with another Joint Chiefs document, the so-called Joint Chiefs of Staff Directive 1067 (JOINT CHIEFS 1067) that would serve as the Army's primary directive for the first years of Germany's occupation. Only after such directives were approved by the Joint Chiefs could Wickersham forward them to SHAEF.[116]

The European Advisory Commission's autonomy was often frustrated by the Working Security Committee's own authority and composition. That subcommittee lacked a formal charter, and it also lacked any form of unifying the disparate viewpoints of the agencies involved. As a result, any member of the subcommittee had essentially a veto power, a power that Civil Affairs Division representatives used to its fullest.[117] As Kennan noted, even the "modest measure of activity on the commission's part" met quite often with great resistance—a resistance Kennan saw coming from Civil Affairs Division representatives.[118] Many of the Division representatives were actually lawyers in uniform who were used to adversarial roles in negotiation; as Philip Mosely, Kennan's successor as Winant's political advisor, noted, they "seemed to regard the jurisdiction and prestige of the military service as they might regard the interests of a client," and who thus aggressively defended perceived War Department prerogatives.[119]

The Civil Affairs Division representatives essentially dominated the U.S. position at the Committee by establishing that virtually *all* the questions on the table, especially regarding the postwar occupation of Germany, were military matters, and therefore largely beyond the province of the Committee to decide.[120] Indeed, much of the thinking about zonal boundaries and authorities had already been developed at military operational levels among the Combined Chiefs of Staff and Chief of Staff, Supreme

Allied Command, the combined US-UK staff planning the invasion of northwest Europe. To the Civil Affairs Division on the European Advisory Commission, therefore, further discussions usurped military primacy.[121] On nearly all major issues, the U.S. military's position either prevailed, or was only modified after intense labor and very often, after much contention.[122]

The Civil Affairs Division and the Army Predominant

As the above reveals, the formation of the Civil Affairs Division was central to the continuously expanding authority and ultimate predominance of the Army, not only in interagency but in inter-Allied post-conflict occupation planning. Near the end of 1943, FDR himself finally relented and granted the Army greater authority. In his memoirs, Stimson noted two actions by FDR in November 1943:

> [These actions] showed…how far the President had moved. First, on November 10, he wrote a letter…declaring that the War Department must assume the responsibility for civilian relief in all liberated areas during the first six months after their liberation. Second, from Cairo, he cabled…his views that all arrangements for civil administration and dealings with the French people must initially be purely military… .[123]

In his diary, Stimson recollected that in a meeting with McCloy, Hilldring, Clay, and others he said that "this directive of the President was a final recognition of the proper function of the Army in those matters and that it was up to us to go ahead and carry it out."[124]

In light of Roosevelt's November decision, how does one explain the President's apparent vacillation throughout 1943? Given his predilection in other areas to give the military broad authority, why did he only defer to military advice after repeated failures? Part of the answer probably lay in his apparent distrust of military government, as well as his concern that imposition of military rule, especially on "liberated" territories would

look decidedly suspicious, if not hypocritical from a nation that espoused the Four Freedoms, democracy, and anti-colonialism. Yet it appeared that FDR was finally willing to grant the Army such authority only if it could be demonstrated that military necessity truly was paramount. Throughout 1943, it seemed that more than once Roosevelt sought a way to reconcile a postwar occupation policy that would incorporate military requirements with civilian prerogatives, as if in doing so, he could carefully balance both. He was hampered, however in two ways. First, because of an organizational system, perhaps due to his management style, that sent forth one civilian agency after another into North Africa without clear lines of jurisdiction between them. Second, because the Army had developed an effective organizational system that represented its interests and that ultimately successfully promoted its interests in interagency and inter-Allied fora, and to the President.

The Civil Affairs Division became both the Army's and the Joint Chief's executive agency for civil affairs. McCloy, who oversaw the Division's direction, in turn became the chairman of the Combined Committee on Civil Affairs, and played a crucial role in the State-War-Navy Coordinating Committee. The Division was a major factor in limiting the power of the European Advisory Commission. In the Civil Affairs Division, the Army found a powerful internal body to represent its views on postwar occupation matters, views that, expressed through the Division, became relatively clear, consistent and unified.

But this unity of vision came at a strategic price, as would be seen in the subsequent occupations. The Army had planned and organized for military government around doctrinal views, expressed in *FM 27-5*, regarding how military government

should be organized and practice. It had established a powerful organization in the Civil Affairs Division to represent its interests. The Army's efforts to manage and control, and even dominate, the postwar governance debate had largely succeeded, but the relentless focus on military objectives at the expense of longer political goals, and the militarized form of government that doctrine made a template, meant that for many of the occupations planning was by its very nature limited, backwards focused, and unhelpful to the military governors who would be responsible for executing postwar governance. Over and over, whether in Germany, Austria, or Korea, the military leaders in charge would complain that much of what they had to do had to be improvised, since they had little guidance beyond what were the basic strictures of a military-style governance, a governance, that, in the end, was meant to be temporary and focused on ensuring military victory. The stage was therefore set for a complex series of events to unfold in the occupied territories, where the Army's policies would be influential precisely because they lacked a longer, more "political" focus. The storyline becomes complicated, especially since in Germany, Austria, and Korea, the political imperatives of the Cold War began to emerge soon after the occupations began. The results of the American occupations would be decidedly ambiguous, as the following examinations of the American occupations of Germany, Austria, and Korea reveal.

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[1] Chart from Otto L. Nelson, *National Security and the General Staff* (Washington, DC: Infantry Journal Press, 1946), 383. In terms of closer command and control proximity, the relative position of the Provost Marshal General and the Commanding General of the Army Service Forces would later improve in a

reorganization completed in 1944, though well after the Civil Affairs Division had already been established. Ibid., 432-33.

[2] Edwin J. Hayward, "Co-ordination of Military and Civilian Civil Affairs Planning," *The Annals of the American Academy of Political and Social Science*, 267 (January 1950): 19.

[3] George F. Howe, *Northwest Africa: Seizing the Initiative in the West* (Washington, DC: Center of Military History, 1985), 57.

[4] Robert Murphy, *Diplomat Among Warriors* (Garden City, NY: Doubleday & Co., 1964), 145. Tellingly, Murphy entitled the chapter of his memoirs "Everybody Gets into Eisenhower's Act." Ibid., 144.

[5] Pogue, 457, (citing author interview with John H. Hilldring, March 30, 1959).

[6] Cline, 321.

[7] Dwight D. Eisenhower to George C. Marshall, November 30, 1942, in *The Papers of Dwight D. Eisenhower, The War Years: II*, ed. Alfred D. Chandler, Jr. (Baltimore: The Johns Hopkins Press, 1970), 781.

[8] Ibid.

[9] Eisenhower to Marshall, November 26, 1942, *Papers of Dwight D. Eisenhower, The War Years:* II, 772.

[10] Ibid.

[11] Diaries of Henry L. Stimson, March 28,1943, vol. xlii, reel 8, New Haven, CT: Yale University Library, microfilm.

[12] Ibid., February 11, 1943.

[13] For a description of the various agencies, see *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, (Washington, D.C.: Office of the Chief of Military History, unpublished and incomplete), Book II, Section I, Civil Affairs Machinery, Chapter 3, Liaison Activities outside the United States Armed Forces, 1-9, call no. 2-3.7 AA.Q, part 2, copy 2, on file in the Historical Manuscript Collection at U.S. Army Center of Military History, Fort McNair, Washington, D.C. (hereinafter CMH). There are multiple versions of this incomplete and unpublished history (apparently planned to be official) in the CMH's Historical Manuscript Collection, with different chapter titles and various forms of organization. To reduce confusion, I have provided the call number for the specific document that I cite from. Many of the documents referred to in this history were subsequently collected and published in the

work: Civil Affairs: Soldiers Become Governors. See Harry L. Coles and Albert K. Weinberg, Civil Affairs: *Soldiers Become Governors* (Washington, D.C.: Center of Military History, 1964).

[14] Ibid., 4-5.

[15] Ibid., 6.

[16] Ibid.

[17] Ibid., 6-7.

[18] George C. Marshall, "CCS-190: Planning for the Handling of Civil Affairs in Enemy Occupied Areas which may become theaters of operations," box 18, Records of the U.S. Joint Chiefs of Staff, Central Decimal File, 1942-45, RG 218, National Archives II, College Park, MD (hereinafter NARA).

[19] Hayward, 20.

[20] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Civilian Departments and Agencies, CAS- 4, quoting Roosevelt to Governor Lehman, March 19, 1943, call no. 2-3.7 AA.Q, part 2, copy 2, on file at CMH.

[21] Ibid.

[22]*History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Civilian Departments and Agencies, CAS 5-6, call no. 2-3.7 AA.Q, part 2, copy 2, on file at CMH.

[23] Ibid, 7, quoting Henry L. Stimson to Herbert Lehman, June 2, 1943.

[24] Ibid.

[25] An official history of OFRRO, to includes its lack of a clear and authoritative mandate is at Quentin M. Sanger, *Administrative History of the Foreign Economic Administration and Predecessor Agencies*, Office of the Historian, Foreign Economic Administration, June 15, 1946, 10 (on file at the Army Heritage and Education Center, U.S. Army War College, Carlisle Barracks, PA (hereinafter AHEC)), 166-203.

[26] Milo Perkins, "Plan for Coordinating the Economic Activities of U.S. Civilian Agencies in Liberated Areas," (Attached to letter from Franklin D. Roosevelt to Cordell Hull, June 3, 1943), box 18, Records of the U.S. Joint Chiefs of Staff, Central Decimal File, 1942-45, RG 218, NARA.

[27] Ibid.

[28] Roosevelt to Hull, June 3, 1943, box 18, Records of the U.S. Joint Chiefs of Staff, Central Decimal File, 1942-45, RG 218, NARA.

[29] Ibid.

[30] Ibid.

[31] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II. Section I, Civil Affairs Machinery, 28, call no. 2-3.7 AA.Q, part 2, copy 2, on file at CMH.

[32] Kenneth S. Davis, *FDR: The War President, 1940-1943* (New York: Random House, 2000), 720.

[33] Hayward, 23.

[34] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Section I, Civil Affairs Machinery, Chapter 3, Liaison Activities outside the United States Armed Forces, 30, call no. 2-3.7 AA.Q, part 2, copy 2,on file at CMH.

[35] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Chapter 1, Civil Affairs Responsibility of the War Department, 8-9, call no. 2-3.7 AA.Q, part 1, copy 1, on file at CMH.

[36] U.S. War Department, *Military Government, FM 27-5, July 30, 1940*. (Washington, D.C: U.S. Government Printing Office, 1940), para. 6.

[36] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Chapter 1, Civil Affairs Responsibility of the War Department, 7, call no. 2-3.7 AA.Q, part 1, copy 1, on file at CMH.

[37] Hayward, 21.

[38] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Chapter 1, Civil Affairs Responsibility of the War Department, 6, call no. 2-3.7 AA.Q, part 1, copy 1, on file at CMH.

[39] See Otto L. Nelson, *National Security and the General Staff* (Washington, D.C.: Infantry Journal Press, 1946) 335, 348-350. Nelson reprints Executive Order 9082 on pages 348-350. The order became effective on March 9, 1942, stating that it would remain in effect "during the continuance of the present war and for six months after the termination thereof." Ibid., 350.

[40] Ray S. Cline, *Washington Command Post: The Operations Division* (Washington, DC: Center of Military History, 1951), 317.

[41] Mark Stoler, *Allies and Adversaries: The Joint Chiefs of Staff, The Grand Alliance, and US Strategy in World War II*, Chapel Hill, N.C. and London: University of North Carolina Press, 2000) 104-5, 107.

[42] The other newly created special divisions were the War Department Manpower Board, the Special Planning Division, the New Developments Division, Budget Division, and the Strength Accounting and Reporting Office. Nelson, 545-546.

[43] Ibid.

[44] Major General Lucius Clay to Lieutenant General Thomas Handy, February 11, 1943, in Diaries of Henry L. Stimson, vol. xlii, reel 8.

[45] Ibid.

[46] Ibid.

[47] Ibid.

[48] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, chapter 1, 9, call no. 2-3.7 AA.Q, part 1, copy 1, on file at CMH.

[49] The official order came from the Adjutant General of the Army to the Division's first director, Colonel John H.F. Haskell: "By direction of the Secretary of War, a Civil Affairs Division of the War Department is established." Adjutant General to Colonel Haskell, March 1, 1943, in *Soldiers Become Governors*, 68.

[50] 75th Joint Chiefs of Staff Meeting Minutes, April 20, 1943, box 18, Records of the U.S. Joint Chiefs of Staff, Central Decimal File, 1942-45, RG 218, NARA. See also see Cline, 317.

[51] Diaries of Henry L. Stimson, February 11, 1943, vol. xlii, reel 8, microfilm.

[52] Ibid., March 28, 1943.

[53] Ibid., February 11, 1943.

[54] Ibid.

[55] Ibid.

[56] McCloy to Hopkins, September 10, 1942 (explaining the School of Military Government to Hopkins) and Hopkins to McCloy, September 11, 1942 (in which Hopkins replies, "Thanks so much for your note of the 10th about the Charlottesville School. I agree with you. … I am sure [the school] is all right." School of Military Government Files,(Official Files (OF) 5136, Franklin D. Roosevelt Archives, Hyde Park, NY (hereinafter FDR Archives).

[57] See generally, Kai Bird, *The Chairman: John J. McCloy and the Making of the American Establishment* (New York: Simon and Schuster, 1992), 148-162.

[58] For a chronology showing the gradual return to civil authority, see J. Garner Anthony, *Hawaii Under Army Rule* (Stanford, CA: Stanford University Press, 1955), ix-x.

[59] Diaries of Harold L. Ickes, July 7, 1942, Harold L. Ickes Papers, reel 5, Library of Congress, Washington, D.C., microfilm.

[60] John J. McCloy, January 16 and January 30, 1943 diary entries in John J. McCloy Papers, Box DY 5, Folder 45, Amherst College Archives and Special Collections, Amherst College Library, Amherst, MA (hereinafter Amherst Archives).

[61] Ibid. Roosevelt agreed to let him go for a short period in early February. McCloy, February 3, 1943 diary entry, Box DY 5, Folder 45, Amherst Archives.

[62] George C. Marshall to Lieutenant General John E. Hull, February 26, 1943, in *The Papers of George Catlett Marshall,* vol. 3, Dec 7, 1941-May 31, 1943, ed. Larry I. Bland (Baltimore: The Johns Hopkins University Press), 565

[63] Forrest Pogue, *George C. Marshall: Organizer of Victory, 1943-45* (New York: Viking Press, 1973), 457.

[64] He served as Chief of CAD from April 1943 to March 1946, and afterwards became Assistant Secretary of State for Occupied Areas. John H. Hilldring biographical sheet, obtained from Official Files (OF), FDR Archives.

[65] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Organizations, Functions, and Policy of the Civil Affairs Division, Civil Affairs Division Organization, 4, call no. 2-3.7 AA.Q, part 2, copy 2, on file at CMH.

[66] Ibid.

[67] See figure 1 from this chapter.

[68] Adjutant General to Colonel John H.F. Haskell, March 1, 1943 in *Soldiers Become Governors* at 68-69. Haskell served as acting chief of the Civil Affairs Division until April, 1943, when he was replaced by Hilldring.

[69] Ibid.

[70] Nelson (with the dashed line from the Civil Affairs Division to Assistant Secretary of War as modification by author), 469.

[71] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Organizations, Functions, and Policy of the Civil Affairs Division, Civil Affairs Division Organization, 6-9, call no. 2-3.7 AA.Q, part 2, copy 2, on file at CMH.

[72] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Organizations, Functions, and Policy of the Civil Affairs Division, Civil Affairs Liaison Functions, 2-5, call no. 2-3.7 AA.Q, part 2, copy 2, on file at CMH.

[73] The Civil Affairs Division's functions and duties included formulating policy and preparing plans for civil affairs in occupied territories; coordinating such matters with other agencies; preparing directives, proclamations, etc, for civil affairs administration in occupied areas; preparing surrender terms and supervising the setting up of machinery for the control of enemy countries; and preparing and supervising training programs. Otto L. Nelson, Jr., *National Security and the General Staff* (Washington, D.C.: Infantry Journal Press, 1946), 547-548.

[74] Civil Affairs Division organization chart (approved by order of Secretary of War), December 10, 1943, box 18, Records of the U.S. Joint Chiefs of Staff, Central Decimal File, 1942-45, RG 218, NARA.

[75] Frank McSherry to General Holmes, July 2,1944, in box 32, Papers of Frank McSherry, U.S. Army Heritage and Education Center, Carlisle Barracks, PA (hereinafter AHEC); John Hilldring to Frank McSherry, January 8, 1945, in box 33, Papers of Frank McSherry, AHEC.

[76] Lester D. Flory to John H. Hilldring, May 3, 1945, in box 1, Papers of Lester D. Flory, AHEC.

[77] John H. Hilldring to Lester D. Flory, February 16, 1945, in box 1, Papers of Lester D. Flory, AHEC.

[78] Ibid.

[79] Joint Chiefs of Staff (JCS) Paper 250/2, April 10, 1943 and JCS Paper 250/4, April 19, 1943, box 18, Records of the U.S. Joint Chiefs of Staff, Central Decimal File, 1942-45, RG 218, NARA.

[80] JCS 250/2. The two military departments agreed that the Navy would assume responsibility for civil affairs and occupation duties in the Mariana, Caroline, Bonin, and Kurile Islands and Formosa in the Pacific Theater. JCS 250/5 Paper, August 25, 1943, box 18, Records of the U.S. Joint Chiefs of Staff, Central Decimal File, 1942-45, RG 218, NARA. The Navy later in the war would argue for the establishment of the Joint Civil Affairs Committee. After dispute between the services, the Committee was established in April 1945. However, the Civil Affairs Division continued as before, and the Committee was very inactive, with only six formal meetings held and no major decisions made by it. *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Organizations, Functions, and Policy of the Civil Affairs Division, Civil Affairs Liaison Functions, Joint Chiefs of Staff Agencies, 3-8, call no. 2-3.7 AA.Q, part 2, copy 2, on file at CMH.

[81] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Organizations, Functions, and Policy of the Civil Affairs Division, Civil Affairs Division Organization, 2, call no. 2-3.7 AA.Q, part 2, copy 2, on file at CMH.

[82] McCloy, April 22, 1943 diary entry in box DY 5, folder 45, John J. McCloy Papers, Amherst Archives.

[83] McCloy, May 13, 1943 diary entry in box DY 5, folder 45, John J. McCloy Papers, Amherst Archives.

[84] The Adjutant General, "Coordinating Request for Civil Affairs Information from Civilian Agencies," June 21, 1943, box 18, Records of the U.S. Joint Chiefs of Staff, Central Decimal File, 1942-45, RG 218, NARA.

[85] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Civilian Departments and Agencies, CCAS 3-6, call no. 2-3.7 AA.Q, part 2, copy 2, on file at CMH.

[86] McCloy biographer Kai Bird has identified him as SWNCC's chairman. Bird, *The Chairman, John J. McCloy and the Making of the America Establishment* (New York: Simon & Schuster, 1992), 229-230. Civil Affairs Division Director General John Hilldring, while identifying himself as McCloy's primary military advisor on SWNCC, also identified Assistant Secretary of State James Clement Dunn as the SWNCC Chairman in a January, 1945 letter to SHAEF G-5 Frank McSherry, John Hilldring to Frank McSherry, January 24, 1945, in box 33, Papers of Frank McSherry, AHEC.

[87] Draft, Joint Chiefs of Staff Memorandum for Information, circa 1945, "Composition of Governmental Committees (SWNCC, IPCOG, and ACC) and Implementation of their Decisions," War Department box 1, folder 3, Papers of John J. McCloy Files, Amherst Archives.

[88] Indeed, this caused so much consternation, particularly with the Foreign Economic Administration, and the Treasury Department, that the Informal Policy Committee on Germany was set up in April 1945 purposely to include Treasury and the Foreign Economic Administration. The Informal Policy Committee's role was somewhat limited however, and it only lasted until August of that year. Hayward, 26.

[89] Hayward, 26-27.

[90] James W. Riddleburger to James F. Byrnes, June 20, 1945, with two attachments from the Department of Commerce ("Threatened Weakening of Potsdam Policy for Control of German Industry" and "Interest of Department of Commerce in Policy re: Industrialization of Germany"), in Department of State, box 1, Central European Division Files, RG 59, NARA.

[91] Ibid.

[92] C. Leonard Hoag, *American Military Government in Korea: War Policy and the First Year of Occupation, 1941-1946* (draft), (Washington DC: U.S. Army Center of Military History, 1970), 29-30, available at AHEC.

[93] F.S.V. Donnison, *Civil Affairs and Military Government Central Organization and Planning,* (London: Her Majesty's Stationery Office, 1966), 67.

[94] Charter of the CCAC (CCS 190/6/D), July 3, 1943 (Approved by CCS June 25, 1943) in Harry L. Coles & Albert K. Weinberg, *Civil Affairs: Soldiers Become Governors* (Washington, DC: Center of Military History, 1964), 124.

[95] Donnison, 70-71.

[96] Ibid., 67.

[97] McCloy, November 2 and 9, 1943 diary entries in box DY 5, folder 45, John J. McCloy Papers, Amherst Archives.

[98] 75th Joint Chiefs of Staff Meeting Minutes, April 20, 1943, Records of the U.S. Joint Chiefs of Staff, box 18, Central Decimal File, 1942-45, RG 218 (NARA). Stimson was almost certainly incorrect in using the term "foreign office" here. It was more likely that the Colonial Office would have provided such directors. As with the US State Department, Foreign Office diplomats handled interstate negotiations, not intrastate governance. See Donnison, 22-24.

[99] Donnison, 22-24.

[100] Diaries of Henry L. Stimson, June 1, 1943, vol. xliii, reel 8, microfilm.

[101] Ibid., June 22, 1943.

[102] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Part 3, Chapter 1: Pre-invasion Relations with France and the French Civil Affairs Agreements, 1, call no. 2-3.7 AA.Q, part 3, copy 1, on file at CMH. This same volume has information regarding agreements for Belgium, the Netherlands, Luxembourg, Denmark, and Norway.

[103] Ibid., 6-37.

[104] Ibid., 28.

[105] John G. Winant, "Summary Report of the Work of the European Advisory Commission," July 12, 1945 in Central European Division Files, box 1, RG 59, National Archives Records Administration, College Park, MD (hereinafter NARA). Lucius D. Clay, interview by Richard D. McKinzie, July 16, 1974, 7-8. Harry S. Truman Archives, Independence, MO (hereinafter HST Library). Clay noted that the British were particularly concerned that if such zonal boundaries were not established in relatively short order, the Russians would "meet us on the English Channel." Ibid.

[106] John G. Winant, "Summary Report of the Work of the European Advisory Commission."

[107] Ibid.

[108] George F. Kennan, *Memoirs, 1925-1950* (New York: Pantheon Books, 1967), 163-64.

[109] Kennan, 165.

[110] Joint Chiefs of Staff to Secretary of State, January 4, 1944, OPD Files, 334.8, section 1, reprinted in part in Harry L. Coles and Albert K. Weinberg, eds., *Civil Affairs: Soldiers Become Governors* (Washington, D.C.: U.S. Army Center of Military History, 1964), 136. Both the War and State Departments opposed empowering the EAC. Secretary of State Cordell Hull fearing it might imperil the geopolitical influence of the State Department and Secretary of War Stimson and Assistant Secretary John McCloy fearing the European Advisory Commission would lead to the transfer of occupation responsibilities to London. Bruce Kuklick, "The Genesis of the European Advisory Commission," *Journal of Contemporary History*, 4 (October, 1969): 197, 199.

[111] *History of the Civil Affairs Division, War Department, Special Staff, World War II to March 1946*, Book II, Section I, Chapter 5, Coordination with Allied Governments, 20-24, call no. 2-3.7 AA.Q, part 2, copy 1, on file at CMH.

[112] It is worthy of note that military advisor sent by the U.S. to the European Advisory Commission was Brigadier General Cornelius Wickersham, who had served as Commandant of the School of Military Government. Ibid., 24.

[113] The Protocol to the Moscow Conference which established the EAC made the Commission advisory: the "Commission will study and make joint recommendations to the three Governments upon European questions…which the three Governments may consider appropriate to refer to it. For this purpose the members of the Committee will be supplied by their Governments with all relevant information…" Annex 2 to Protocol of Moscow Conference, November 1, 1943 in *Foreign Relations of the United States, 1943, vol. I, General* (Washington, D.C.: Government Printing Office, 1963), 757.

[114] There was consensus within the American government that the EAC's role would be purely 'recommendatory" with "no control over military authority. Kuklick, 194.

[115] John G. Winant to John J. McCloy, February 24, 1945 in box 1, State Department Central European Division Files, RG 59, NARA.

[116] Brigadier General Cornelius Wickersham to Brigadier General Frank McSherry, "U.S. Policy Directives and Instructions," February 24, 1945, in box 29, Papers of Frank McSherry, AHEC.

[117] Edwin J. Hayward, "Co-ordination of Military and Civilian Civil Affairs Planning," *The Annals of the American Academy of Political and Social Science*, 267 (January 1950): 25.

[118] Ibid.

[119] Mosely, 585. Kennan is particularly scathing of the Civil Affairs Division's intransigence at the European Advisory Commission, noting that the "main source of the trouble was, quite clearly, the Civil Affairs Division of the War Department, which refused initially even to take part in any interdepartmental discussion looking to the instruction of the American representative on the EAC, and which later, having grudgingly consented to take part, did so in a manner so lacking in both candor and enthusiasm as to give the impression of sabotage." Kennan, 172.

[120] Philip Mosely, "The Occupation of Germany: New Light on How the Zones were Drawn," *Foreign Affairs*, 28 (July, 1950): 585-586. The specific manner by which CAD and other War Department officials influenced the ultimate postwar structure of Germany will be discussed in chapter 7.

[121] See William M. Franklin, "Zonal Boundaries and Access to Berlin," *World Politics*, 16 (October, 1963): 15. For a specific history of the military occupation planning for Germany, see Office of the Chief Historian, European Command, *Planning for the Occupation of Germany, Special Text 41-10-62* (Frankfurt-Am-Main, Germany: 1947).

[122] Civil Affairs Division representatives did vigorously push, at one point, for having the American zone switched to the northwestern part of Germany, which was contrary to COSSAC's design. This was done because of Roosevelt's initial insistence on having the American zone in the north, in part to ensure American access to Baltic ports and also because of fear of potential collapse of the postwar French government and subsequent revolution in that country, thus leaving American forces in southern Germany exposed. Secretary of War Stimson, Assistant Secretary of War McCloy, and Secretary of State Stettinius all agreed that FDR's rationales did not merit making the change, and the President ultimately acquiesced to the zonal boundaries largely set by the British. See Mosely, 590-593; Franklin, 11-12; and Diaries of Henry L. Stimson, July 31, 1944, vol. xlvii, reel 9.

[123] Stimson and Bundy, 560. For the November 10, 1943 letter, see, Roosevelt to Stimson, *Soldiers Become Governors*, 108-09.

[124] Diaries of Henry L. Stimson, November 12, 1943, vol. xv, reel 8, microfilm.

Chapter 6 - Planning and Implementing Military Government in Germany, 1943-46

Cold War historian Melvyn Leffler points out that no country was more critical to the superpowers than Germany during the Cold War and that Germany's integration in some form into a postwar international system favorable to the either the U.S. or U.S.S.R. was an overriding issue.[1] But how that integration would occur only became evident as the Cold War both intensified and clarified. During World War II and during the occupation's first year, what Germany meant to the United States was not completely clear. Correspondingly, the United States' efforts, particularly during the first critical year of the American occupation, were both largely formulated by military planners and were driven by military, and not long range policy, objectives. Underlying those objectives were a series of assumptions about how postwar governance in Germany should be implemented. Although these plans and their implementation were by military leaders, particularly by then Lieutenant General Lucius D. Clay, during the first year of the occupation, they would dramatically shape the longer-range policy goals of the United States in Germany. This could be seen in fundamental policy and planning documents and in actions taken on the ground by the Army's military government. Particularly revealing are the examples of Clay's associations with the Soviet Union and the communist party in Germany and the American military government's reempowering of German officials quickly through his efforts in establishing local governments in the U.S. zones. Both these examples show how military imperatives shaped larger policy outcomes, sometimes in conflict with U.S. strategic thinking among high-ranking civilian officials.

FDR's postwar goals for Europe were initially not entirely clear, and civilian leadership throughout the war had little to offer as far as what should be done with Germany. Writing to the Acting Secretary of State in early 1944, Roosevelt stated that he did not want the United States to have the "post-war burden" of reconstituting many of the liberated nations, saying that was a British task. What FDR stated was the "principal object" was to "take part in eliminating Germany as a possible and even probably cause of a third World War."[2] Officials in the State Department shared Roosevelt's aversion to the British approach and also indicated a reluctance to take, in the words of the Central European Division's James W. Riddleberger, a "long-range view." According to Riddleberger, there was too much uncertainty as to what the future would hold. , Longer range planning was virtually impossible until the Allies had "entered a considerable portion of Germany and kn[e]w the conditions … existent there".[3]

Planning for Germany's eventual occupation thus began with little more than a vague notion of Germany somehow reentering the international order in a way not especially burdensome to the United States, though obviously looking different than the Nazi dictatorship it had become. Such planning was also based upon a series of wartime assumptions that turned out to be mistaken, assumptions formed from past and current experience. The first assumption was that Allied forces would enter Germany in a fashion similar to World War I, with Germany's administrative structure intact. If this assumption held, then an occupation akin to the Rhineland occupation described in the Hunt Report could ensue, and the occupiers could facilitate a return to power by appropriate German civil authorities with relative ease. Another was that there would be

a sudden, overwhelming internal collapse of Germany, again similar to what occurred in 1918, which would allow for a shift of resources and personnel to the Pacific theater in order to invade Japan in 1946. This turned out also to be mistaken. Germany resisted bitterly even till the final days of the war, combating the Allies with a ferocity that was stunning as it was pointless.[4] A final assumption was that the wartime coalition between the Western allies and especially the Soviets, would maintain itself at least for the foreseeable future.[5] The preparatory documentation for the Allied occupations reveals that the last assumption was constant, even if the basis for such an assumption was unclear. [6] This mistaken assumption confused an exigent wartime coalition with a genuine long lasting alliance. As the months following V-E Day passed, the coalition between the Western Allies and the Soviets broke apart, and the Cold War began.

The above assumptions were practically oriented, and they focused on the immediate goals of successful administration of a defeated nation. They underpinned initial American strategic thinking about postwar Germany. As the war ended, however, it became clear that Germany would resist, and that the surrender would not be prefaced by internal collapse. These unpalatable truths, along with the strong beliefs by many high ranking civilian officials that Germany should be socially transformed, would clash with military government assumptions about an early return of German authorities to power. And as the war ended, there would be a decided clash of perceptions between high ranking American civilian officials about the Soviet Union, and on-ground perceptions by American military leaders in Germany. But what is especially notable is that during the first, critical phase of the German occupation, particularly from the German surrender in May 1945 to the establishment of provisional local German

governments in the U.S. zone in 1946, the Army's institutional understanding and practice, executed in the form of military government, had the greater influence in Germany. Despite the view of key U.S. civilian officials that the Soviet Union was a threat that had to be contained, U.S.-U.S.S.R. relations in the occupied zone were relatively amicable during the occupation's first year; and despite the reticence and even resistance by American civilian leaders, German officials were returned to power relatively quickly in the American zone.

Military Planning

Detailed planning for the initial stages of the occupation was almost entirely done within the Army itself, beginning as early as 1943. Army planners at the Civil Affairs Division and at what would become the Supreme Headquarters Allied Expeditionary Force (SHAEF) began to formulate a series of plans for the eventual occupation of Germany. Ostensibly, the State Department still had general supervision over postwar policy, allowing the Army only to administer postwar occupations throughout the world. But the Army had, in establishing the Civil Affairs Division and then asserting authority in various agencies, committees, and commissions, ensured its viewpoints were expressed and more often than not, complied with by civilian organizations. The Army also had access to, and had an ability to gather, huge troves of information on potentially occupied territories. It also an ability to integrate with ongoing military operations, and thus to transition seamlessly to postconflict occupation responsibilities in a coherent and presumably ordered way.

Accordingly, the first occupation plan so devised, named Operation RANKIN, was conceived almost entirely as a military operation. Premised on a World War I-type

collapse of the Third Reich, it called for the speedy occupation of a barrier zone along Germany's western frontier and the quick stationing of forces in key strategic locations in order to secure control over Germany. Even though the planners were undoubtedly aware of the enormous political ramifications of the plans they were formulating, the planners were reminded to avoid delving into policy questions in order not to commit the American government to a particular political agenda that had yet to be formulated. In the words of an official history of the occupation planning, General Eisenhower's influence was "exerted constantly in the direction of avoiding the political implications." He gave strict instructions throughout the planning process that the occupation should focus on military and not political issues.[7]

The SHAEF planners in turn fashioned mock directives from higher as a way to frame their own planning assumptions. One, drafted as if sent from the Combined Chiefs of Staff, stated that the occupation would be firmly under military control: "Except by the express direction of the Combined Chiefs of Staff, there will be no Political Agency or Political Representative of either the United States or British government taking part in the Administration." [8] The occupation would have an initial military phase, during which Eisenhower, as presumed military governor, would have full authority to take all administrative or other measures necessary for the conduct of operations. But the end point of that phase was not clearly stated. Only when the military situation allowed would civilian authority come in to assume control over such areas as Eisenhower himself would decide when civil relief agencies such as the United Nations Relief and Rehabilitation Administration and the Red Cross would be permitted

to function, and in all instances, all actions would conform to the requirements of military necessity.[9]

The planners also worked to ensure a close linkage between tactical forces and military government and civil affairs units. They determined that it would be necessary from the outset to integrate closely the civil affairs units with the tactical chains of command during operations and movements towards and into Germany, and that at least in the initial phases of the occupation, there would be a tactically oriented form of military government. SHAEF planners would also prepare at their levels policy directives that lower level echelon G-5s would provide to the military government and civil affairs units. Furthermore, the SHAEF planners established a school in Great Britain at Shrivenham, in large part to ensure a better integration of civil affairs personnel with combat units.[10]

According to RANKIN, the location of occupation troops in Germany would be premised on the tactical location of the Allied troops as they entered the physical territory of the Reich. British troops, beginning with the Normandy landings themselves, were positioned north of the American troops. By military logic, the British and American axes of advances into Germany followed this initial scheme of maneuver. President Roosevelt would seek to reverse the occupation zones as the war ended, with the Americans in the northwest and the British in the south. But RANKIN's premise held: the zonal occupation in the west was ultimately determined upon the disposition of forces, not political considerations, as the Western Allies entered into the conquered territory.[11]

RANKIN would be obsolete by D-Day on June 6, 1944, and military planners developed two other plans in succession, TALISMAN and ECLIPSE. They revealed a more political awareness than RANKIN. In the words of one senior military planner, "We cannot wait for policy to be laid down by the United Nations. It is essential that we should prepare now, as a matter of urgency, papers on all these problems."[12] Planners therefore drew up special studies on a range of issues from imposition of sanctions to disarmament and the establishment of martial law.[13] Yet even these plans fundamentally oriented on the Army's military government doctrinal model as the approach to execute postwar governance. Accordingly, the postwar governance objectives in TALISMAN and ECLIPSE were military ones.

For example, the planners developed what they termed Standard Policy and Procedure (SPP)—underlying policy and procedural principles that would inform their planning for civil affairs. As draft notes reveal, the planners explicitly drew upon *FM 27-5* in order to ensure that any principles that they adopted were in general alignment with the doctrinal principles in the Army manual. Among other matters, it noted that *FM 27-5*, provided for two basic types of military government organization—tactical and territorial. The SPP indicated that initially the tactical model would be adopted, though also that it would be necessary to provide a territorial type of organization for an orderly transition to Control Commission authority at some future point. The SPP also discussed handling a variety of issues, such as the handling of displaced persons, occupational military police, the disposal of government records and archives, referring throughout to *FM 27-5*'s broad guidance in dealing with such matters.[14]

In further drafts and comments, it was clear that the planners understood the need to comply with international law requirements. At the same time the absolute primacy of military authority was continually stressed, and the occupation mission would be focused on military objectives. Brigadier General Frank McSherry, who was the SHAEF G-5, commenting upon the proposed SPPs, wrote that under international law a supreme commander was responsible for the maintenance of law and order, the well being of the civilian population and the restoration of conditions to normal, insofar as the military situation permits. He also noted that "[m]ilitary necessity is the first question to be considered; it is still the duty of the Commander under International Law, to govern the country which he has occupied as well as possible subject to military exigencies."[15]

Such comments were in keeping with the American Army's understanding of military government. It had both a set of rules under international law that were required to be obeyed, though at the same time, the paramount matter at all times was military necessity and the primary military requirement of maintaining wartime victory. Draft comments about the SPP did note the requirement for aligning military objectives with longer range political goals. A January 31 draft entitled "Allied Military Government in Occupied Territory" noted that an objective of military government was "[t]o promote political objectives of the Allied Government "as well as "military objectives of their combat forces." But even within that particular draft, ultimately the "objectives of a military government [were] primarily to aid in the successful prosecution of the war."[16]

Yet this determination that military requirements were ultimate arbiters during occupation was not simply a conceptual matter. It also revealed the practical reality that there were not sufficient civilian agencies in size, ability, or authority to assume the

Army's mission and thus direct the course of the occupation toward non-military goals. Commenting upon a proposed policy of the U.S. and U.K. governments to replace civilian agencies with military personnel during the Germany's occupation, SHAEF civil affairs planners noted in early 1944 that "No such agency is available at present, or likely to be so for some time after operations being."[17]

The last plan developed at SHAEF for action in case of German surrender was labeled ECLIPSE, published in November 1944, and expressly termed the "military continuation of Operation OVERLORD."[18] The plan was intended to provide interim guidance to the Allied forces prior to a turnover to what would presumably be an Allied Control Council. Accordingly, it said virtually nothing about long range plans for Germany, other than that German forces would be disarmed and demobilized, law and order would be established, and Allied forces would be properly distributed throughout the country.[19] As figure 8 below illustrates, Germany's land mass contained operational objectives for Allied forces to capture, in order to then ensure the accomplishment of ECLIPSE's military objectives. As figure 8 also illustrates, ECLIPSE provided an initial tripartite zonal demarcation and clearly depicted a trizonal partition of Berlin.

Regarding the territory of Germany however, it was not clear which Western Ally would occupy which zone, even in the fall of 1944, as the ECLIPSE map also illustrates.[20] There *was* a boundary decided upon between the Western Allies and the Soviets, but while that line had been agreed upon by the summer of 1944, it was simply an educated guess at where the respective fighting forces would be when the fighting stopped.[21] Indeed, this partitioning of Germany into Western and Soviet zones of occupation was not considered a political matter. When the U.S.-U.K. Combined Chiefs

of Staff discussed the zonal distribution, they did so in a way that reflected military objectives entirely. In the so-called Octagon Conference held by the Combined Chiefs in the fall of 1944, the Combined Chiefs stated: "[T]he following subdivision of that part of Germany not allocated to the Soviet Government…is acceptable from a military point of view… ."[22] The discussion set forth the acceptable American zone "for disarmament, policing and preservation of order":

> The forces of the United States under a United States Commander will occupy Germany east of the Rhine, south of the line Koblenz-northern border of Hessen-Nassau and west of the area allocated to the Soviet Government. Control of the ports of Bremen and Bremerhaven, and the necessary staging areas in that immediate vicinity will be vested in the Commander of the American zone.[23]

The only relevant points of discussion regarding occupation zones were their utility as staging areas, implicitly referencing future combat operations against Japan.

The Handbook Controversy, the Morgenthau Plan and JCS 1067

Throughout 1944, SHAEF civil affairs planners in its German country unit had worked on a guide for military government in Germany that would provide concrete guidance for the occupiers. Relying on documents such as the Hunt Report and *FM 27-5*, the SHAEF planners created the *Handbook for Military Government in Germany*, which quite explicitly reflected the standard doctrine and practice of American military government.[24] President Roosevelt read the *Handbook* himself after Secretary of Treasury Henry Morgenthau, a strong proponent of severe terms for German surrender, returned from Europe with a copy of it. Apparently, even given FDR's deference to

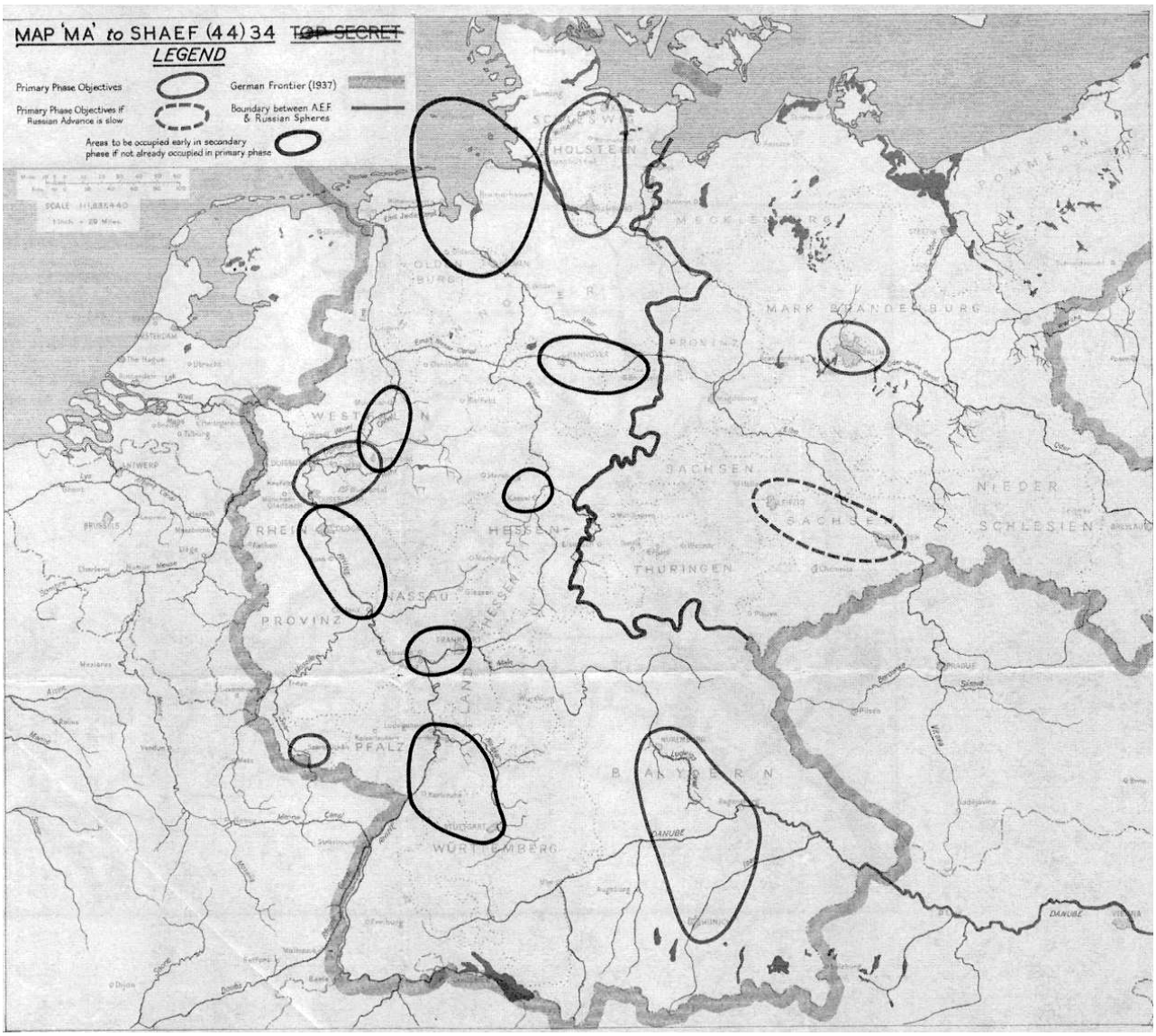

Figure 8
Troop Concentrations within Germany per ECLIPSE Plan[25]

military matters, it was not punitive enough. Writing to Secretary Stimson in August 1944, Roosevelt noted that

> This so-called "Handbook" is pretty bad. I should like to know how it came to be written and who approved it down the line. … It gives me the impression that Germany is to be restored just as much as the Netherlands or Belgium, and the people of Germany brought back as quickly as possible to their pre-war state.[26]

The *Handbook* not only referred to Germany's economic rehabilitation, it also fully reflected the military government doctrine of early return to civilian authority as soon as possible. Roosevelt in particular noted comments in it such as "Your main and immediate task, to accomplish your mission, is to get things running, to pick up the pieces, to restore as quickly as possible the official functioning of the German civil government in the area for which are [sic] are responsible… . The first concern of military government will be to see that the machine works and works efficiently."[27] Elsewhere the *Handbook* stated that "All existing German regulations and ordinances relating to…production, supply or distribution will remain in force until specifically amended or abrogated." [28]

FDR commented angrily to Stimson that he saw the Handbook as too gentle and friendly, with too much of a "helping hand" approach: "I see no reason for starting a WPA [Works Progress Administration], PWA [Public Works Administration], or a CCC [Civilian Conservation Corps] for Germany when we go in with our Army of Occupation," a reference to the various New Deal agencies Roosevelt himself had created during the Depression. [29] In reality, such a massive social welfare effort was *not* what the U.S. Army contemplated. What the *Handbook* pointed to was restoring Germans to power

quickly, in accordance with military government doctrine and organizational practice, with as little interference and oversight from the Army as could be allowed.

Nevertheless, this caused great protest within FDR's Cabinet. Even prior to the *Handbook*'s publication, a Cabinet Committee consisting of the Secretaries of State, Cabinet, and War had proposed a plan for the President that was far more severe than the mild occupation envisioned by the SHAEF civil affairs planners. The Cabinet Committee's proposal included Germany's demilitarization and the political destruction of Nazism and other extremist viewpoints. It also, most controversially, called for keeping the standard of living of the German population at subsistence levels, and for reconverting the "German economic capacity in such manner that it will be so dependent on imports and exports that Germany cannot by its own devices reconvert to war production."[30] Secretary of Treasury Henry Morgenthau went even further, seeking to implement his plan, the so-called Morgenthau Plan, in large driven by perceived softness he saw in the Army's postwar proposal. Morgenthau's plan likewise called for keeping Germany at subsistence levels, as well as its near-permanent deindustrialization and pastoralization.[31]

Stimson himself did not object to the destruction of Nazism and even the restructure of German political life to some degree, as both the Morgenthau Plan and the Cabinet Committee recommended. But he particularly fulminated against the plan to keep Germany deindustrialized and kept at subsistence levels. Stimson was utterly opposed to the idea in either plan, saying that to hold Germany to subsistence levels would not in his opinion prevent but breed war." He added that he could not conceive of such a plan

being possible and effective, but instead saw “enormous evils” as a result of it being implemented. [32]

What resulted from this clash between civilian views of sweeping societal reform and the military’s more modest proposals was a document that has caused confusion among historians as to its purpose and significance. The document, Joint Chiefs of Staff (JCS) Directive 1067, could be seen as either an extension of the harsh aspects of the Morgenthau Plan, or at best as a compromise between civilian and military planners regarding Germany’s future. On close inspection, however, it is apparent that JCS 1067 was fundamentally a military document. An examination of the correspondence from SHAEF planners indicated that they interpreted JCS 1067 as an interim military directive meant to be replaced with a longer-term and more political product.[33] And as a military document, it was subsequently executed by military personnel, who did so in such a way as essentially to diminish the document’s rigors and instead to enact it in accordance with imperatives consistent with U.S. military government, as expressed in its doctrine, and as practiced in its organization and leadership.

It was a War Department creation. No other body, not even the European Advisory Commission, whose capabilities had been delimited largely because of War Department efforts, had the authority to produce such a directive.[34] According to occupation historian Earl Ziemke, it was largely the work of the Army’s own Civil Affairs Division. [35] John McCloy when interviewed was even more specific, going on the historical record to say that *he* was given the job of drafting the document, noting that JCS 1067 was written in response to the Morgenthau Plan’s extremism.[36] According to McCloy, JCS 1067 deliberately deflected the Morgenthau Plan’s more punitive measures. Rather it

contained a series of clauses and phrases which permitted the on-ground military governor freedom to maneuver:

> If you read 1067…there's a clause in every paragraph, "except in case of emergency" or "except in case of" something or other, so you did have some leeway there. … And we were responsible, or I was responsible, for putting in the "unless you have to." … But when you consider what move that was from the *Vidictus* of the original Treasury plan, and the original State Department plan, you can see how far away it was from that.[37]

McCloy exaggerated the ameliorative language to some degree, but prominently there was a provision in Annex D, the "Relief Directive," that allowed the military governor to take action to "prevent disease and such disorder as might endanger or impede military occupation."[38] General Lucius Clay, *de facto* military governor of the U.S. zone in Germany from 1945 to 1947, would later fully exploit this loophole as he saw fit.[39] Indeed, the overall language of JCS 1067 was sufficiently broad that Clay himself did not find JCS 1067 particularly restrictive.[40]

Roosevelt approved an initial version of the directive in September 1944. There were in fact no less than eight versions of JCS 1067 between September 1944 and May 1945, though the content of the major sections largely remained the same in all.[41] It stated that Germany's rehabilitation was the "preparation for an eventual reconstruction of German political life on a democratic basis." However, any such goal was subordinate to the primary one, which related back to the original and underlying purpose of the occupation—to prevent Germany from reemerging as a military threat: "The principal Allied objective is to prevent Germany from ever again becoming a threat to the peace of the world."[42] Another consistent provision throughout all versions, from the fall of 1944 to the published version in April 1945, was the supreme authority of the military governor, who was

> …By virtue of [his] position, clothed with supreme legislative, executive and judicial authority in the areas occupied by forces under [his] command. This authority will be broadly construed and includes authority to take all measures deemed by [the military governor] necessary, appropriate and desirable in relation to military exigencies and the objectives of a firm military government.[43]

The authority of the military governor was delimited most significantly by a stringent denazification policy that did not allow flexibility in returning Nazi party members to civil authority.[44] Here apparently, military necessity did not necessarily prevail, and the requirements to denazify held sway even over the fundamental tenet of American military government to return power as quickly as possible. As events would prove, however, even that stricture would not be absolute: denazification policy would also be modified to fit actual, on-ground conditions by the American military government.

Despite the SHAEF planners' beliefs about the temporary nature of JCS 1067, its apparent interim guidance was the most explicit the American occupiers would receive from any source during the first two years of the occupation. Indeed, the published papers of the wartime Yalta and Quebec Conferences among the main Allied powers never had any longer range policy or plan beyond ensuring Germany's permanent military defeat. For example, the Yalta Communiqué, released to the press on February 11, 1945, stated that the requisite steps for Germany's occupation were "disarmament, demilitarization, and dismemberment" but did not discuss the establishment of a permanent German democracy. And in the agreed upon "Principles to Govern the Treatment of Germany in the Initial Control Period" adopted by the Allies at the Potsdam Conference in August 1945, democracy was portrayed much more as a future project: "The purposes of the occupation of Germany by which the Control Council shall be guided are…to prepare for the eventual reconstruction of German political life on a

democratic basis and for eventual peaceful cooperation in international life by Germany"[45] Whatever discussions there were related to democratization were in fact linked explicitly with more pragmatic ones such as ensuring that German militarism was destroyed and that government authority decentralized in order to prevent the reemergence of Germany as a major military power. The Potsdam Principles were explicit on this point in stating that while local self-government was to be restored throughout Germany on democratic principles and in elective councils, this would only occur in accordance with requirements for "military security and the purposes of military occupation."[46]

Lucius Clay and the American Military Government in Germany

While Eisenhower served as the first Military Governor of the U.S. zone in Germany until November 1945, to be followed by General Joseph T. McNarney until 1947, the real wielding of power and authority in the American zone was by Lieutenant General Lucius Clay, Deputy Military Governor from 1945 to 1947 (and Military Governor from 1947 to 1949).[47] He was not an initial first choice. FDR himself initially wanted the job to go to John McCloy. But after Roosevelt, in mock fashion, held up his hand in a Hitler salute and said to McCloy in 1944, "*Heil*, Commissar for Deutschland," McCloy responded:

> We haven't won the war yet … and I don't think this is the time for a High Commissioner in Germany. … There'll come a time when a civilian will be needed there, someone with military background who's had some civilian experience as well, but I don't think this is the occasion now. It's more like a Mississippi River disaster—it's a month of keeping body and soul together. There's going to be a lot of distress and questions of food and supply, and this is a job for a soldier at this stage, who can move with other soldiers.[48]

After FDR remarked that he knew of no one in the Army able to do this, McCloy responded that he knew Lucius Clay, "a sort of right hand man for General [Brehon] Sommerville [the Commander of Army Service Forces]—really running to a large degree Somerville's office over there… ."[49]

The Cabinet Committee for the President had, in September 1944, in fact recommended the appointment of an American High Commissioner for Germany. Although not explicit, its recommendation seemed to recommend a high-ranking civilian, an "official of high political ability and considerable prestige who can speak with authority for the Government in all matters where a common policy must be worked out the U.K. and the U.S.S.R."[50] But there were no takers for the assignment. Clay later remarked that he did not believe there was anyone who had volunteered to have taken the assignment, given its breadth, complexity, and the possibility of its failure.[51]

Clay was an Army engineer who had worked on a series of complex logistical problems throughout the war. He also came from a political background: his father had been a prominent Georgia senator, and Clay had even been a page in Congress.[52] By most accounts, he possessed high intelligence, organizational ability, and an intensity and a work ethic that many found intimidating and even frightening. He had also been involved in civil affairs disputes, especially during the North Africa campaigns.[53] Clay had desperately wanted a combat command during the war, saying he would have "given his eyeteeth to have commanded a division."[54] But his essentially civilian work in the Washington bureaucracy proved invaluable to Sommerville, Marshall and others, and it provided excellent training for his role as military governor.

FDR apparently did not dispute McCloy's recommendation, another example of his deference to War Department decisions. Allegedly Roosevelt said to McCloy that he was too tired to argue with him, and he allowed Clay to be the choice.[55] And while Eisenhower preferred initially his own Chief of Staff, Lieutenant General Walter Bedell Smith, Clay got the job and arrived in Germany shortly after V-E Day in May 1945. Clay sometimes ran afoul of political leadership, particularly at the State Department, some of whom felt that Clay ran matters in Germany too autonomously and free of higher Washington influence. Clay, however, was not afraid of taking his grant of authority as military governor and using it to the fullest to meet what he perceived as the Army's objectives in Germany.

Even before Clay's arrival, American military government officials came into the Reich some as early as December 1944, eventually to occupy the U.S. zone in figure 9 below. They relied on the explicit of authority of Proclamation No. 1, issued by General Eisenhower, who for an interim period served as supreme military authority over all the areas occupied by the Western Allies. The proclamation reiterated the underlying principle of military government in that he asserted that "[s]upreme legislative, judicial and executive authority and powers within the occupied territory are vested in me as Supreme Commander of the Allied Forces and as Military Governor." Furthermore, all Germans were to "obey immediately and without question" all the enactments and orders of the military government, and resistance to the Allied Forces would be "ruthlessly stamped out." Further reflecting basic military government doctrine, the proclamation stated that all officials charged with the duties of remaining at their posts would do so until further

orders were issued, to include all those at “public undertakings and utilities and to all other persons engaged in essential work.”[56]

American military government officials moved into the occupation zone (in figure 9 below) with a wealth of information, including template documents for curfews, the surrender of firearms, the use of carrier pigeons, and wireless; travel restrictions, how to set up military courts. The years of planning and organizing seemed to have at least resulted in some benefits, and there was a measure of purpose and organization when the occupiers came that reflected a detailed level of planning unprecedented in this history of war.[57] The work of Military Government Detachment F-213 in Munich from May 1945 to January 1946 was not uncommon. Composed of 24 officers and 48 enlisted men, it spent a year prior to its occupation duties preparing for its mission, poring over maps and air photos, and studying all aspects of the location of its assignment. The unit’s members knew Munich “better than their own towns.” Upon arrival, the detachment went to work: its commander appointed an *Oberbuergermeister*, established law and order, got utilities working, and empowered those on the so-called “White list,” that is those officials who were determined not to be Nazis, to act as temporary mayor and heads of municipal departments.[58]

But the very vastness of the project of the occupation sometimes seemed to overwhelm even all the preceding planning efforts. For example, one military government sergeant sent to conduct surveys on industry, commerce, mining and agriculture reported after his occupation service that the efforts were weak, and another, as part of a nutritional survey team in Bavaria, noted that the efforts were worth doing but less than successful.[59] The scope of urban destruction could be at

times staggering: one observer called Germany a “country without cities.”[60] There was also the fundamental practical problem of preventing a highly advanced society from starving. According to an American military government official in Leipzig, “[T]he first and foremost [problem was] food for a thoroughly dislocated industrial population… .”[61]

Figure 9
Allied Occupation Zones in Germany[62]

The overall situation, one of chaos and collapse, thus looked quite unlike the placid Rhineland occupation following the previous World War. And yet the attitude of the German people in the American zone was typically reported as calm, with few overt acts of resistance. A June 1945 intelligence report asserted that "The Germans look at the Allied Forces with fairly understanding eyes," noting that it was not a novelty for the Germans to have large numbers of troops billeted throughout the country. The same report noted that hooligan and Nazi resistance activities were "infinitesimal."[63] Clay wrote to Hilldring in July that political activity was dormant: "German masses seem totally unpolitical, apathetic and primarily concerned with everyday problems of food, clothing, and shelter. … There is no evidence of an attempt to organize a Nazi underground."[64] Even after the cold and brutal first occupation winter of 1945-1946, intelligence reports indicated that the population in the U.S. zone was outwardly placid— the Germans apparently expressed their greatest concerns about local military government detachments withdrawing too quickly, since many still placed relatively little faith in German administrations. [65] What the American occupiers noted was a "monotonous repetition of the usual complaints" that centered on the theme that the occupation authorities did not show enough interest in the immediate reconstruction of Germany.[66]

In a fundamental respect, then, the Second World War's occupation in the American zone did resemble the First's—not in the level of destruction, but in the relative compliance of the Germans themselves, and in their apparent desire not to engage in an extensive guerrilla uprising, much less return to their Nazi past. Accordingly Clay was able to separate military government from tactical command rapidly. In his

estimation, military government did "not belong in one of five staff divisions at theater headquarters."[67] He achieved it faster than in Austria, a nation far less damaged. During the summer of 1945, command and control of military government flowed through the tactical commanders of the Eastern and Western Districts in the American zone. But by September 1945 Clay had created Directors and Offices of Military Government directly linked to the respective *Laender* the American forces occupied, thus moving to the territorial model of military government. By October, the G-5 civil affairs staff sections in tactical district commanders detached and fell under the *Laender* Military Governments.[68] From January 1, 1946 onwards, the Directors of the Offices of Military Government in Bavaria, Wuerttemberg-Baden, and Greater Hesse each became completely independent of the district tactical commanders and reported directly to General McNarney (*de facto* to Clay). The Directors themselves were in turn responsible for all activities related to military government in their districts, which included coordinating with German civilian police and all other German agencies.[69]

American Military Government and the Soviets

The separation of tactical units from military government control also meant a corresponding lack of oversight by military authorities over the activities of the Germans. American military government was moving at a pace and in a direction not necessarily consonant with American civilian policymakers in Washington. This was especially apparent in the difference between the views of civilian leaders and military leaders in Germany, especially Clay himself, regarding the Soviet Union.

When Truman assumed the Presidency following Roosevelt's death in April 1945, he did not initially intend to reverse FDR's cooperative strategy with the Soviets.[70] At

the same time, he was much more prone to rely on counselors, many of whom held suspicious or at least skeptical views of the U.S.S.R.[71] On May 5, 1945, then Director of the Office of Strategic Services William J. Donovan sent a memorandum to new President Harry Truman entitled "Problems and Objectives of United States Policy" in which he focused almost exclusively on the Soviet Union.[72] The Soviet Union was perceived as unpredictable. The U.S.S.R. put "little store by proposals of compromise or by international agreements." He went on to say that "If she [the Soviet Union] should succeed in such a policy, she would become a menace more formidable to the United States than any yet known."[73] Donovan also keyed in on the importance of Germany in the future of U.S.-U.S.S.R. relations. To Donovan, the "German problem" was at the center of any possible conflict:

> The problem of Germany is largely separate and distinct from that of Western Europe, and is at the same time by far the most crucial problem on the Continent. A Russia that dominates Germany will dominated Europe. On the other hand, Russia will almost certainly fight to prevent the Western domination of Germany. The only remaining possibilities are the total partition of Germany between the East-European and West-European spheres, or the establishment and maintenance of a democratic-socialist Germany balanced between the Eastern and Western blocs but aligned with neither.[74]

Donovan's perception of the Soviet Union was inextricably linked with the German problem. Thus, from the outset, before the war was even over and the occupation and rebuilding of Germany had begun, Soviet conduct and action in Germany were seen as the key to post-war Europe.

Truman himself placed the "point of departure" of policy towards the Soviets in early January 1946. He was particularly disturbed by the continuing Soviet policy of keeping troops in Iran, saying that there was no justification for it and that it apparently paralleled Russian aggression in the Baltic States and Poland.[75] As he stated in that same

correspondence: “I’m tired [of] babying the Soviets.”[76] The same month, Secretary of State James Byrnes gave the first public expression of the Administration’s new policy towards the USSR in a speech to the Overseas Press Club in New York. Though not mentioning the Soviet Union by name, Byrnes stated that while the US welcomed the USSR as part of a postwar polity, America would not abide with aggression or threats of force contrary to the purposes and principles of the UN Charter—a clear reference to the Iranian situation.[77]

On the ground in Germany, however, Clay viewed the Soviet Union in quite a different light. In his memoir of military government, *Decision in Germany*, written in 1950, he portrayed the Soviet Union as a nation that appeared to be only temporarily kept in check.[78] Clay wrote that, at the time of Potsdam, the Soviet Union seemed to be willing to accept four-power control, but only grudgingly. He attributed this grudging acceptance, at least in part, to the fact that American military strength in 1945 was “at its peak” of dominance and influence in Europe: “Our armies were deep in Germany, Austria, and Czechoslovakia.”[79] The Soviet Union’s policy of “world domination” had only been temporarily been in “moth balls” because of the war and “clearly formed the basis of [its] day-to-day planning.”[80]

But this was Clay’s view in 1950, when the United States was well in the midst of the Cold War. Initially after the war, relations between American and Soviet general were fairly good in Germany. Eisenhower and Field Marshal Zhukov were, for example, very friendly, and the record is indeed replete with statements of warmth between the two men.[81] Clay himself apparently did see the Russians as political and military allies:

as his biographer Jean Edward Smith said, “He discounted their revolutionary ideology, and he was profoundly committed to making four-power government a success.”[82]

A prime example of the divide between Washington and OMGUS was Clay’s attitude toward George Kennan. Kennan would later remark on “being taken severely to task in a private meeting with Clay in 1945 for what the general then viewed as the excessively anti-Soviet attitudes of the State Department. The military, I was given to understand, would have known far better than the diplomats how to create a collaborative relationship with the Russians.”[83] Clay, according to his biographer Smith, was “appalled” by Kennan’s famous 1946 long telegram and profoundly disagreed with Kennan’s conclusion about Soviet conduct, and thought that Kennan’s influence on American foreign policy was “pernicious.” [84]

Clay permitted the Communist Party to proselytize rather freely. He also refused to provide assistance to either conservative or moderate parties during the crucial elections in heavily Communist Berlin.[85] The record of the period reveals almost no outright suppression of any political parties. The only party the Americans suppressed existed on the far-right, the monarchial Bavarian Home and King Party.[86] In the first year of the occupation in Germany, political ideology was far less important than the pragmatic requirements of meeting the requirements of military government. It was this very lack of ideology that characterized the American military government’s initial moves in 1945-46—moves that were premised on non-ideological objectives, primarily, the disengagement of military government from German civil government as rapidly as possible.

The Dismantling of JCS 1067 and Clay's Federalist Experiment

Occupation historians have noted the discrepancies between the policies expressed in JCS 1067 and the practice by military government, with the American military government generally being considered much "softer" than the directives, which on their face demanded a much harder peace. [87] Richard Merritt, for example notes that American goals were, regardless of the sweeping language in some pronouncements, more modest than they appeared, and that policymakers "embraced the doctrine of imposed social change, but at the rhetorical level only."[88] But Clay especially worked right away to do two things: to delimit JCS 1067's authority and to return power to Germans as quickly as possible. Clay exercised his military governor's authority to do the former and in so doing illustrated how fundamental were the Army's doctrinal imperatives regarding military government. Clay, in fact, fairly early on began to interpret rather loosely the strictures of JCS 1067. He often chose to overlook them, or just as often, to undo them quietly. In his words, "We began to slowly wipe out JCS 1067."[89] Step by step, the draconian measures that had been placed in the document to make it more palatable to those in civilian agencies who wanted a harsher treatment of Germany, were removed, as Clay noted, by "cablegrams, conferences, and so on."[90]

Even denazification, the most ambitious of the social transformative projects, was carried out only briefly and unevenly by the American occupiers. Clay very much wanted to involve the Germans themselves in the denazification. Under pressure from a domestic audience who felt the American occupation force had not sufficiently rooted out Nazism, Clay promulgated Military Government Law Number Eight in late September 1945, which made sweeping attempts to purge Nazis from public life.[91] But

the process was simply too overwhelming for the American military government to perform, and, by November, Clay had ordered a review of the policy, which concluded that greater German participation was needed.[92] And in March 1946, Clay along with the American-selected Minister-Presidents of the *Laender* in the American zone passed the "Law for Liberation from National Socialism and Militarism," which effectively gave German authorities almost complete responsibility for denazifying in the American zone for the remainder of the occupation.[93]

Turning denazification over to the Germans was consistent with American military government efforts to cede overall civil authority back to Germans as well. Clay was not alone in thinking this way. Eisenhower, who was the military governor in name during the first months of the occupation (although again, deferring almost all of the decision-making in matters to Clay), also believed that American military government in Germany was to perform military functions and not to oversee German society and run its government. In a letter to President Truman in October 1945, Eisenhower wrote:

> The matter of civil government of Germany is entirely separate from the occupational duty of the Army, which responsibility will persist as long as our Government deems necessary. The true function of the Army in this region is to provide for the United States that reserve of force and power that can insure within our zone the prompt enforcement of all law and regulations prescribed… .[94]

Clay's motivations for returning power to Germans were similar. He did state that he wanted to educate Germans in democratic principles by allowing them to do it themselves. But he also indicated another in moving so quickly to return power to locals. He did not believe that a long occupation was sustainable by the Army, and there were the immediate realities of wartime demobilization. Clay was candid to McCloy about the twofold purpose of his approach: "If the Germans are to learn

democratic methods, I think the best way is to start them off quickly at the lower levels. Besides, this will help us reduce substantially the personnel required for military government."[95]

On the other hand, efforts to embed democratic concepts by the American military government were sparse. Harold Zink, one of the first to write about the military government efforts in Germany, noted that American efforts were overly focused on the process and "machinery" of government and not enough on the substance of democracy:

> Too much emphasis was placed on the holding of elections, the framing of constitutions and laws, the setting up of the machinery, and other more or less mechanical techniques. Too little attention was given to cultivating Germans disposed to support a democratic system in Germany, filling public offices with able Germans who could be expected to fight for a democratic cause during critical periods of attack in the future, and educating the Germans as to the meaning of representative democracy.[96]

The focus on such mechanics, however, was entirely consistent with the underlying focus on returning power to Germans as rapidly as possible, a key imperative, indeed a fundamental tenet of American military government. The notion of a long lasting occupation was not only unworkable in Clay's eyes, it was fundamentally unworkable, because American military occupation was not doctrinally oriented, and hence not organized, trained, or planned, for a long lasting occupation that sought the very societal transformation Zink desired.

Rather, according to some notable historians of the occupation, the reason for the long-lasting embrace by Germans of western democracy owed little to the American military government policies. That acceptance was instead, almost entirely due to their own recognition that their immediate past was not usable that they had to accept a

different version of political order. The apparent success in Germany, in which Germans accepted the tenets of democracy and became a partner in the West's liberal internationalist order, was fundamentally a choice the Germans themselves made. According to historian Richard Merritt, the Germans chose democracy and the West because few alternatives were available. The Allies would not permit a return to Nazism, and Germans had little interest anyway in returning to a disastrous and disgraced past.[97] Historian Edward Peterson concludes that the American occupiers succeeded precisely when they allowed the local German officials to exercise their own authority: "The occupation worked when and where it allowed Germans to govern themselves."[98] German historian Konrad Jarausch notes that Clay, and later High Commissioner McCloy, saw themselves forced to defer to the Germans' desires. Clay especially was a pragmatist in his dealings with the Germans, and his political efforts were as much a practical solution to a slew of problems—from manpower shortages to a realization that the occupation could not sustain itself.[99]

The return of Germans to power in the American zone was swift, so swift that many, apart from Clay and others in the American military government, thought it could be disastrous in its attempt to accelerate a process that should take a generation.[100] Political parties were allowed in the American zone as early as August 1945, and by the late fall of 1945, Clay began withdrawal of military government detachments from rural areas where the first elections were to be held. In September, the military government's stated policy was "not to govern the German people but to control and supervise them in governing themselves."[101]

The following month, Clay established the so-called *Laenderrat*, comprised of representatives from the three U.S. German states. The purpose of the *Laenderrat* was to serve as a Council of the American appointed Minister-Presidents in the U.S. zone. It had the power to recommend, if not promulgate, legislation that the U.S. military government would enact. [102] It rapidly became a powerful body within the U.S. zone, so much in fact that many in Bavaria, the most independent of the districts, felt that the *Laenderrat* had *too* much authority and operated too much as an autonomous government.[103] Clay also pushed toward a consolidation of German authority, at least economic authority, for *both* the U.S. and British zones—a process that took longer to accomplish, but which ultimately resulted in the creation of the so-called U.S.-U.K. Bizone in mid-1947, which fused economic agencies in the two zones and which contributed significantly both to German independence from the two occupying powers, as well as a separate western German governmental identity, culminating in the establishment of a West German constitution and state in 1949.[104]

Clay also publically directed in October for Germans to prepare election codes to set the stage for elections in early 1946. As officially stated, the American goal was, by the spring of 1946, to contact only German governmental structures at the *Land* level, with almost complete reliance on the Germans themselves to conduct governmental functions below that level.[105] Guidance for the elections in the U.S. zone was published in November 1945. It stated that all *Gemeiden* elections (those towns with less than 50,000) take place by the end of January 1946. Those voters who joined the Nazi party prior to May 1, 1937 were excluded, as were all active members who jointed thereafter, as well as known Nazi sympathizers and collaborators.[106]

Following a steady pattern of elections without incident throughout the U.S. zone, by the summer of 1946, Germans were electing *Land* Assemblies, with the primary responsibility for the elections resting upon the German Land and local government officials themselves. Military government officials were explicitly told to maintain a hands-off policy towards the elections, other than to ensure their honesty and orderliness.[107] The results for the American military government officials were gratifying. In the *Gemeinde* elections, for example, 87% of the eligible population voted, and 76% of the military government appointees remained in office.[108]

Some critics of the American occupation argue such swiftness actually meant that true grass roots movements never had the ability to flourish. Arthur Kahn, who served in military government during the period, points out that especially in Bavaria, this effectively meant the short-circuiting actual democratic processes, since urban centers were where embryonic political parties were actually located and where, conversely, reaction intimidation was prevalent.[109] But whatever the merits of such a critique, the return to German authority was driven as much, if not more, by the on-ground policy of the American military governor, as by long-range planning by U.S. policymakers in Washington. The return to power of German authorities was entirely consistent with U.S. military government doctrine, overriding social transformation efforts for democratization and denazification. Indeed, the very structure of the occupation governance could not have sustained such long-lasting social projects.

That such a gap existed between strategy at policymaking levels and execution at military/operational levels was indeed inherent in the military-political divide that

characterized American strategy during World War II. George Kennan, with whom Clay disagreed so strongly, pointed this out lecturing at Grinnell College in 1950:

> We are a nation which has no traditional concepts of military strategy or of the place of military power in the structure of our national life. … We have never had the tradition of maintaining standing armies in peacetime. We have never learned how to fit that practice in with the other habits and needs of our society in point of education, civic training, and manpower use. Even worse than that, we have not been able to find any very rational way to relate to the other processes of our society the industrial and financial effort required to maintain a great armed forces establishment in what is nominally a time of peace.[110]

Kennan was correct: there was no methodology, no system in place at the time, and, perhaps more importantly, no *mindset* that provided for a postwar governance model that could have promulgated U.S. long-range policy in Germany. Such long-range policy itself had been subordinated to military goals, and logically and inevitably, a military postwar governance model executed those goals.

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[1] Melvyn P. Leffler, *For the Soul of Mankind: the United States, the Soviet Union, and the Cold War* (New York: Hill and Wang, 2007), 64.

[2] The President to the Acting Secretary of State, February 21, 1944 in box 55, General Correspondence of the Assistant Secretary of War, John J. McCloy, 1941-1945, RG 107, National Archives and Research Administration, College Park, MD (hereinafter NARA).

[3] Charles Riddleberger, "The British Draft Policy Directives for Germany," November 1, 1944, box 1, Central European Division, 1944-53, RG 59, NARA.

[4] See, e.g., Max Hastings, *Armageddon: The Battle for Germany, 1944-1945* (New York: Vintage Books, 2005) 434.

[5] These three assumptions are articulated in an essay by historian Theodore Wilson. See Theodore A. Wilson, "Endgames: V-E Day and War Termination," in *Victory in Europe: 1945: From World War to Cold Wa*r, ed. by Arnold A. Offner and Theodore A. Wilson (Lawrence, KS: University Press of Kansas, 2000), 18-21.

[6] See Karl Bendetsen, Civil Affairs Division, Supreme Headquarters Allied Expeditionary Force (SHAEF), "Comments on Political Guides for Areas of Probable Occupation," January 28, 1944 in box 31, SHAEF Policy, 1945-1945, Papers of Frank

McSherry, available at the U.S. Army Heritage and Education Center, Carlisle Barracks, PA (hereinafter AHEC). Bendetsen specifically noted that the political guides all assumed that military government in the American, British, and Soviet zones would be "tripartite from the time of entry," though Bendetsen pointed out that "No basis for this assumption is known." Ibid.

[7]Office of the Chief Historian, European Command, *Planning for the Occupation of Germany, Special Text 41-10-62* (Frankfurt-Am-Main, Germany: Office of the Chief Historian, European Command, 1947), 2-5, AHEC.

[8] "Combined Chiefs of Staff Directive to the Supreme Commander, Supreme Headquarters Allied Expeditionary Force (SHAEF) (Mock Draft), Area: (1) Liberated Territory (2) Occupied Enemy Territory," undated, box 31, SHAEF Policy, 1943-1945, Papers of Frank McSherry, AHEC.

[9] Ibid.

[10] "Conclusions of a Meeting Held on January 14, 1944," box 29, SHAEF Organization, 1943-1945, in Papers of Frank McSherry, AHEC. Present at the meeting were the senior level SHAEF civil affairs officers and planners. Ibid.

[11] Office of the Chief Historian, European Command, *Planning for the Occupation of Germany, Special Text 41-10-62* , 26.

[12] Ibid., 35, quoting Major General C.A. West, Deputy Assistant Chief of Staff, G-3 (Operations and Plans), Chief of Staff, Supreme Allied Command.

[13] Ibid.

[14] Lieutenant Colonel E.R. Baltzell, "Draft Notes Comprising Standard Policy and Procedure for Combined Civil Affairs Operations in North West Europe (SPP) and *FM 27-5*," February 8 1944, box 31, SHAEF Policy, 1943-1945, Papers of Frank McSherry, AHEC.

[15] Subject Comments on Policies and Procedures to the Chief of Staff, February 7, 1944, box 31, SHAEF Policy, 1943-1945, Papers of Frank McSherry, AHEC.

[16] "Allied Military Government of Occupied Territory" (undated draft), box 31, SHAEF Policy, 1943-1945, Papers of Frank McSherry, AHEC.

[17] Civil Affairs Division, Chief of Staff, Supreme Allied Commander, to all Civil Affairs Branch Directors and all Section Chiefs, subject: High Level Policy Decisions, January 5, 1944, box 31, SHAEF Policy, 1943-1945, Papers of Frank McSherry, AHEC.

[18] Supreme Headquarters, Allied Expeditionary Force, *Operation "ECLIPSE": Appreciation and Outline Plan*, November 10, 1944, on file at AHEC, section V, para. 73, on file at AHEC.

[19] Ibid., Section I, para. 6.

[20] James W. Riddleberger, Central European Division, Department of State, "American Policy for Treatment of Germany After Surrender," September 1, 1944, box 1, Central European Division, 1944-1953, Department of State, RG 59, NARA.

[21] Frederick H. Hartmann, *Germany Between East and West: The Reunification Problem* (Englewood Cliffs, NJ: Prentice-Hall, 1965), 33.

[22] Combined Chiefs of Staff, "Allocation of Zones of Occupation in Germany," September 16, 1944, in Papers and Minutes of Meetings, Octagon Conference (Office, U.S. Secretary of the Combined Chiefs of Staff, 1944, in box 313, Combined Chiefs of Staff Conference Proceedings, 1941-45, Dwight D. Eisenhower Archives, Abilene, KS (hereinafter Eisenhower Archives).

[23] Ibid.

[24] For a summary of the handbook controversy, see Earl Ziemke, *The U.S. Army in the Occupation of Germany, 1944-46* (Washington, DC: Center of Military History, 1975), 83-89.

[25] *Operation "ECLIPSE": Appreciation and Outline Plan*, November 10, 1944, Map MA to SHAEF (44) 34.

[26] Franklin D. Roosevelt to Henry L. Stimson, August 26, 1944 in box 55, General Correspondence of Assistant Secretary of War, John J. McCloy,1941-45, EAC-Germany, NARA. For a summary of the handbook controversy, see Earl Ziemke, *The U.S. Army in the Occupation of Germany, 1944-46* (Washington, DC: Center of Military History, 1975), 83-89.

[27] Ibid.

[28] Ibid.

[29] Ibid.

[30] "Suggested Recommendation on Treatment of Germany from the Cabinet Committee for the President," September 4, 1944 in Diaries of Henry L. Stimson, vol. xlviii, reel 9.

[31] See Earl F. Ziemke, "Improvising Stability and Change in Postwar Germany," in Robert Wolfe, ed., *Americans as Proconsuls* (Carbondale, IL: Southern Illinois

University Press, 1984), 54; "Briefing Book Prepared in the Treasury Department, September 9, 1944, in United States Department of State, *Foreign Relations of the United States: The Conference at Quebec, 1944* (Washington, DC: United States Government Printing Office, 1972), 130.

[32] September 5, 1944, vol. xlviii, reel 9, Diaries of Stimson

[33] See, e.g., "Interim Directive to SCAEF Regarding the Military Government of Germany in the Period Immediately Following the Cessation of Organized Resistance (Post-Defeat) [JCS 1067]," September 17, 1944, box 32, SHAEF POLICY 1943-45, Papers of Frank McSherry, AHEC.

[34] Earl Ziemke, "The Formulation and Initial Implementation of US Occupation Policy in Germany" in Hans A. Schmitt, ed., in US Occupation in Europe After World War II (Lawrence, KS: Regents Press of Kansas, 1978), 29.

[35] Ziemke, "The Formulation and Initial Implementation of US Occupation Policy in Germany," 28-29.

[36] John J. McCloy, interview by Jean Edward Smith, February 19, 1951, Columbia University Oral History Project, 9, Eisenhower Archives.

[37] Ibid.

[38] Appendix D, Relief Directive to "Directive to SCAEF Regarding the Military Government in the Period Immediately Following the Cessation of Organized Resistance (Post-Defeat) [JCS 1067]," September 22, 1944 in *Foreign Relations of the United States*: *the Conferences at Malta and Yalta, 1945 (*Washington, D.C.: U.S. Government Printing Office, 1955), 143.

[39] See John H. Backer, "From Morgenthau Plan to Marshall Plan," *Americans as Proconsuls*, 156-157.

[40] Ibid., 158.

[41] J.C.S. 1067 Series, in box 151, Pre-Presidential Papers, Papers of Dwight D. Eisenhower, Eisenhower Archives. There were eight JCS 1067 versions issued prior to the German surrender. Ibid.

[42] The document published and used immediately after the surrender is "Directive to the Commander in Chief of the United States Forces of Occupation Regarding the Military Government of Germany, May 10, 1945," in United States Department of State, *Documents on Germany, 1944-1985* (Washington, D.C., Department of State, 1985), 17-18.

[43] "Directive to SCAEF Regarding the Military Government in the Period Immediately Following the Cessation of Organized Resistance (Post-Defeat) [JCS 1067]," September 22, 1944 in *Foreign Relations of the United States*: *the Conferences at Malta and Yalta, 1945*, 144.

[44] Ibid., 145-149.

[45] "The Principles to Govern the Treatment of Germany in the Initial Control Period" from *Protocol of the Proceedings of the Berlin (Potsdam) Conference*, August 1, 1945 in United States Department of State, *Documents on Germany, 1944-1985* (Washington, D.C., Department of State, 1985), 56.

[46] Ibid. Later, however, once the Cold War had effectively begun, and longer term political goals moved to the forefront, the issue of decentralized authority *did* become a major issue between the Western Allies and the Soviets. Dr. Arnold Wolfers, a member of the prominent U.S. advisory Discussion Group on European Reconstruction (composed of distinguished businessmen and academics) pointed out that decentralization had become by 1947 a "stumbling block" for the Soviets in the occupation. Dr. Arnold Wolfers, *quoted in* Council on Foreign Relations, Discussion Meeting Report, "Reconstruction in Western Europe," 441, Papers of Charles P. Kindelberger, in *Documentary History of the Truman Presidency, vol 3: U.S. Policy in Germany After World War II: Denazification, Decartelization, Demilitarization, and Democratization*, ed. Dennis Merrill (Bethesda, MD., University Publications of America, 1995). In that same year, CIA analysts determined that the Soviets sought, despite the four party agreement to decentralize, a highly centralized national administration that would be dominated by a pro-Soviet group. "Review of the Soviet, British, and French Programs with Respect to Germany," April 8, 1947, box 214, CIA Intelligence Files 1946-53, Harry S. Truman Archives, Independence, MO (hereinafter Truman Archives). But this was only after the crucial, initial phase of occupation, when the Western Allies, and especially the American actively pursued a federalist solution.

[47] Clay, as Deputy Military Governor, fell under the command and control of the Military Governor (initially Eisenhower) who was also "dual-hatted" as the European Theater Commander. He, in turn, reported to the Joint Chiefs of Staff in Washington (Clay took over as Military Governor and Theater Commander in 1947). See Earl F. Ziemke, *The US Army in the Occupation of Germany, 1944-46*, (Washington, D.C.: Center of Military History, Washington DC, 1975) 309, 426.

[48] Oral History Interview with John J. McCloy #1 of 2 by John Luter, December 18, 1970, Columbia University Oral History Project, 14-15, Eisenhower Archives.

[49] Ibid., 15.

[50] "Suggested Recommendations on Treatment of Germany from the Cabinet Committee for the President" September 4, 1944, in vol. xlviii, reel 9, Diaries of Henry L. Stimson.

[51] Oral History Interview with Lucius Clay by Richard D. McKinzie, July 16, 1974, 15, Truman Archives.

[52] Interview with John J. McCloy #1 of 2 by John Luter, 15.

[53] See chapter 5, 204-5.

[54] Interview with Lucius Clay, 5.

[55] Ibid.

[56] Proclamation No. 1, Military Government—Germany, Supreme Commander's Area of Control, from Office of Military Government for Germany (U.S.), Military Government Gazette 5, June 1, 1946, AHEC.

[57] Allied Military Government in Germany, *Army Service Forces Manual*, *Military Government Handbook, Germany, Section 2M: Proclamations Ordinances and Laws*, January 6, 1945.

[58] "Report of Military Government Detachment F-213 in Munich, Bavaria, May, 1945-January 1946," in U.S. Department of the Army, Civil Affairs Division , *Field Operation of Military Government Units*, January, 1949, 75-77, AHEC.

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[66] Office of the Military Government of Germany (U.S.), *Monthly Report of Military Governor, U.S. Zone, No. 8, Intelligence and Confidential Annexes*, March 20, 1946, 3 AHEC.

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[72] "Problems and Objectives of United States Policy," Memorandum from William J. Donovan, Director Office of Strategic Services, to President Harry S. Truman, May 5, 1945, box 9, Staff Member and Office Files: Rose Conway Files, Subject File 1949-1953, Department of State—Wireless Bulletins, November 19, 1946-January 31, 1947 (Truman Archives).

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[77] Gaddis, *The United States and the Origins of the Cold War*, 304-5.

[78] Clay, *Decision in Germany*, 123.

[79] Ibid.

[80] Ibid.

[81] For examples of the Eisenhower-Zhukov friendship, see the Eisenhower-Zhukov correspondence found in box 126, Pre-Presidential Papers, Papers of Dwight D. Eisenhower, Eisenhower Archives.

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[83] John Lukacs and George F. Kennan, *George F. Kennan and the Origins of Containment, 1944-1946, The Kennan-Lukacs Correspondence*, (Columbia, MO: University of Missouri Press, 1997), 36.

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[97] Merritt, 259.

[98] Edward Peterson, *The American Occupation of Germany: Retreat to Victory* (Detroit: Wayne State University Press, 1977), 10.

[99] Konrad J. Jarausch*, After Hitler: Recivilizing Germans, 1945-1995* (Oxford: Oxford University Press, 2006), 109.

[100] Ziemke, *The US Army in the Occupation of Germany, 1944-46*, 365-6.

[101] Office of the Assistant Chief of Staff, G-5 Division, U.S. Forces European Theater, *Military Government Weekly Information Bulletin, no. 6*, September 1, 1945, box 150, Pre-Presidential Papers, Eisenhower Archives.

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[105] Office of the Director, Office of Military Government (U.S. Zone) "Consolidation of Military Government" in *Military Government Weekly Information Bulletin, no. 13*, October 20, 1945, box 150, Pre-Presidential Papers, Eisenhower Archives.

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[107] See, e.g., Walter J. Muller, "Constitutional Land-Assembly Elections, June 30th, 1946, June 4, 1946 in box 15, Papers of Walter J. Muller, Hoover Institute.

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Chapter 7 - Planning and Implementing Military Government in Austria, 1943-1946

Far less studied than the more famous occupations of Germany, Japan, and even Korea, the American occupation in Austria, especially during 1945-46, proved highly important for the future of the country. What is most interesting is while the American military government focused on short-range military objectives and goals, it nonetheless contributed to the very long-term success of the occupation. Indeed, given that Austria was the only divided nation that would ultimately be unified and neutralized during the Cold War, the American military government in Austria oversaw perhaps the most successful of all of America's postwar occupations. This ultimate outcome was not exclusively dependent upon a successful occupation: Austria was nowhere near as important as Germany was to the U.S. or U.S.S.R. in Cold War geopolitics, and therefore neither nation had as much invested in Austria falling into its respective sphere of influence. Nonetheless, upon close analysis, what becomes evidently clear was that postwar Austria most resembled what American military government doctrine asserted was the standard "template" for occupations: a relatively placid population, and a governmental structure, in Austria's case, a provisional government, that was allowed to come to power soon in the course of the occupation, and that thereby quickly took over the majority of governmental functions in the country. The occupation's relative success was not entirely a matter of serendipity. In particular, General Mark Clark's insistence on recognizing the provisional government of Karl Renner was essential to that success. Nonetheless, the occupation offered the fewest deviations from past practice and doctrine: as such, power was returned to the Austrian people relatively soon, and the fact that a unified Austrian government existed proved effective in

preventing Cold War partition of the country—resulting in all the Allied powers leaving the country in 1955, and effectively leaving Austria a neutralized state.

Initial Strategic Considerations

The basis for the Allied occupation of Austria was the Moscow Declaration of 1943, which stated that the policy for its occupation would differ significantly from Germany. Austria would be treated not as a conquered country, but as a liberated one. Indeed, the Allies considered Austria the first free country to fall victim to Hitler's aggression.[1] It was to be separated from Germany and made into a viable and independent state.[2] As a result, the Allies placed Austria in a different light. It was to be rehabilitated and economically restored. The Allies would enter into a peace treaty granting Austria sovereignty, and they generally accepted that occupation forces would eventually be withdrawn.[3] The European Advisory Commission, created at the same Moscow Conference, was tasked to prepare initial plans for postwar Austria, though as with Germany, its charter was fundamentally limited. Unlike Germany, however, there was no formal surrender document drafted.[4]

The European Advisory Commission did not begin organized planning until early 1944 in London. It eventually determined that, like Germany, the Allies would occupy Austria using zonal occupation structure, with a respective nation in a demarcated area, and an overarching control council machinery that would pronounce policies that each respective zonal commander would then implement. While this choice of governance mechanisms was predictable, it was not necessarily ideal. In Germany, where the need to break up the aggressive German militarist state was seen as paramount, zonal division seemed logical. In Austria, on the other hand, the goal was to reinvigorate a

state that had been swallowed up by Hitler's Reich. Austria's absorption into Germany had dissolved the Austrian governmental system entirely—the nation no longer existed, and the Nazi government had reconfigured the local governmental structure as well, leaving only seven old provinces that received orders from Berlin.[5]

Where the zones of occupation would be, and which nation would have control in them, was primarily the work of British planners at the European Advisory Commission. The British planners primarily relied upon the logic of troop movements into central Europe, and they demarcated zones approximately where the nations' armies moved into the country. The British marked the Austrian region bordering Bavaria (and in Germany, southwest Germany, to include Bavaria) as the future U.S. zone. But both the President and the Joint Chiefs were reluctant to undertake a U.S. occupation of Austria at all, or even to participate in a possible control council structure, because they feared that doing so might conflict with military objectives. Throughout much of 1944, FDR had been adamant about having the U.S. occupy the northwest of Germany, primarily so U.S. forces could readily redeploy to the Pacific for the expected invasion of Japan. Additionally, there was concern, particularly among the American Joint Chiefs, that having a U.S. zone in Austria was a British-led maneuver to entangle America in traditional great power rivalries in the Balkans—and thus to enmesh them in the sort of long-term political struggles American military leaders deliberately sought to avoid.[6] Only after a year long struggle with the President and the Joint Chiefs did Ambassador John Winant, the American representative at the Commission, finally get an agreement by the U.S. to take a zone. But this was only conditions demanded by the Joint Chiefs were met, primarily about troop strengths, but also because assurances were met

regarding U.S. access to and from Vienna. Even more importantly, the United States would control the Bremen and Bremerhaven enclave in northwest Germany in order to enable American troops to be shipped to the Pacific.[7]

Yet beyond discussions of zonal boundaries, there was little in-depth planning done by the U.S. at the civilian high policy level for the Austrian occupation. This was at least partially because there was no government in exile to work with to establish a plan of restoration. But it was also due to the lack of direction and the reluctance of FDR and the President to become invested in Austrian occupation in any significant way.[8] General Mark Clark, who was to serve as the American High Commissioner from 1945 to 1947, was particularly emphatic about the lack of detailed postwar guidance provided to him by civilian superiors. He contrasted how British military leaders seemed to be aware of larger political purposes: "In America, no such thing at all. Never did I know in particular what the objective of my country was except to win the war or what their thinking would be on a subject of that kind."[9] Clark noted that while given the objective to "fight war, defeat the enemy, and so forth…you don't know what the big political questions are." Clark came into the job admittedly not up to date on the larger issues regarding either the German or Austrian occupation. [10] The zonal divisions also seemed to Clark careless and poorly chosen. Reflecting back especially on the food shortages during the occupation's early years, he noted that whereas the Soviets "carved Austria up…in such a manner that they got the grain basket where all the food [was] produced," the United States was "perfectly happy to get the ski area, and the Chamois hunting and the fishing and things of that kind."[11]

What was notable to American military leaders were the apparent political purposes and designs of the other Allies, who seemed to have a much clearer idea of their purpose. Clark himself stated that the British commanders, at least down to the army and army group level, knew "exactly what their government was thinking" in order for them to have a "unified position."[12] The Soviets also seemed to have purposeful long-range designs for Austria. In a letter from future Austrian political advisor John Erhardt to General McNarney, then-commander of U.S. Mediterranean forces (from which was expected to come the occupying forces), Erhardt relied on an April 1945 article in *Pravda* in discussing what was thought to be Soviet views on Austria. According to Erhardt, these views were "guided largely by a desire to prevent Austria from being used by a Central European or Western European structure in opposition to Soviet aims." The Soviets, in Erhardt's words, felt that "Austria should be a bulwark of the East against the West."[13]

The uncertainty and confusion manifested by these leaders, and also by American military planners who would set up the operational plans for the occupation, revealed that in a very real and ironic way, they were caught in a circumstance aided and abetted by the Army's own institutional thinking. Such military leaders and planners wanted more definitive guidance, and lamented the fact that Allies appeared to move with greater purpose. But the planning agency that had been established to provide precisely such long-range planning, the European Advisory Commission, had been rendered powerless precisely because American strategists, especially the President and the Joint Chiefs, did not want the Commission dictating so-called "military objectives" and thus reduced to setting up zonal boundaries and general surrender

terms. And there was no other coordinating body outside the War Department with the particular ability of the Civil Affairs Division to organize and implement either postwar governance policy or administration. The American military planners at the operational level in Europe would therefore have to improvise and come up with much policy on their own.

U.S. Military Planning

Even without higher specific guidance, U.S. military planning for the Austrian occupation began in 1944, though it came from disparate sources. The Civil Affairs Division provided overall direction and oversight. Primary direction in the European theater came from the G-5 at the Supreme Headquarters, Allied Expeditionary Force (SHAEF) under Eisenhower. Other guidance also came from a G-5 group in the U.S. Army headquarters in Italy and from a team established to determine requirements specifically for Vienna. Planners were aware, as they began their tasks, that progress was likely to be slow and hesitant. There were open questions, to include the question of the extent of Russian participation in military government.[14] Another complicating factor was that in determining the direction of Austrian postwar policy, there was an inherent distinction between the hostility and post-hostility phases of the Austrian occupation. The European Advisory Commission was by its charter only responsible for Austrian occupation policy *after* the fighting stopped occurred: to have been empowered to determine policy while fighting continued would be an encroachment on battlefield prerogatives of commanders, in which military necessity would require the commanders have the ability to make decisions to ensure complete victory. Military planners were aware that the distinction could lead to disconnection, and the answer was for the

military planners themselves to come up with an interim political directive to cross the divide between hostilities and post hostilities, which they did, and which they then sent up to the European Advisory Commission for acceptance in May 1944.[15]

As for what exactly the machinery of military government would look like, the planners could only speculate. At least in the spring of 1944, what was contemplated was a fully integrated and joint military government, in which American, Soviet, and British participation was full and equal at a national headquarters, one-third each, and with such a governmental structure running downward into the local level as well, with one *Gau* (the name for province) being headed by some combination of Allied officers.[16] The type of military government which eventually did occur—that of zonal division along national lines—was seen as possibly problematic, with language and administrative problems that could form an "effective barrier towards the complete unification of all seven *Gaue*, which is the primary purpose of the establishment of a Military Government separate from that of Germany."[17]

While awaiting final guidance from higher authority, the pronouncements of the Moscow Declaration could provide at least a starting point to determine how to proceed with the Austrian occupation. The overarching design of such plans was likely to be premised on the complete defeat of Germany. With this occurring, Austria's people could be, using the Moscow Declaration's term, "liberated" from Nazi domination, along with Austria's territories and institutions, and Austria's government, economy, and society would all be disentangled from Germany. Denazification would also occur, with Nazi racial laws repealed, Nazi political activity suspended, and Nazi public officials removed.[18]

Beyond this, however, it was difficult to do more specific planning. As of late summer, 1944, there was still no clear direction on SHAEF's Austria occupation plans, though there was some thought to occupy Austria with four divisions from the Allied Command in the Mediterranean if there was a sudden German collapse.[19] In late fall, 1944, some proposed proclamations had been drafted by British planners and forwarded to the Combined Civil Affairs Committee for approval.[20] The documents were similar to proclamations drafted for Germany. Draft Proclamation no. 1 discussed destroying German militarism and overthrowing Nazi rule, as with Germany. It vested supreme legislative, judicial, and executive authority in the Supreme Commander of the Allied Forces, and the Austrians were to obey all military government orders "immediately and without question." It further directed that all officials except those dismissed or suspended would remain in their posts.[21] Regardless of the progress, the difficulties in coordinating the efforts and gaining information from these groups slowed down planning. As 1944 ended, no American high commissioner had yet been designated, and a deployment plan for occupation forces had yet to be developed.[22]

What higher purpose that did exist in the wartime planning for Austria largely reflected the Army's doctrinal precepts on military government. In an exchange between Brigadier General Lester Flory, who would be the American commander in Vienna, and Major General John Hilldring of the Civil Affairs Division, Hilldring disagreed with Flory's suggested method of establishing military governance. While Hilldring shared Flory's view that in Austria the centralization of authority in an Allied control council was an appropriate objective, he did not believe it could be achieved initially. Instead, military government would proceed initially under the total authority of the

military commanders of the respective occupied zones, who would operate relatively independently of each other. To have the control machinery be permitted to deal with all problems outright was to Hilldring an "unfortunate attempt to jump directly into the last phase of operations."[23] What was preferably was a model that allowed the military commanders the ability to reempower the civilian authorities of the zones that they were in and thus have a "new national administration and government bubble up form the roots as a creature of the Austrian people themselves."

As events unfolded, Hilldring's proposal, which was in fact the kind adopted in the U.S. zone in Germany, proved somewhat unnecessary in Austria, given that a national leader, Karl Renner, was already on the scene and apparently willing to take responsibility for governance as soon as the Allies arrived. But Hilldring's proposal nonetheless revealed specifically the nature of American military government in Austria, very much in keeping with the standard doctrinal template for an occupation. In Hilldring's proposal, the total authority of the military governor in his respective zone was absolute. He could thus administer as required by military necessity. Just as importantly, he could and should seek the re-empowerment of civilians under his control as soon as he determined it was militarily practicable, even though it appeared to run contrary, as Flory believed, to the particular problem of re-empowering Austrian government. In Hilldring's view, the early return to power by civilian authorities, at the local level, was a greater imperative than centralized Allied Control Council authority itself, which presumably formed the strategic basis of the Allied occupation.

The major guidance from the strategic level finally came in February 1945, with the British-driven proposal to divide the country into four zones of occupation and with

Vienna setting up as a jointly occupied city. The U.S. Joint Chiefs, having been forwarded the proposal, finally approved, and their approval of the zonal structure clearly illustrated the American strategic mindset during the war. The zonal area given to the Americans would be contiguous to Bavaria, which would allow any U.S. forces in Austria easy passage into Germany, especially since any such troops might eventually have to move further north to the U.S. controlled enclave in Bremen in order to be transported to the Pacific. With this zone secured, the Joint Chiefs were satisfied that the occupation was militarily feasible and in accordance with wartime objectives.[24]

The April 1945 *Handbook for Military Government in Austria*, published by Allied Force Headquarters, also illustrated how those objectives framed the occupation's goals. It was a coalition product, based on policy provided by the Combined Chiefs of Staff and intended for use by either U.S. or U.K. forces. Meant for use by military government officers in the field it was the most comprehensive operational document on Austrian occupation. The *Handbook* intended to serve as a bridge to eventual postwar governance, in its words, to "prepare the way for implementing the Moscow Conference."[25]

According to the *Handbook*, in the interim period while awaiting the higher policy guidance to implement the Conference's Austria Declaration, the concept of military necessity would prevail: "Considerations of military necessity or practicability are *in every instance* over-riding and will be treated accordingly in the application of this handbook."[26] Accordingly, the authority of the local military commander would be absolute. There would be "strict, complete, and immediate obedience" exacted for all orders given, and all functions would be subordinated to the military aim of victory. The

"first duty" was "assistance in the prosecution of the war by enabling the high command to reduce garrison troops for tactical use elsewhere and to provide from the resources of the country whatever materials are available to assist in the prosecution of the war." If there were to be economic development provided to Austria, "military requirements must come first."[27]

Indeed, much of the document followed many of the precepts set forth in the Army's doctrinal manual, *FM 27-5*. Thus while acknowledging that there would be no functioning government to which to turn over control, military government would have to operate as much as possible through indigenous organizations and to "initiating, supervising, and controlling executive work carried out by Austrians at the levels of *Reichsgaue* and below."[28] The extant *Gaue* likely to be the highest level of function Austrian governmental administration, and the occupation would thus be likely operated on a zonal basis, with the respective Allied forces enforcing military control exclusively in their zones.[29] The emphasis would be on always trying to work through Austrians, and the military government official's success would depend "in great part upon the degree of co-operation he elicits form the local population."[30] Civil officials not removed from their posts would be ordered to remain and to continue to work.[31] This would be governance, as much as possible, by indirect rule, by supervisory control over the existing administrative machinery, though subject to appropriate denazification.

Denazification, of course, was likewise ultimately governed by the exigencies of military operations. Seeking to eliminate active Nazis and Austrian anti-democrats from politics, the *Handbook* acknowledged that nearly all administrative officials were, at least nominally members of the Nazi party. It would be impossible to intern them all:

"This would cause the breakdown of all technical services, such as transportation or utilities." Therefore, key Nazi leaders would be removed, whereas those in subordinate positions who were Nazi party members could be employed pending further investigation.[32]

The final arrangement for the Austria occupation was finally decided in July 1945, two months after Germany's surrender. The control machinery was remarkably like Germany's. Austria would be governed by a four-party Allied Council, with each occupying power exercising supreme command of occupation forces in his zone, with an inter-allied governing authority (called the *Kommendatura*) jointly governing Vienna. The Allied Council would be composed of commissioners, all of whom were military commanders (although technically this was not required), and would meet once every ten days.[33]

The unresolved central problem in the postwar setup lay in two related areas. The first were the primary tasks, which included the enforcement of the Berlin Declaration of June 5, 1945 regarding Germany's defeat; the complete separation of Austria from Germany; the establishment of a central Austrian administrative machine; and eventually a freely elected Austrian government. These difficult tasks would have to be achieved through a partition structure (now fourfold, since France had an occupation zone) of wartime allies that would likely have competing if not contradictory postwar goals. Even more problematic was the authority of the Allied Council vis-à-vis the respective occupational zones themselves. The agreement indicated that "Supreme authority…will be exercised jointly, in respect of matters affecting Austria *as a whole* by the Military Commissioners." [34] At the same time, the commissioners would exercise

supreme authority in their respective zones in their capacities as Commanders-in-Chief of the forces of occupation furnished by theirs Government. And while the agreement did say that the respective zonal authority was "subject" to the joint authority, that joint authority was only extended to matters that affected Austria "as a whole."[35] This ambiguity allowed, in other words, for the possibility that the four Allied Commissioners would jointly rule Austria, yet if a particular policy might prove contradictory to his nation's postwar goals, the military commander could either attempt to prevent the policy from going into effect, or if unsuccessful there, simply fail to implement it in his own occupation zone. The stage, therefore, was seemingly set for an outcome that could quite possibly run contradictory to the expressed overarching policy of an independent, unified Austria.

Clark's postwar directive that he sent to the U.S. military commanders for both the U.S. zone and the U.S. district in Vienna had language that was quite consistent with the wartime directives and the April 1945 *Handbook*, which remained applicable.[36] Its basic objectives, just as the wartime directives, were related primarily to the accomplishment of strict enforcement of the Berlin Declaration, which included the elimination of Nazism and militarism, the separation of Austria from Germany, and eventual self-governance. The standard practices of military government applied, to include establishing courts and the establishment of local administrative governing bodies composed of "reliable Austrians." The emphasis on early return to Austrian sovereignty was prevalent throughout the document. The commanders were directed to permit political activity and organization by democratic groups "[a]t the earliest possible moment" and "[t]o the maximum extent possible" to "use Austrian authorities and

agencies."[37] As stated in a later military government instruction, military government activities were guided by the principle of maximum responsibility placed upon Austrian governmental agencies, with the military government providing general supervision and advice to such agencies, and there was a preference for local enactments issued by responsible Austrian authorities over military government legislation sent directly from U.S. officials.[38]

American Military Government in Austria

Allied armies made their way into Austria in the spring of 1945, with Soviet forces advancing westward into Vienna and surrounding areas (units from the Second and Third Soviet – (UK) Fronts), the Americans coming southward from Bavaria (units from the 12th Army Group), a Franco-American Army force eastward (the 6th Army Group), and British Forces coming northward from Italy (units from the 15th Army Group). The actual advances of units largely confirmed planners' expectations as to where Allied forces would enter into the country. Accordingly, zonal occupations conformed to the Allied troop placements in Austria (figures 10 and 11 below).

The man who would serve as the U.S. High Commissioner was a high ranking field commander, General Mark W. Clark. Clark had held key positions throughout the war, serving initially as Eisenhower's deputy in the North African campaign, where he also conducted a noteworthy secret mission by submarine to win over French forces to the Allied side. Later he commanded the U.S. Fifth Army in Italy, and later the 15th Army Group (a U.S./U.K. command) there as well, commanding forces that fought up the Italian peninsula in a series of bloody engagements. His command had sometimes been controversial, especially his actions during the Battle of Monte Cassino, and his

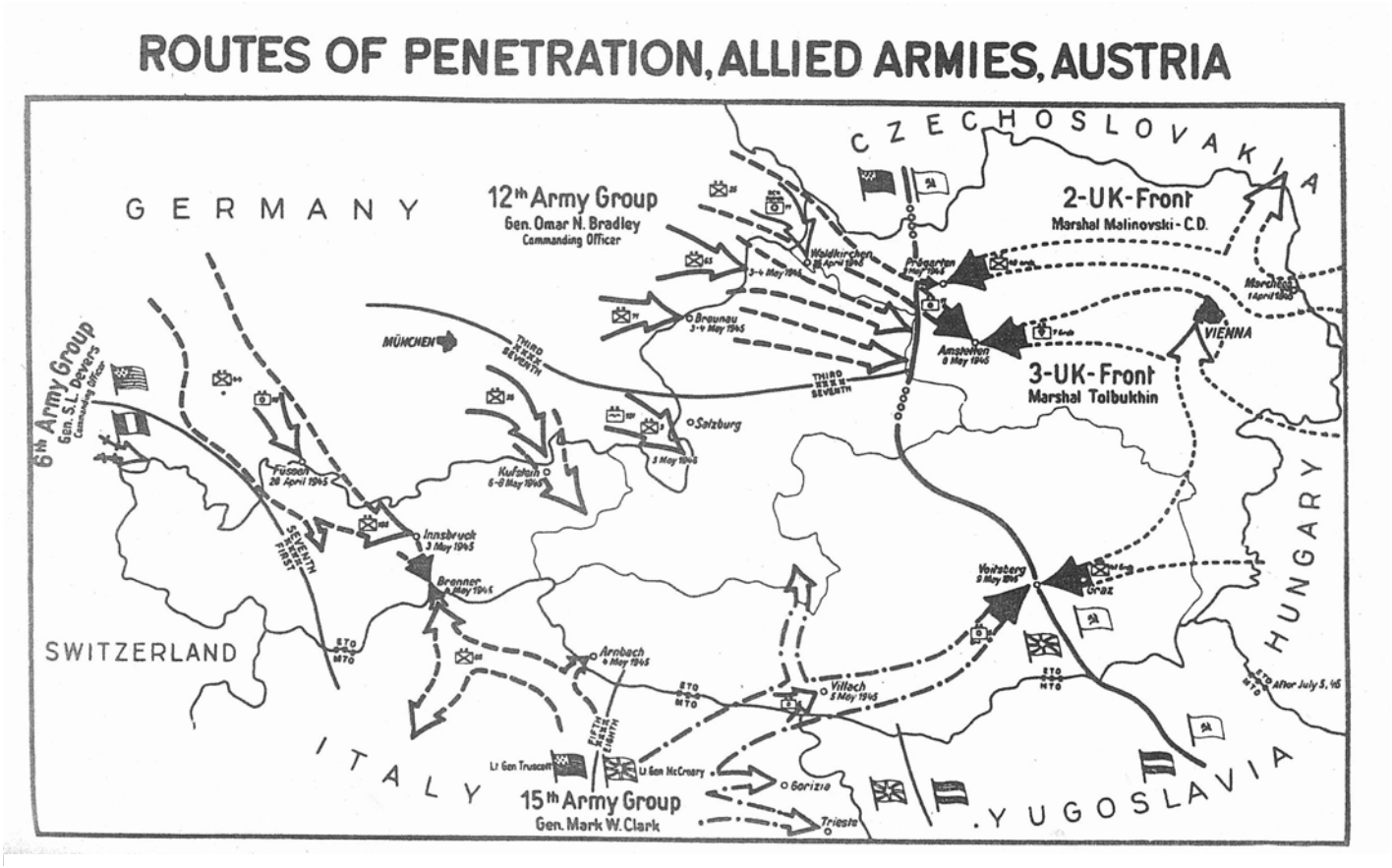

Figure 10
Allied Routes of Penetration into Austria[39]

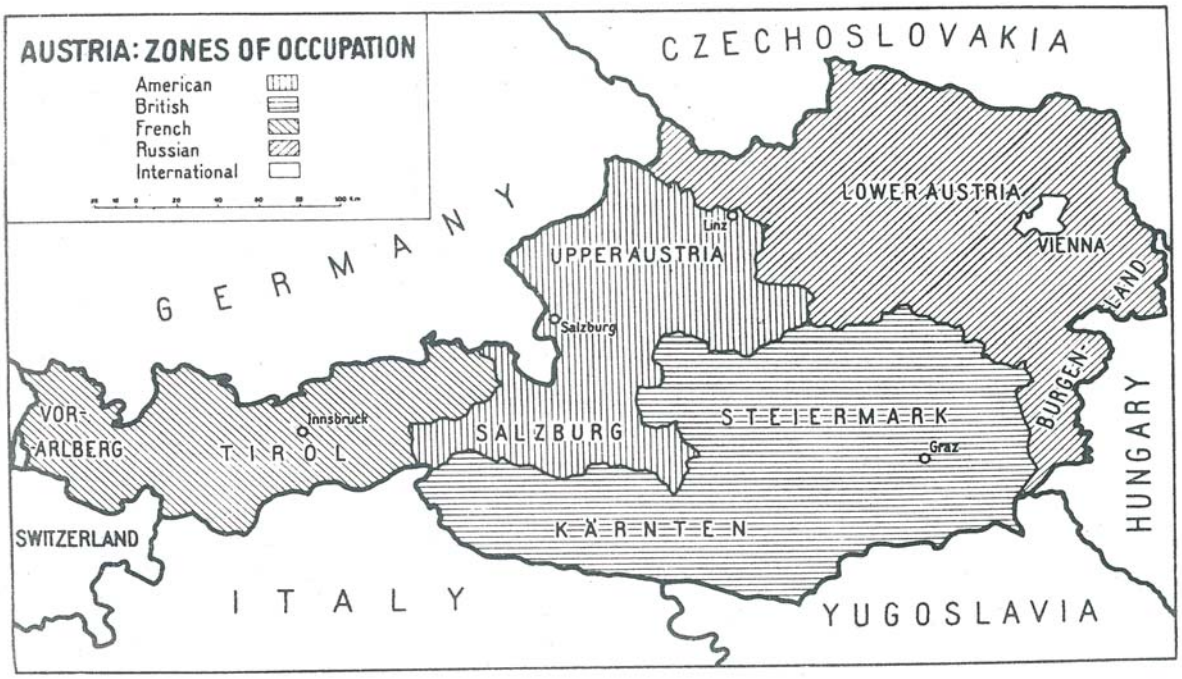

Figure 11
Austrian Zones of Occupation[40]

handling of the deployment of the 36th "Texas" Division led to a postwar congressional inquiry. While his battlefield tactics were sometimes questioned, he was nonetheless regarded by both Marshall and Eisenhower, who was a personal friend, as an excellent organizer, and as highly competent, intelligent, and forthright, even to the point of abrasiveness. Having served as a key member of a coalition staff and later commander of a coalition force, he had wide experience in international matters. Furthermore, he had dealt extensively with civil affairs matters in North Africa and Italy and he had integrated military government units and G-5 staffs into his command.[41]

Despite his experience in political-civil matters, Clark neither sought nor expected the job as U.S. High Commissioner. He had speculated that he might be sent to the Pacific theater after the surrender of German forces near the Italian-Austrian frontier. He later said that his appointment to the position came as a "complete shock," noting further that he had no idea where the U.S. troops that would occupy Austria would come from, and what arrangements had been made with the Soviet Union in particular.[42] His lack of preparation notwithstanding, Clark was a quick study. His adept handling of many of the more complex issues, and prominently, his efforts in preventing Austrians in the U.S. zone from starving as well as offering to provide food to others outside the U.S. zone, won him general support from the Austrians themselves.[43]

Clark's relationship with the Soviet Union, especially during the early period of the occupation, was far more nuanced than his later pronounced views would lead one to believe.[44] He would later write that he began dealing with the Soviets "confident that I would be able to get along with them even though others failed."[45] Though he never built up the deep friendship that apparently existed between Eisenhower and Zhukov,

his relations during 1945 and early-to-mid 1946 did not indicate strong anti-Soviet sentiment.[46] Clark had been concerned about Soviet influence in Austria during the early months of the occupation, as evidenced by his concerns expressed to the Head of the Provisional Austrian Government, Karl Renner, about the presence of Communist party members in Renner's Cabinet.[47] At the same time, he was willing to accept them, given Renner's reassurances. Furthermore, his desk diary entries, which provide his message traffic to the Joint Chiefs and other officials, reveal a consistent pattern of real and attempted amicable relations with the Soviet officials in Austria during the period. Occasionally, he sided with the Soviets against other occupiers in the so-called "Western bloc," as he did when he agreed with them and disagreed with the British over the supervision of the November 1945 Austrian elections, with the British wanting a much closer supervision over the elections than the U.S. or U.S.S.R. thought was necessary.[48] In that same month, Clark sent a message to Eisenhower noting the positive results that he had in conversations with the commander of the Soviet zone, Marshal Ivan Konev, who was much concerned about the negative treatment that Soviet policies were receiving in the American press. Clark went on to ask Eisenhower whether it would not be a good idea if his Public Relations Bureau collected favorable articles on Soviet-American relations and have them sent to him.[49] And in an April 6, 1946 message to the Joint Chiefs, Clark noted that he had recently had dinner with Konev and that the evening was "most pleasant and extreme friendship prevailed," and going on to say that he actually detected a "pronounced improvement in [Konev's and his staff's] attitude."[50]

With this apparent sense of friendship, Clark and the other Allied Commanders began the Austrian occupation, according to an official account, in a spirit of harmony, unanimity and "concrete accomplishment." Throughout 1945 and most of 1946, it appeared as if most of the serious differences of opinion were indeed resolved by four party agreement, culminating in the Control Agreement that would be signed on June 28, 1946, and which served as the primary directive for the remainder of the occupation.[51] The Allies all apparently agreed on fundamental principles, primarily that at some point after a competent and independent Austrian government was established, all four powers would gradually withdraw their respective forces.[52]

While the early meetings were not as harmonious as the above official account relates, there were quite often agreements. Even when there were not, Clark not only seemed to get along with his Soviet counterpart Konev but acknowledged that Konev himself often seemed powerless to act, the Soviet general apparently being unable to take action without having received instructions from Moscow.[53] Clark even termed his early dealings as a form of "appeasement," noting, "We gave in often."[54] Not all of the obstruction—sometimes not even the most significant obstruction—came from the Soviets. Perhaps the most important initial impediment to the Allied Council meeting came from the British commander, who refused to have any formal meeting of the Council until there was a resolution on food issue that the British government thought the Soviets were not pursuing. Clark recommended to the War Department, which agreed, that it was appropriate to pressure the Commander, General McCreery, to meet.[55]

Nonetheless, the above friction was indicative of some of the larger problems that would threaten to cause serious disruptions in the four-power occupation. The Soviets, as Konev had noted to Clark, were suspicious of the Western Allies forming a bloc, and they were also in a considerably different position than in control councils in other central European countries: Allied Control Commissions in Rumania, Bulgaria, and Hungary were totally Soviet-dominated, primarily because there were no Western occupation forces in separate zones. Accustomed to dominating such commissions, in Austria they often felt outnumbered and in an inferior bargaining position.[56]

As for Soviet military government, the opinions on it varied. On the hand, one American official commented on the lack of military government organizational structure. Though there were political commissars, there was nothing remotely comparable to a G-5 in the Soviet command structure, and certainly there was no control mechanism as sophisticated as the American military government apparatus, with its numerous specialists carefully monitoring Austrian government officials at all levels.[57] As one American official noted during his visit to Vienna, the Soviets made little attempt to control or supervise the local governments.[58] On the other hand, another U.S. official noted that U.S.S.R. control seemed firm and effective and that the commandants of various districts seemed hardworking, able, and efficient.[59]

Regardless whether the officials were competent and hardworking, there was simply no way, given the lack of command and control structures, the Soviet command could monitor and supervise the Austrians or the occupying forces, and there was little doubt that the Austrian people themselves viewed the Soviet occupation as anything but benign. U.S. military government officials heard numerous stories of rape and

mistreatment: one U.S. official was apparently told by a retired Austrian general that his invalid 64 year old wife had been raped four times by Soviet soldiers.[60] While rape and mistreatment occurred in the U.S. zone, and indeed throughout the western zones, such crimes occurred far less often than in the Soviet zone.[61] The abuse by Soviet soldiers compounded a problem of perceived cultural collision: Americans and Austrian accounts alike referenced perceived savage and backward "Asiatic" soldiers given to brawling, drunkenness, living in filth and squalor. Particularly in Vienna—in which the Viennese could see differences from one zone to the other—the Soviets were viewed as cultural inferiors incapable of understanding the sophisticated, refined city that they had conquered.[62]

The contrast to the Americans, at least in their relative benignity, and in their decided greater ability to provide material necessities, was pronounced. U.S. occupying forces and U.S. occupation policy benefited significantly from this contrast in the eyes of Austrians. When the Americans first arrived in their zone of occupation in late May, the situation was by all accounts chaotic, with over 750,000 displaced persons, 200,000 refugees, and schools and courts closed down. But by the end of June, the situation had dramatically improved. Most Austrians were compliant and grateful to receive American-provided foodstuffs, and by early August, the caloric intake of Austrians in the American zone had gone from 700 to 1300 calories per day.[63]

The Austrians noted that initial postwar food relief was provided primarily from U.S. warehouses.[64] The very abundance of the United States, and its apparent ability to provide Austrians with the basic necessities of life, provided a significant comparative advantage to the United States occupiers. Though the U.S. zone was not primarily

agricultural but mountainous, the Austrians in the zone received the daily ration of 1550 calories as prescribed by the Allied Control Council as long as the Americans controlled the food distribution. In the French zone, the 1550 caloric ration could only be maintained until March 1946, and in the Soviet zone, the ration varied throughout the early occupation years from around 800 to 1200 calories a day. In fact, when the United Nations Relief and Rehabilitation Agency began to distribute food, per Allied Control Council direction, throughout all of Austria, the rate in the U.S. zone actually decreased to 1200 calories per day.[65] This apparent ability to provide may have accounted for the general level of confidence Austrians felt—or at least as perceived by the American occupiers themselves—in the United States' ability to materially improve their situation. Even in the first months of the occupation, when hunger was apparently rampant, Clark believed that Austrians were confident in U.S. ability to improve materially their situation.[66]

Both the reality and perception of American abundance seemed to pay off in helping maintain a remarkably placid occupation. And though many Austrians felt either the "sting of American arrogance or the shallowness of U.S. consumer democracy," in a significant way, the cultural superiority many Austrians felt over the Americans may have worked as a rationalizing mechanism. In a series of interview of some 60 Salzburg citizens who lived through the occupation, few interviewees questioned the right of the Americans and other occupiers to take control of their affairs, though many provided comments that clearly showed that they viewed Austrian culture as superior to that of the conquerors.[67]

The American occupiers themselves felt the benefits of occupying what was for the most part a compliant population in some of the most beautiful surroundings in all of Europe. Clark had disdainfully noted that while the Soviets got Vienna and the industrial hub of Austria, the U.S. got the picture-book provinces. But to the U.S. military government officials, such surroundings were idyllic. Despite the effort in getting basic governmental functions established, and even occasional acts of sabotage, Americans quite often appeared to be enjoying themselves. Colonel Clifton Lisle, who commanded military government detachments in the vicinity in the spring and summer of 1945, remarked on the "clearly enchanted locale, despite the chaos and destruction," and that alpine Austria was "truly a magic place," with "unbelievably beautiful" mountains.[68] Even more revealing were the comments of Donald and Florentine Whitnah, who both served in military government positions in Salzburg. At times, in their account, the Austrian occupation seems fully enjoyable and pleasant. They noted that by the summer of 1945, a limited version of the annual Salzburg festival was held with a concert by the Mozarteum Orchestra provided first for Americans and later to the Austrians.[69] By September of that year, Donald Whitnah wrote home: "Here we are in Salzburg situated in nifty, modern, well heated apartment houses…with the snow-capped Bavarian Alps on three sides… . We have civilian help for our kitchen, cleaning of rooms and clothes."[70]

Indeed, the conditions in Austria were so favorable to the American occupiers that by the end of August 1945, Clark wrote to Eisenhower stating that he was "in wholehearted agreement" with a plan that would allow groups of enlisted men to travel "under their own supervision to points of their own choosing within our area." He began

sending out groups of ten, and each group was free to choose its own itinerary, provided its own transportation, gasoline, and necessary rations and camping equipment. The only restriction Clark made was to avoid entry into the Russian zone.[71] By January 1946, Clark felt sufficiently comfortable enough to survey married officers, non-commissioned officers, and civilians in the occupation force regarding their desire to have their spouses and children come to Austria to live with them in exchange for an additional year of occupation service. Clark felt that the situation in Austria "was different" than in other parts of the European theater and that greater numbers of dependents could come to the country, and that they could be housed in existing buildings without additional requisitioning. The results of the survey were strongly positive.[72]

The relative placidity of the occupation facilitated with ease the transition to the so-called territorial model of military government, as envisioned in *FM 27-5*. As the occupation progressed, Hilldring expressed to Clark the clear preference—in accordance with the doctrinal model—for a separation of military government from tactical personnel, the so-called "territorial model," as soon as was practicable. According to Hilldring, "Such clear separation will facilitate transition to civilian control without confusion at whatever time may later be designated."[73] Accordingly, by April 1946, U.S. military government followed the territorial model, separating the military government headquarters and detachments from the tactical units in the zone with little to no difficulty. Specifically, while the Commanding General of the 42d Infantry Division would be the actual commander of all forces in the U.S. zone that contained Land Salzburg and Land Upper Austria, below him, military government authority separated

and ran to the Chief Military Government Officer, and then to the respective commanders of military government detachments, which were "completely separate from all other military organizations or staffs."[74] Tactical commanders still had responsibility for disarming and demobilizing German armed forces and handling prisoners of war, but were directed to deal with Austrian civilian authorities only through military government channels except in emergencies.[75]

The American Occupation and the Recognition of the Renner Government

During the Austrian occupation, it was commonly acknowledged that the central impediment to Austrian recovery and autonomy was in the "abnormal position in which Austria was put in by Allied occupation and diplomacy."[76] The occupational structure directly interfered with the ability of Austria to gain any economic momentum. Military government structures impeded centralization of Austrian central government, which in turn caused problems in the free flow of internal and external trade. As stated in Joint Chiefs of Staff Directive 1369/2, as soon as Nazi and Fascist governmental influences had been eliminated from public offices, a governing body should be established that would allow for the "nationwide administrative and judicial machinery as may be required to facilitate the uniform execution of its policy throughout Austria."[77]

U.S. military government greatly benefited from the fact that, prior even to the arrival of Western troops, Karl Renner stepped forward and claimed authority to lead a provisional government prior to the election of a popular one. Renner had been Chancellor from 1918-1920 and was the last president of the Austrian Parliament. He was a confirmed socialist who had had personal contacts with both Lenin and Trotsky, and he had kept himself in relative obscurity in Lower Austria following the *Anschluss*.

In April 1945, as the Soviets swept into eastern Austria and Vienna, he presented his credentials to Marshal Tolbukhin, whose armies had conquered Vienna, and ingratiated himself to the Soviet commander by stating that "The special trust of the Austrian working class in the Soviet Republic has become boundless," he offered a provisional government that would freely allow Communists in his cabinet.[78] The Soviets, in a move that they would later regret, cautiously took up Renner's offer and accepted him and his Cabinet as able to speak for Austria within the Soviet zone. Renner for his part appointed three Communists to his Cabinet, to include Karl Honner as Minister of the Interior, a position that would ostensibly control the incipient Austrian police force.[79]

Many Western Allies viewed Renner with skepticism, if not outright suspicion. The quick Soviet acceptance of his government, his clear socialist affiliation, and his appointment of Communists to his cabinet gave Western leaders pause. But Renner was a capable and shrewd politician, and his Cabinet appointments and statements praising the U.S.S.R. were calibrated to get the acceptance of one side of the Western alliance early, prior even to surrender, while wartime goals were still overriding and while there was still an alliance. His next, equally critical task was to win acceptance from the West, especially the United States of extending, if not outright recognizing his provisional government for all of Austria.

This was by no means assured. The U.K. especially seemed strongly opposed. At an Allied Council meeting on September 11th, 1945, the British representative strongly objected to extending Renner's government throughout all of Austria, wary of Renner's apparent communist leanings.[80] Renner, however, was supported by the United States, and most importantly, by Clark, which was particularly noteworthy given Clark's later

hardline anti-Communist reputation. Throughout September, Clark and Renner met and had multiple exchanges on Renner's plans for Austria, and his commitment to a Western-style system of government. Early in the month, Renner drafted a series of questions, to which he prepared answers, which were then forwarded to Clark. In the questions and answers provided, Renner plainly set forth the case for an Austrian provisional government, with the eventual goal of an autonomous and independent state. When asked whether the system of zonal occupation was adversely affecting Austrian life, Renner noted that while the four "world-powers" were preoccupied with larger affairs and perhaps lacking sufficient time and attention to deal with Austria's, the damages suffered by occupation were "enormous and not amendable any more." Goods and services could not be moved readily; raw materials had to be exported in order to buy bread to prevent starvation. And in response to any claim that the Renner government might be too acquiescent to the U.S.S.R., Renner noted that, "three of the four powers have seemingly decided not lend us an ear… . If perhaps, they think to have reason to complain about one-sided leanings of our Government, they alone are to be blamed… ."[81] Furthermore, Renner stressed any fears about a Communist takeover, given that party member Karl Honner was Minister of Interior (and in charge of police) were misplaced. Renner said that Honner was trustworthy, and, at any rate, the Communists were not favored by the Austrian people. Establishing a provisional government would provide the administrative machinery for an early election which would "clear the political solution" and would ensure that the rightward leaning People's Party and Renner's Socialist Party would "remain the only two big parties as heretofore."[82]

Renner indeed had met with Clark before the September 11 Allied Council Meeting and personally assured him of his anti-Communist credentials. On the day before that meeting, Clark sent a long message to the Joint Chiefs that set out the case for supporting Renner's provisional government as a way to return to power quickly an effective Austrian government. For Clark, there was agreement among the powers in establishing an Austrian central administrative machine except for the "possible exception" of the British. He further added that the other powers and the Austrian people considered such administrative machinery an urgent necessity. He then provided several reasons to support Renner's position. First, and interestingly, he proposed support precisely because Renner's government was made up of Socialist, Communist, and People's Parties members, which were the three democratic political groups in Austria. This cross-representation effectively legitimized Renner's government. Renner's government commanded the Austrian population's confidence and sympathy "to as great an extent as a non-elected group can," and it would be acceptable to foreign public opinion. Renner's government consisted of "patriotic and able men" who were also "free of Nazi taint." It had unity in its ranks, its legislative record was so far good, had held conference in each province to solicit input, and had a suggested date, November 25th, to hold nationwide elections.[83]

While there were some arguments against supporting Renner, to include that he and his provisional government were "unduly susceptible" to Soviet influence, Clark nonetheless supported it: "the Renner regime in its composition and on its record is probably as satisfactory from all standpoints …[I]t is my considered opinion that the United States should agree to extension of the authority of the Renner government

throughout Austria providing we can satisfy ourselves that the present police set up will permit free elections to be held."[84]

The British continued to resist extension of Renner's government throughout September. In a September 30 note to the Joint Chiefs, Clark noted that the U.K. representatives strongly pushed for a *de novo* government rather than the existing Renner one and to have all new laws of such a government sent to the Allied Council for approval. The British proposed a much tighter supervision over any possible government, to include placing a Scotland Yard officer in charge of the Austrian police.[85]

What were the reasons for Clark's seeming willing acceptance of the Renner government in light of the suspicions of the British? Here, ironically, a lack of long range policy planning worked to Clark's favor. After all, there was no long range American plan for Austria, and therefore there was not much to be suspicious of, other than vague fears that, in the relatively placid Austrian occupation, likely remained inchoate. Undoubtedly, Renner's own credibility and responsiveness impressed Clark. Clark was also keen on reducing the occupation forces in Austria as much as possible. The British particularly found this both "irresponsible" and acquiescent in the face of an imminent Soviet-Communist threat.[86] In November, Clark wrote to the Joint Chiefs requesting a steady drawdown from the current strength of 31,000 to 16,000 by July 1, 1946, though wanting to ensure this occurred as part of an overall multilateral reduction. The plan called for only 5000 soldiers from each of the Allies to be in Vienna by November 1946, and by then for only 12,500 U.S., 18,500 French, 20,000 British and 28,000 Soviet soldiers to been the entire country.[87] And although he would later

complain about the relative ineffectiveness of the United Nations Relief and Rehabilitation Agency, Clark nonetheless advocated progressively turning over relief efforts to the Agency, corresponding with a steady relinquishment in the Allied Council's authority.[88]

At the same time, Clark was also aware, and concerned with, the presence of Communists in Renner's cabinet. In a conversation he had with Renner on September 28, he noted Honner's presence in the cabinet, and he was concerned that Honner might have undue influence over the Vienna police chiefs. Renner replied that he would keep Honner. Removing him would anger the Soviets and would be cause for agitation and troublemaking from the Austrian Communists. He also did tell Clark that most of the Vienna chiefs were Communists because the Soviets had appointed them after they conquered the city. Nonetheless, he assured Clark any elections would be open and free, and that the election machinery would bypass Honner completely, and that the voting monitors would be ninety percent Peoples' Party and Socialists.[89]

Renner's assertions apparently sufficiently satisfied Clark. Renner did not get all he wanted: the Allied Council granted extension of Renner's provisional government to all of Austria, not full recognition, which he preferred. But Renner accepted all of Clark's conditions: he continued to acknowledge the Allied Council held supreme authority and that it reserved to itself certain governmental functions such as frontier control. In agreeing to all this, Renner closed by noting that he strongly felt the political tug-of-war, but between the U.K., not the U.S. and the Soviets. Clark felt Renner "needed…to lean on an objective friend like the United States."[90] No doubt the remark was a deliberate attempt at gaining favor, but in light of Allied Council issues throughout mid-to-late 1945,

it had a ring of truth. The more "political" maneuverings of the British were the cause of more friction with the Soviets than those of the United States, which more often seemed more concerned about both meeting other militarily-related objectives and in genuinely seeking some *rapprochement* with the Soviets.

The Allied Council granted Renner's government authority to extend throughout Austria on October 20. After the Council granted Renner extension, he was not above attempting to push his authority beyond what the Council deemed appropriate and tried to pass laws without referral first to the body. He made unsuccessful arguments, for example, that the Council did not possess a "superveto" over standard, non-political legislation.[91] But this did not cause serious friction within the Council: Clark noted throughout November that Council relations, especially with the Soviets, remained good.[92] Furthermore, Renner was generally compliant to the Council's demands, and most importantly, he kept his side of the agreement and organized the governmental machinery that would oversee elections at the end of November.

The elections, held on November, 25th, were for representatives to the *Landtage*, the provincial legislatures, and the *Nationalrat*, the elected lower house of Austrian Parliament, were the first since 1930, with heavy registration and turnout. The outcome proved to satisfy fully the United States, though was bitterly disappointing to the Soviets.[93] The voters elected 85 People's Party, 76 Socialists, and only 4 Communists to the *Nationalrat*, and 213 People's Party, 179 Socialists, and only 15 Communists to the *Landtage.*[94] The following month, the Parliament was organized, and Leopold Figl of the People's Party was elected Chancellor, with Renner elected as President. In January, the Allied Council unanimously recommended to their respective governments

that the Figl government be recognized as the legitimate government of Austria.[95] In June 1946, a new Allied Council agreement effectively turned over most its authority to the Figl government and crucially stated that unanimous disapproval was required by the Council before any law passed by the Parliament could be nullified.[96]

The extension of Renner's authority, the November elections, and the new Allied Council agreement in 1946 set the conditions for the ultimate successful outcome of the Austrian occupation.[97] By June 1946, Secretary of State James Byrnes proposed a draft treaty to the Council of Foreign Ministers in Paris that recognized the independence of Austria and provided for the withdrawal of occupying troops, with the British and French going along, but with the Soviets submitting a counterproposal that stated further denazification and other actions were required.[98] And indeed there would be difficult negotiations as the Cold War fully continued well into the 1950s. Both the Americans and Soviets at varying time expressed reluctance about granting total independence and complete withdrawal of occupying forces. In the 1950s, for example, Secretary of State John Foster Dulles was reluctant to grant Austria neutral status absent a sufficient Austrian force capable of resisting a Soviet invasion and defeating a Communist *coup d'etat*.[99]

But absent total Soviet control, Austria lacked strategic value in and of itself to the U.S.S.R. Indeed, it appears as if the eventual grant of Austrian neutrality originated in Moscow.[100] The May 1955 Austrian Treaty was indeed part of a larger Cold War geopolitical struggle, the Warsaw Pact Treaty had been signed the day before the Austrian one, and Moscow's decision to go along with neutrality may have even been part of an last-ditch effort to stop Austrian's outright absorption into a Western

alliance.[101] But these machinations took place in light of the fact that Austria had a functioning, anti-Communist government in place that was recognized as having authority over all of the country, and not simply the western zones, as in Germany, and it would be very difficult to attempt to undo what the USSR had explicitly permitted in 1945. Austria's occupation thus ended in 1955 with a peaceful withdrawal of all occupying forces, and the nation became, no doubt happily to the Austrians themselves, relatively uninvolved in the remainder of the Cold War. It is hard to quarrel with the assessment of political scientist David Edelstein, who judges the Western Allies' occupation of Austria a success and the Soviet occupation a failure. Vienna, after all, was the one city mentioned in Winston Churchill's famous Iron Curtain speech that fell outside of the Soviet orbit during the Cold War.[102]

The underlying success of the occupation should be traced back to its first days, when military objectives still predominated and when the ideological and political construction of the Cold War had not yet occurred. From the outset, the structure of the occupation was militarily focused. The United States indeed resisted any construction that the British offered that did not conform to military objectives. And the four-power zonal configuration, in which each Allied power held supreme authority in its respective zone, largely conformed to where the military units of the respective powers were positioned at the conclusion of combat operations. This construction shaped the subsequent dynamics of Allied Council dealings. G-5 SHAEF planners thought the division was problematic to attaining ultimate Austrian autonomy and independence. While militarily practical, the zonal solution seemed set to cause political failure, and indeed it no doubt did slow down Austrian's ultimate neutralization in 1955.

Yet the occupation, from a U.S. perspective, nonetheless succeeded. Why was this so, in light of a configuration that should have led to the partitions that divided Germany and Korea? To understand this, once again, requires an examination of the early period of military government. First, from a U.S. perspective, the Austrian occupation, of any conducted after World War II, most resembled that described in the Hunt Report, and most resembled the Army's doctrinal understanding, as set forth in *FM 27-5*. In the report and doctrine, the American military government presumed a relatively placid population and presumed a return to normalcy, particularly in governmental structures, as early as possible. Both these conditions were met in Austria. The Americans conducted an occupation that, while not free of rancor and criminality, was remarkably benign, conducted in for the most part in a landscape that was near idyllic. Despite no doubt hard work, accounts of American occupiers showed they found the occupation as an enjoyable experience as could be imagined. Furthermore, that Karl Renner so soon stepped forward with a provisional government ready to govern all of Austria satisfied the doctrinal premise of early governmental return.

Indeed, Renner and the Austrian provisional government were the keys to ultimate success, for both were palatable, at least initially, to the Soviets, who mistakenly thought they could use Renner to gain political advantage in Austria. Renner shrewdly maneuvered into having the Soviets grant his provisional government control over the Soviet zone, which then meant the only impediment to achieving central government lay with the Western powers. Ironically, the militarized and relatively apolitical stance of the Americans in the early occupation period proved beneficial. Without the ideological hardening of the Cold War, there was a certain ideological and political breathing space

in this period between World War II and the early crises of the Cold War for compromise, negotiation, and even a relatively amicable relationship with the Soviets. More than once, it was the British, the more "politically" minded of the Western powers, who blocked or attempted to block Austrian governmental unification. And Mark Clark in particular deserves notice and credit for his adept understanding of the situation in 1945. Regardless of his later strong anti-Communism, Clark correctly judged that Renner could be trusted and that the U.S. could deal with the Soviets during the early period over setting up centralized Austrian governmental machinery.

It would be a mistake to say that the U.S. military government doctrinal model set conditions for ultimate U.S. success in Austria. Instead, it is more correct to say that that model fit well with the conditions in Austria's particular environment and that the American leadership in Austria was astute enough not to hamper the development of incipient Austrian self-governance. In other circumstances, the U.S. military government doctrinal model, and U.S. leadership, would fare much differently, as the occupation of Korea would reveal.

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[1] "Declaration on Austria," *Foreign Relations of the United States, 1943, vol. I, General, 761.* See also Charles J. Simmons, "The United States in the Allied Occupation of Austria" (master's thesis, Columbia University, 1953), 6.

[2] For the Moscow Declaration, see The Tripartite Conference in Moscow, October 18-November 1, 1943, Annex 6, "Declaration on Austria," *Foreign Relations of the United States, 1943, vol. I, General* (Washington, D.C.: U.S. Government Printing Office, 1963), 761.

[3] This was asserted as U.S. policy by James Riddleberger, a key Roosevelt advisor on postwar European matters. See Charles W. Sydnor, Jr., "Some Architects of U.S. Occupation Policy Respond: Summary of a Roundtable," in Hans A. Schmitt, ed., *U.S. Occupation in Europe After World War II* (Lawrence, KS: Regents Press of Kansas, 1978), 131.

[4] "Declaration on Austria," *Foreign Relations of the United States, 1943, volume I, General, 761.* Simmons, 7.

[5] Hojo Holburn, *American Military Government: Its Organizations and Practices* (Washington, D.C.: Infantry Journal Press, 1947), 77.

[6] See Edgar Erickson, "The Zoning of Austria," *The Annals of the American Academy of Political and Social Science* (January, 1950): 106.

[7] Ibid., 107-110. The Joint Chiefs' expectation was that the occupation would only involve one U.S. division.

[8] See Milton Colvin, "Principal Issues in the U.S. Occupation of Austria, 1945-48," in *U.S. Occupation in Europe after World War II,* ed. *Hans A.* Schmitt, (Lawrence, KS: Regents Press of Kansas, 1978), 103-105.

[9] Mark Clark, interview by Lieutenant Colonel Forest S. Riggers, Jr., October 1972*, Recollections and Reflections: Transcripts of the Debriefing of General Clark*, 24, Mark W. Clark Papers, on file at the U.S. Army Heritage and Education Center, Carlisle Barracks, PA (hereinafter AHEC). In Clark's memoir *Calculated Risk*, he makes a the same point, noting that he believed the U.S. delegation to the EAC was either ignorant of the Austrian situation or motivated by a desire to reduce troop commitments as quickly as possible: In other words, we hadn't known precisely what we wanted to do." *Calculated Risk* (New York: Harper and Brothers, 1950), 460.

[10] Ibid., 25.

[11] Clark Interview, Section 3, 3.

[12] Clark Interview, 25

[13] John Erhardt to General McNarney, April 13, 1945, box 1, Papers of Lester Flory, AHEC. General Mark Clark would use similar language in a speech to the National War College, saying that Austria was a "bridgehead into Eastern Europe." Mark Clark, "Austria" speech given to National War College, Washington D.C., September 10, 1946, box 33, Papers of Mark Clark, The Citadel Archives, The Citadel, Charleston, S.C. (hereinafter Citadel Archives).

[14] Colonel A.T. Maxwell, G-5 SHAEF to Ambassador Phillips and Charles Peake, esq., (Political Advisors to SHAEF), "Austria," May 3, 1944, box 42, Papers of Frank McSherry, AHEC. Some of the questions Maxwell posed were: "Is the Soviet going to participate in Military Government in Austria? If so, will the government be tripartite, each government taking its share in the planning and provision of personnel? If it is to be tripartite, can the Russians nominate experts now to work with SHAEF and AFHQ and elaborate plans?" Ibid.

[15] Lieutenant Colonel Henry Parkman, SHAEF Austria Section, to Colonel C.M. Spofford, Chief Military Government Section, “Progress Report on Austrian Planning,” May 11, 1944, box 42, Papers of Frank McSherry, AHEC.

[16] SHAEF Austrian Planning Section, “Planning Paper No. 2,” May 27, 1944, box 42.Papers of Frank McSherry, AHEC.

[17] Ibid.

[18] “Interim Directive to AFHQ to Initiate Planning of Civil Affairs in Austria subject to Confirmation by the CCS,” April 1944, box 42, Papers of Frank McSherry, AHEC.

[19] COL T.R. Henn to Chief, Operations Branch, G-5, “Report on Visit to AFHQ,” August 8, 1944, box 42, Papers of Frank McSherry, AHEC.

[20] Director, Civil Affairs Division, “Military Government in Austria-Pre-Surrender Proclamations,” November 24, 1944, box 42, Papers of Frank McSherry, AHEC.

[21] Ibid.

[22] See Memorandum to Colonel Henn, Allied Force Headquarters, G-5 Section, December 30, 1944, “Resume of Austrian Planning” in box 1, Papers of Lester Flory, AHEC.

[23] John H. Hilldring to Lester Flory, February 16, 1945, box 1, Papers of Lester Flory, AHEC.

[24] JCS 1169/9, “Acceptance by the United States of America of Zone of Occupation in Austria,” March 29, 1945, box 42, Papers of Frank McSherry, AHEC.

[25] Office of the Chief of Staff, Allied Force Headquarters [Allied Mediterranean Command], *Handbook for Military Government in Austria*, April 1945, chapter 1, para. 1 AHEC.

[26] Ibid., Introductory Memorandum [emphasis added].

[27] Ibid., chapter 1, para. 5.

[28] Ibid., chapter 1, para. 5.

[29] Ibid., chapter 2, 1-2.

[30] Ibid., chapter 4, 4.

[31] Ibid., chapter 1

[32] Ibid., chapter 2, 7.

[33] European Advisory Commission Agreement, "Authority on Control Machinery in Austria," July 4, 1945, *Foreign Relations of the United States, The Conference of Berlin (The Potsdam Conference), vol. I 1945* (Washington, D.C.: U.S. Government Printing Office, 1960), 351-352.

[34] Ibid., 352.

[35] Ibid.

[36] General Mark Clark to Commanding General, II Corps (Military District Commander) and Commanding General, Vienna Area Command, "Directive for Military Government in Austria," July 27, 1945, in box 42, Papers of Mark Clark, Citadel Archives.

[37] Ibid.

[38] "Military Government Instruction Number 7, Administration of Justice" September 7, 1945, box 42, Papers of Mark Clark, Citadel Archives.

[39] Headquarters, United States Forces, Austria, *A Review of Military Government*, January 1, 1947, Charts, on file at AHEC.

[40] Ibid.

[41] For Clark's primary biography, see Martin Blumenson, *Mark Clark* (New York: Congdon and Weed, Inc., 1984).

[42] See Fred L. Hadsel, "Reflections of the U.S. Commanders in Austria and Germany," in *U.S. Occupation in Europe after World War II,* 143-144.

[43] See Donald R. Whitnah and Florentine E. Whitnah, *Salzburg Under Siege*: *U.S. Occupation, 1945-1955*, (New York: Greenwood Press, 1991), 111. According to the Whitnahs, who served as military government officials in Salzburg, the location of the U.S. Forces Austria Headquarters, Clark was very popular there, and would be applauded and cheered by local Austrians when he moved about the city. Ibid.

[44] See Ralph W. Brown, III, *A Cold War Army of Occupation? The U.S. Army in Vienna, 1945-1948* (PhD Diss., University of Tennessee, Knoxville, 1995), 100-106.

[45] Mark Clark, *From the Danube to the Yalu* (New York: Harper and Brothers, 1954), 5.

[46] Henry Wallace contrasted Clark to General Lucius Clay in August 1946, noting that Clark's attitude was much more "hard-boiled than that of Clay." August 14, 1946

diary entry, Blum, John Morton, ed. *The Price of Vision: The Diary of Henry Wallace, 1942-1946*. (Boston: Houghton Mifflin Co., 1973), 609-610.

[47] Transmitting Memorandum of Conversation Between General Mark W. Clark and Dr. Karl Renner on September 28, 1945, Oct 1 1945 memo from John G. Erhardt, box 43, Papers of Mark Clark, Citadel Archives.

[48] September 30, 1945 entry, quoting Message from Clark to Joint Chiefs of Staff, in Mark Clark Diaries, vol. 10, box 66, Papers of Mark Clark, Citadel Archives.

[49] November 29, 1945 entry, quoting Message from Clark to Eisenhower, in Mark Clark Diaries, vol. 10, box 66, Papers of Mark Clark, Citadel Archives.

[50] April 6, 1946 entry, quoting Message from Clark to Joint Chiefs of Staff, in Mark Clark Diaries, vol. 11, box 66, Papers of Mark Clark, Citadel Archives.

[51] This official account is found in Headquarters, United States Forces Austria, *United States in Austria, A Review of Civil Affairs*, March 31, 1948, AHEC.

[52] Ibid., 27.

[53] August 6, 1945 entry in Mark Clark Diaries, vol. 10, box 66, Papers of Mark Clark, Citadel Archives.

[54] Mark Clark, "Austria" Speech Given to National War College, Washington D.C., September 10, 1946, box 33, Papers of Mark Clark, Citadel Archives.

[55] August 10, 1945 and September 1, 1945 entries, in Mark Clark Diaries, vol. 10, box 66, in Papers of Mark Clark, Citadel Archives.

[56] See William Lloyd Stearman, *The Soviet Union and the Occupation of Austria (*Bonn: Siegler and Company, 1964), 33.

[57] See e.g., the comments by Major Lloyd H. Landau that were made an attachment to Brigadier General Lester Flory's report on his June, 1945 mission to Vienna. Lester D. Flory, "Mission to Vienna: 3-13 June 1945, enclosure 1 (by Major Lloyd H. Landau), "Military Government," box 1, Papers of Lester Flory, AHEC.

[58] Ibid.

[59] Ibid., Enclosure No. 2, "Russian Occupation Troops" (by Colonel F.T. Norcross).

[60] Wellington Samouche, "I Do Understand the Russians," (unpublished personal memoir), 13, box 1, Papers of Wellington Samouche, AHEC. Samouche was the U.S. Deputy Allied Commander in Vienna.

[61] See e.g., Matthew Paul Berg, "Caught Between *Iwan* and the *Weinhachtsmann*: Occupation, the Marshall Plan, and Austrian Identity, in Gunter Bischof, ed, *The Marshall Plan in Austria, vol. 8, Contemporary Austrian Studies* (New Brunswick, N.J.: Transaction Publications, 2000), 157.

[62] Berg, 159. Samouche, was fluent in Russian, his family having left the country after 1917. In his memoirs he noted some of the cultural collisions. Not only did he see them as "filthy" and "unsanitary," he also noted, for example, that the Soviet soldiers and officials viewed rugs as luxuries, but instead of laying them on the floor, cut them up and used them to drape walls. Wellington Samouche, "I Do Understand the Russians," (unpublished personal memoir), 5, box 1, Papers of Wellington Samouche, AHEC.

[63] United States Forces in Austria, Military Government in Austria, October 1, 1946, 3-5, on file at AHEC.

[64] Berg, 157. See also, a chapter in Whitnah and Whitnah, "Austrian Reactions to Americans," 93-104. The Whitnahs conclude that "[o]verall the rating of the U.S. occupation was most positive." Ibid., 104.

[65] See Notes of Meeting, April 15, 1946 between Mark Clark, Political Advisor Erhardt, and Herbert Hoover, box 41, Papers of Mark Clark, Citadel Archives.

[66] August 15, 1945 entry in Mark Clark Diaries, vol. 10, box 66, in Papers of Mark Clark, Citadel Archives.

[67] Petra Goedde, Review of Ingrid Bauer, *"Welcome Ami, Go Home," Die Amerikanische Besatzung in Salzburg, 1945-1955*, in Gunter Bischof, ed, *The Marshall Plan in Austria, vol. 8, Contemporary Austrian Studies* (New Brunswick, N.J.: Transaction Publications, 2000), 575.

[68] Diary of Clifton Lisle, May 20-21, 1945 entries, box 13, Papers of Clifton Lisle, AHEC.

[69] Whitnah and Whitnah, 15.

[70] Ibid., 106.

[71] August 26, 1945 entry, in Mark Clark Diaries, vol. 10, box 66, in Papers of Mark Clark, Citadel Archives.

[72] January 25, 1946 entry in Mark Clark Diaries, vol. 11, box 66, in Papers of Mark Clark, Citadel Archives.

[73] John H. Hilldring to Mark Clark, War Department Message, December 2, 1945, in box 40, Papers of Mark Clark, Citadel Archives.

[74] "Organization for Military Government, U.S. Zone, Austria," April 10, 1946, box 42, Papers of Mark Clark, Citadel Archives.

[75] Ibid.

[76] Eleanor Lansing Dulles, "U.S. Economic Policy, Austria," July 25, 1946, in box 12, Papers of Eleanor Lansing Dulles, Dwight D. Eisenhower Presidential Library, Abilene, KS (hereinafter Eisenhower Archives). Dulles was an economic advisor in the U.S. State Department.

[77] JCS 1369/2, "Basic and Political Directive to Commander in Chief of U.S. Forces of Occupation Regarding the Military Government of Austria," June 26, 1945 in box 1, Papers of Lester Flory, AHEC.

[78] See Erika Weinzierl, "The Origins of the Second Republic: A Retrospective View," in Kurt Richard Luther and Peter Pulzer, eds., *Austria 1945-1995, Fifty Years of the Second Republic* (Aldershot, UK: Ashgate, 1998), 9-10. See also, Hajo Holborn, *American Military Government: Its Organization and Policies* (Washington, D.C.: Infantry Journal Press, 1947), 78.

[79] See, e.g., Milton Colvin, "Principal Issues in the U.S. Occupation of Austria," 106.

[80] Weizeirl, 22.

[81] Stanley J. Grogan, "Questions and Answers Written by Karl Renner and Forwarded to General Clark" box 43, Papers of Mark Clark, Citadel Archives.

[82] Ibid.

[83] September 10, 1945 Entry, Mark Clark Diaries, box 66, vol. 10, Papers of Mark Clark, Citadel Archives.

[84] Ibid.

[85] September 30, 1945 Entry (quoting Clark's message to JCS), Mark Clark Diaries, box 66, vol. 10, Papers of Mark Clark, Citadel Archives.

[86] See Audrey Kurth Cronin, *Great Power Politics and the Struggle Over Austria, 1945-1955* (Ithaca, NY: Cornell University Press, 1986), 36.

[87] November 30, 1945 Entry (quoting Clark's message to JCS), Mark Clark Diaries, box 66, vol. 10, Papers of Mark Clark, Citadel Archives.

[88] Ibid.

[89] John G. Erhardt, "Transmitting Memorandum of Conversation between General Mark W. Clark and Dr. Karl Renner on September 28, 1945," October 1, 1945, box 43, Papers of Mark Clark, Citadel Archives.

[90] Ibid.

[91] See *Monthly Report of the United States Commissioner, Military Government, Austria*, November, 1945 No. 1), 5-6, AHEC.

[92] See October 20, October 31, and November 11, 1945 Entries (Clark's messages to JCS), Mark Clark Diaries, box 66, vol. 10, Papers of Mark Clark, Citadel Archives.

[93] Stearmann, 36.

[94] *Monthly Report*, 1.

[95] Department of State Press Release, "Statement on Recognition of Government of Austria, January 7, 1946 in Raymond Dennett and Robert K. Turner, eds., *Documents on American Foreign Relations, VIII, July 1, 1945-December 31, 1946* (Norwood, MA: Norwood Press, 1948), 311.

[96] "Agreement Between the Governments of the United Kingdom, the United States of America, the Union of Socialist Soviet Republics, and the Government of the French Republic on the Machinery of Control in Austria," June 28, 1946 in Headquarters, United States Forces Austria, United States Forces in Austria, A Review of Military Government, January 1, 1947, AHEC.

[97] For the best American account of the remainder of the US occupation, see James Jay Carafano*, Waltzing into the Cold War: The Struggle for Occupied Austria* (College Station, TX: Texas A&M Press, 2002.

[98] "Report by the Secretary of State on the Latter Half of the Meeting of the Council of Foreign Ministers in Paris," June 15-July 12, 1946 in *Documents on American Foreign Relations, VIII, July 1, 1945-December 31, 1946, 248.*

[99] See Oliver Rathkopf, "International Perceptions of Austrian Neutrality," in Gunter Bischof, ed., *Neutrality in Austria, Contemporary Austrian Studies, vol. 9* (New Brunswick, NJ: Transaction Publications, 2001), 69-71.

[100] See Vojtechn Mastny, "The Soviet Godfathers of Austrian Neutrality," in *Neutrality in Austria, Contemporary Austrian Studies, vol. 9*, 240.

[101] For brief accounts of the Austrian Treaty in relation to larger Cold War political issues, see, William G. Hyland, *The Cold War: Fifty Years of Conflict* (New York: Random House, 1991), 81-84 and David S. Painter, *The Cold War: An International History* (London: Routledge, 1999), 33-34.

[102] David Edelstein, *Occupational Hazards: Success and Failure in Military Occupation* (Ithaca, NY: Cornell University Press, 2008), 184. Churchill famously said:

> From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe. Warsaw, Berlin, Prague, Vienna, Budapest, Belgrade, Bucharest and Sofia, all these famous cities and the populations around them lie in what I must call the Soviet sphere, and all are subject in one form or another, not only to Soviet influence but to a very high and, in some cases, increasing measure of control from Moscow.

Churchill biographer Martin Gilbert reprints this famous portion of the speech in his biography, pointing out other less remembered details, to include Churchill's declaration of admiration for the Soviet achievement in the war and also Churchill's belief that neither side wanted war and what was needed was a "settlement" with the Soviet Union. Martin Gilbert, *Churchill: A Life* (New York: Henry Holt and Co., 1991), 866.

Chapter 8 - Planning and Implementing Military Government in Korea, 1943-1946

Some historians see the postwar struggles in Korea that resulted in full-scale conflict from 1950 to1953 as a product of superpower geopolitical strategic calculation at the expense of the desires and needs of the Korean people themselves. Bruce Cumings, for example, notes the confrontational attitudes of the Truman administration, which preferred the establishment of boundaries between spheres of influence, and, if necessary, the use of shows of military force.[1] Yet, as at least the example of Austria shows, Cold War confrontation did not inevitably lead to war or to permanent partition in occupied territories. While the attitudes or apparent interests of the superpowers are often studied to determine how and why Korea became the Cold War's first "hot" battleground, what is examined less is how American military government during the initial phase of occupation influenced the outcome that ultimately resulted in war and permanent partition. The U.S. Army's military government in Austria helped produce a benign outcome in that nation. But the American occupation of Korea clearly showed the limitations of the Army's occupation methods when confronted with a situation and environment both more complex and far more alien than what the Army experienced in Germany and Austria.

Events during the Korean occupation also revealed the disconnection between long-term political goals that the American government presumably espoused and the military instrument meant to foster those goals, which was military government in accordance with American Army doctrinal principles and organization. The military governorship of Korea was meant to be short-lived, but as Cumings points out, even by

December 1945, when the U.S. and U.S.S.R. first discussed a long range plan toward trusteeship of the country, the occupation already had taken on a momentum that could not be reversed—a momentum, that, in Cumings' view, was far more driven by the military governorship in Seoul than in Washington, the latter being, in Cumings' words, "far behind and out of touch."[2]

How this occurred, though was the opposite of Cumings' assertion that "American planners in Washington thought of military occupation as an extension of political policy and infantry troops as the agents of policy implementation."[3] Rather, the Army's occupation was an extension of a *militarized* policy that generally subordinated longer-range political goals to military objectives. Indeed, the very ambiguity and uncertainty of the long-term political objectives helped guarantee their subordination. The prevalence of this thinking during wartime in turn left the occupation of Korea barely planned at all until Japan's surrender was imminent. Since Korea's military value during the war was of little consequence, American planners largely ignored the details of its occupation, and when the Army began to administer the occupation, the Army's military government model provided the guide and template for the, the occupation's first, crucial steps.

Initial Planning

Japan had occupied Korea since 1905 and had annexed it since 1910.[4] The Allied powers therefore considered the peninsular nation already to have been occupied and under the oppressive yoke of the enemy. At the Cairo Conference of 1943, Roosevelt, Churchill, and Chiang Kai-shek declared: "The aforesaid three great powers, mindful of the enslavement of Korea, are determined that in due course, Korea shall become free and independent."[5] The Potsdam Proclamation of July 1945, which stated the terms of

Japan's surrender, reaffirmed the Allies' apparent commitment to a free and autonomous Korea.[6]

But the terms and conditions of such diplomatic statements were vague. There was little thought given as to what the Cairo Conference's phrase "in due course" actually meant. Its conception was likely a product of FDR's aristocratic background and an example of Roosevelt's confidence that the United States would prevail, whatever ambiguities lay within the idea.[7] "In due course" very possibly meant to the President some period of guardianship under a trusteeship concept such as what the United States offered to the Philippines in the 1934 Philippines Independence Act. At Yalta in 1945, Roosevelt apparently stated to Stalin that what he had in mind for Korea was a trusteeship in which representatives of the U.S.S.R., the U.S. and China would preside, and that it might be "twenty or thirty years" before Koreans were fully capable of self-governance. Stalin apparently responded that the shorter the trusteeship, the better.[8] Yet many Koreans themselves translated "in due course" quite differently: some translated it as either "immediately" or in a period of weeks if not days, and prominent politicians established the western oriented, anti-Soviet Korean Provisional Government in Chungking under the leadership of Kim Koo and Syngman Rhee, the former having unsuccessfully requested that the United States outfit a Korean Army to liberate the country in August 1944.[9]

Additionally, the Soviet Union was not part of either the Cairo Statement or its reaffirmation at Potsdam, because it was at that time not yet at war with Japan. The U.S.S.R. was therefore excluded from any initial discussion and planning, though Roosevelt and Stalin clearly expected, as part of the Soviet Union's eventual declaration

of war on Japan, some role for the U.S.S.R. in postwar Korea.[10] Such an expectation was revealing, for there was an asymmetry of interests in the Korean occupation. For the United States, there was a vague notion of trusteeship to be implemented. But what the only clear postwar goal for the U.S. in Korea was that the Japanese military be effectively disarmed and demobilized. The Soviets, on the other hand, *did* have strategic interests in the country: a small portion of Korea actually bordered the U.S.S.R. and the peninsula's importance to Russia predated the Soviet Union.[11]

Instead, American planning for the occupation of Korea operated within a set of premises and assumptions that oriented the country's postwar governance around military goals and objectives. For the most part, there was little detailed attention paid to questions of postwar Korean governance from 1943 to 1945. Japan was the focus of attention, and most thought the war would last into 1946 and likely even longer.[12] Thus there was scarce planning or even thinking about Korea at strategic levels following the Cairo Conference. Indicative of the lack of such thought was a May 1943 conversation between Assistant Secretary of State Adolf Berle and Clarence E. Gauss, the Ambassador to China. Discussing the prospects of Korean independence with the Ambassador, Berle noted that while the U.S. envisaged an independent Korea, the matter of recognition of the Provisional Government of Republic of Korea should "rest in abeyance."[13] In May of the following year, in discussion with Secretary of State Hull, Ambassador Gauss referred to a conversation he had had with the Minister of Foreign Affairs of the Korean Provisional Government, Tjo So-Wang. Referring to the possibility of recognizing the Provisional Government, Gauss noted that he had seen no official comment on what the Cairo Conference's phrase "in due course" meant. He personally

believed that it would come following a "military phase of expelling Japanese from Korea…followed by preparation for civil government and in due course independence."[14]

A State Department paper produced for the Yalta Conference further revealed how vague postwar Korea looked to American diplomats. The paper envisioned a postwar occupation of Korea with a military government. There would then be some form of administration or trusteeship that would be established either under the authority of an international organization. Because the United States and Great Britain had been part of the Cairo Declaration's promise of a establishing a free and independent Korea and because China and the Soviet Union were "contiguous to Korea and have had a traditional interest in Korean affairs," the four Allied powers would be prominent members of that organization. The paper discouraged unilateral military occupation. To do so would have "serious political repercussions" in that China and the Soviet Union might each be resentful if any other country predominated. Instead, it proposed a joint though not zonal, partitioned administration.[15]

The paper mixed vaguely articulated and at times naïve assertions. It asserted that the Koreans would implicitly trust the United States to administer the occupation of Korea because of America's anti-colonial policies, presumably failing to recognize that it was President Theodore Roosevelt who brokered the 1905 Russo-Japanese peace accord that provided for Japan's annexation and occupation of Korea.[16] It assumed that there would be a capable organization of administering the trusteeship between the period of military government and Korean independence, though there was no such organization yet in existence, and there was little discussion of how long this trusteeship

would be. Lastly, and most importantly, it presumed that the Koreans themselves would be willing to accept this arrangement, though the paper did not address why citizens of a country with a millenium of autonomous governance would do so.[17]

Beyond such speculative work, neither the State nor the War Department developed significant, detailed plans. The Civil Affairs Division did come to the conclusion that in Korea, planning for the administration of civil affairs would be a U.S. responsibility pending a determination of other nations' interests, particularly the Soviet Union's. It was therefore assumed the United States would come to occupy at least a significant portion of the country.[18] Furthermore, the one key wartime decision made by the Joint Chiefs of Staff, per the Civil Affairs Division's recommendation, was that the Army would at least initially be responsible for the occupation of Korea, and that planning would be integrated into military planning for the defeat of Japan.[19] Indeed, Korea's only value to the United States was its linkage to American Japanese wartime strategies. Primarily, it held hundreds of thousands of Japanese troops; it also could be used as a possible site for bombing and submarine attacks against the Japanese coast.[20] The principle reason the Joint Chiefs of Staff wanted the Soviet Union to enter the war against Japan was for the Red Army to defeat Japanese armies in both Manchuria and Korea.[21]

In the absence of any substantive thinking about what postwar Korea would look like, the State-War-Navy Coordinating Committee contended that the standard military government model be followed. Noting that there was no "agreed United States view as to the character of administration of civil affairs in Korea," the Committee therefore recommended a bizonal U.S.-U.S.S.R. administration by American and Soviet military

commanders and a joint military administration akin to the Allied Control Councils in the European occupations.[22] Planners in the War Department also recognized the absence of long-range postwar Korea strategy. The only thing that could therefore be done in the immediate postwar period was to bring about, in collaboration with the Soviets, the reestablishment of normal political and economic relationships. However, this could only be done "on a military level." The ability to bring about permanent political change was limited. Any consequential change in the postwar Korean landscape was vague and would occur only after a centralized four- power administration and then some period of trusteeship that was even less defined.[23]

The result of this lack of either political relevance or military significance was a no detailed plan for what to do when American military government first arrived on the peninsula. Unlike Germany and Austria, where the Allies had at least established some mechanism for "control machinery," there was nothing in place for any multinational governance plan. Instead, the primary military plan for the occupation of Korea was only part of the larger one that dealt with Japan's occupation in case of sudden surrender, code named BLACKLIST.[24] Even BLACKLIST had been created pending the issue of presumably more detailed Joint Chief of Staff directives and was meant only to serve as a general guide in the planning and preparation by subordinate commanders and units upon the termination of armed conflict.[25]

As a military plan, BLACKLIST framed the occupation entirely within military goals, stating that the goals for U.S. forces were to "occupy Japan Proper and Korea, establish control of armed forces and civil population, and impose thereon those prescribed terms of surrender requiring immediate military action."[26] And as with most military plans,

BLACKLIST stated a series of planning assumptions, some of which were applicable to Korea. BLACKLIST stated that 270,000 Japanese troops would need to be disarmed in Korea, and that surrender of Japanese forces outside Japan proper might have to be "imposed by force," and even that offensive action might need to be taken in the High Command in Korea failed to conform to the Japanese surrender. Yet these assumptions were contrasted with another more optimistic one: while some non-cooperation by the Japanese civil population was expected, "some degree of cooperation" could possibly be expected from the Korean populace.[27]

There was also great concern in the plan that in a "sudden surrender" scenario, military and civil resistance might be expected. Throughout BLACKLIST, the document referred to this possibility, which thus framed the occupation as military operations against possible enemy forces. The "primary initial missions" for the occupation forces were the "[d]isarmament of Japanese Armed Forces and establishment of control of communications."[28] U.S. forces should also be dispatched in strength to major strategic centers "against local opposition if offered." Furthermore, they should also be prepared to "immobilize enemy armed forces, and initiate operations against any recalcitrant elements in the two countries."[29]

Reflecting its exclusively military goals, BLACKLIST referred to an initial occupation phase only. Once Japan was disarmed and there was assurance there would be no widespread resistance, the task of the occupying forces would be to prepare for the establishment of post-war governments in both Japan and Korea "as subsequently directed."[30] Yet beyond that, there was little. The instruments of surrender were not yet known, though it was assumed that the Emperor would acknowledge Japan's total

defeat, the Commander-in-Chief of U.S. Army Forces Pacific would assume "supreme legislative, executive, and judicial power" over both Korea and Japan, and that civil officials would remain at their posts and continue to perform their duties until told otherwise.[31]

The BLACKLIST document mentioned Korea itself, though in a peripheral way, and as little more than an adjunct to Japan. Apart from the planning assumptions that discussed the comparative Japanese troop strengths in Japan and Korea and that asserted the civil population in Korea might be friendlier than the Japanese, there was no specific plan for Korea's occupation. There was not, for example, even a separate annex for the Korean occupation within BLACKLIST. "Japan and Korea" were terms seen throughout the document, with the same basic concepts, tasks, and missions assigned to both countries.[32] The Army units designated to occupy Korea, initially the 10th Army, and then only a subordinate unit, the XXIVth Corps, were chosen to do so exclusively because of their physical location on Okinawa, and its relative proximity to the Korean peninsula.[33] (See figure 12 below.)

The Japanese surrender documents that followed also indicated that little thought had been given to postwar Korea. The initial post-surrender policy for Japan, which General Douglas MacArthur sent to President Truman, who in turn approved it, did not refer to Korea.[34] MacArthur mentioned the country in his first general order only in relation to the Japanese surrender provisions: senior Japanese commanders and all military forces in Korea north of "38 degrees North latitude" would surrender to the "Commander-in-Chief of Soviet Forces in the Far East" and south of the 38th degree

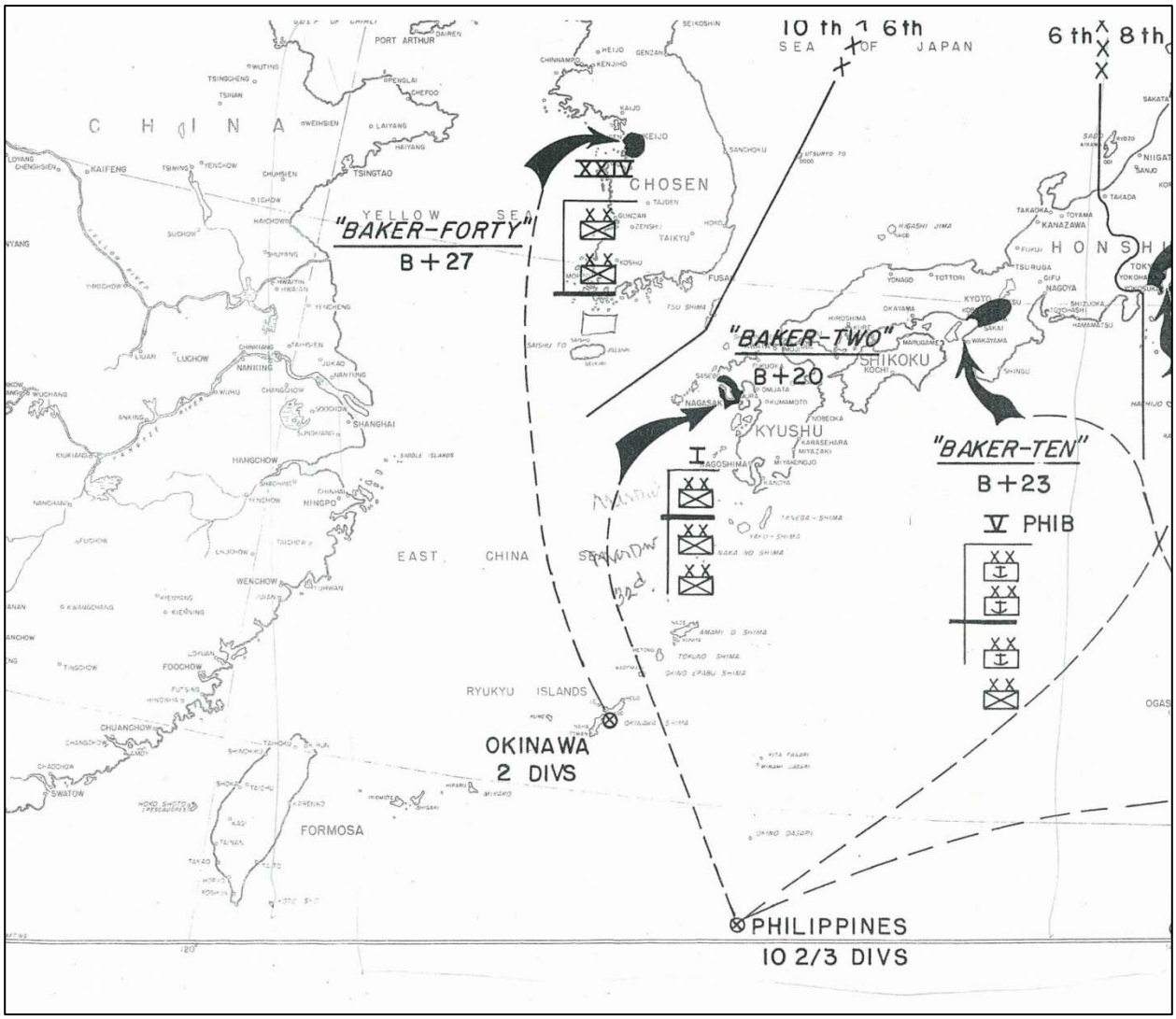

Figure 12
Map Showing Units Designated for Occupation Duties in Japan and Korea (note that Korea is called by its Japanese name "Chosen" in this map).[35]

would surrender to the "Commander-in-Chief, U.S. Army Forces, Pacific," these commanders being the Allied powers' representatives authorized to accept surrender.[36] MacArthur subsequently issued a military government proclamation to the Korean people on September 7, 1945. It stated that U.S. forces would occupy Korea south of the 38th Parallel and that all powers of government would be, "for the present," exercised under his authority. The proclamation restated, for the most part, standard U.S. military government doctrine. Until further orders, all "governmental, public, and honorary functionaries and employees" would continue to perform their "usual functions and duties." All would obey military government orders "promptly" and any acts of resistance would be "punished severely." English would be the official language of government and in any event of "ambiguity or diversity of interpretation or definition" between English, Japanese or Korean (Hangul), "the English text shall prevail."[37]

While standard for a U.S. military government document in that it reflected the common *FM 27-5* doctrine, the proclamation was not well calibrated to meet the particular circumstances of the Korean occupation, as the Americans would soon discover. It contained the vague "for the present" language, like that in the Cairo Declaration, thus creating another level of uncertainty for the Korean people about when self-governance would come. It also made clear that it would brook no dissent or disagreement with military government authority. Again, while this was standard language, the proclamation made little attempt to mitigate any Korean fears that their Japanese masters were only to be replaced by Americans, however more benign they seemingly were.

Most critically, it restated the standard principle of military government that civil administration would remain in place, at least until "further orders" were given. But the reality was that Japanese officials had conducted much of the civil administration for decades, and the Koreans who cooperated in doing so were considered collaborators. Indeed, not only did many Japanese civil officials initially remain in place because of the order, to the dismay and outrage of Koreans, later in September an even greater public relations fiasco occurred when those same Japanese civil servants were promoted by the Japanese government, an action that the U.S. military government in Japan had to nullify quickly.[38]

Approximately a month and a half after American occupation forces had been on the ground and administering military government in Korea, the State-War-Navy Coordinating Committee published the primary strategic level document for the conduct of the occupation, and it was sent to MacArthur on October 17, 1945. Designated the "basic initial directive" for the administration of civil affairs in U.S. Occupied Korea, it indicated that the American military forces were vested with the "conventional powers of a military occupant of enemy territory."[39] It set forth a plan that began with a joint period of U.S.-U.S.S.R. civil administration, followed by trusteeship of the Allied powers, and then eventual Korean independence.[40]

Yet the document also revealed how mismatched this ultimate political goal was with the means to facilitate it. It did call for the removal of Japanese administrators, though it did allow, providing security factors permitted, the use of Japanese and Korean collaborators deemed necessary by the technical qualifications.[41] At the same time, the document stated that the "ultimate objective" was to foster conditions to bring

about a free and independent Korea. The document also stated that the American administration of Korean occupation was "principally" intended to ensure compliance by the Japanese with surrender policy, to effect the political and administrative separation of Korea from Japan, to foster the establishment of local self-government, and thereby to restore a free and independent nation.[42] Yet the means to do this, at least during the initial stages, was a single Army corps that had no specialized training whatsoever to execute such a task.

The document revealed the inherent, unresolved conflict between the long-range goal (Korean independence), the political way this would be accomplished (military government that would transition to some form of trusteeship) and the means that at least initially would begin the process (the staff and units of a U.S. Army corps). Indeed, the very notion of a lengthy process that contemplated a period of trusteeship conflicted quite obviously with the standard doctrinal model of American military government—primarily in that the model sought to return power to local governmental functions as soon as possible. The situation further complicated because the enemy Japanese administrators had been the very officials conducting such governmental functions. This conflict was soon recognized by on-ground U.S. leaders. The Acting Political Advisor in Korea, William Langdon, wrote to the Secretary of State on November 20, 1945, that he was unable to "fit trusteeship to actual conditions" and that the United States should stop pursuing it altogether, noting further that military government had come as both a surprise and disappointment to the Korean people, who expected true and complete liberation.[43]

<u>The Dividing of Korea Along the 38th Parallel</u>

Fewer decisions highlight the highly militarized American strategic viewpoint toward Korea more clearly than the controversial decision to divide the country at the 38th Parallel. That the decision was cloaked for many years in secrecy only added to the mystery, as foreign policy experts and historians puzzled over why the decision was made.[44] As William Stueck has pointed out, actually noting an early U.S. Army official historian, the 38th Parallel line followed no physical features and passed through streams, rivers, roads, highways, and rail lines with total arbitrariness.[45] As the map (figure 13) indicates, the 38th Parallel also paid no respect to political boundaries, cutting through the two Korean provinces of Kyonggi-do and Kangwon-do. Indeed, its division provided little long-range strategic benefit to the United States: most of the heavy industry was in the region north of the 38th Parallel, to include the hydroelectric plants that provided power to Seoul, the nation's capital and largest city.

Indeed, Stueck's conclusion that "the thirty-eighth parallel was a line drawn on a map, nothing more" has compelling and simple force.[46] Senior U.S. leaders at the time provided military reasons for choosing this as the dividing line affirmed the short-range character of its purpose. Secretary of State James Byrnes said that the division was "for purposes of military operations."[47] John Hilldring, formerly Chief of the Civil Affairs Division and later Assistant Secretary of State for Occupied Affairs, said that "In no sense was this agreement more than a military expedient between two friendly powers. The line of demarcation was intended to be temporary and only to fix responsibility between the U.S. and the U.S.S.R. for carrying out the Japanese surrender."[48] Indeed, a straightforward latitudinal dividing line had specifically military advantages: if the main

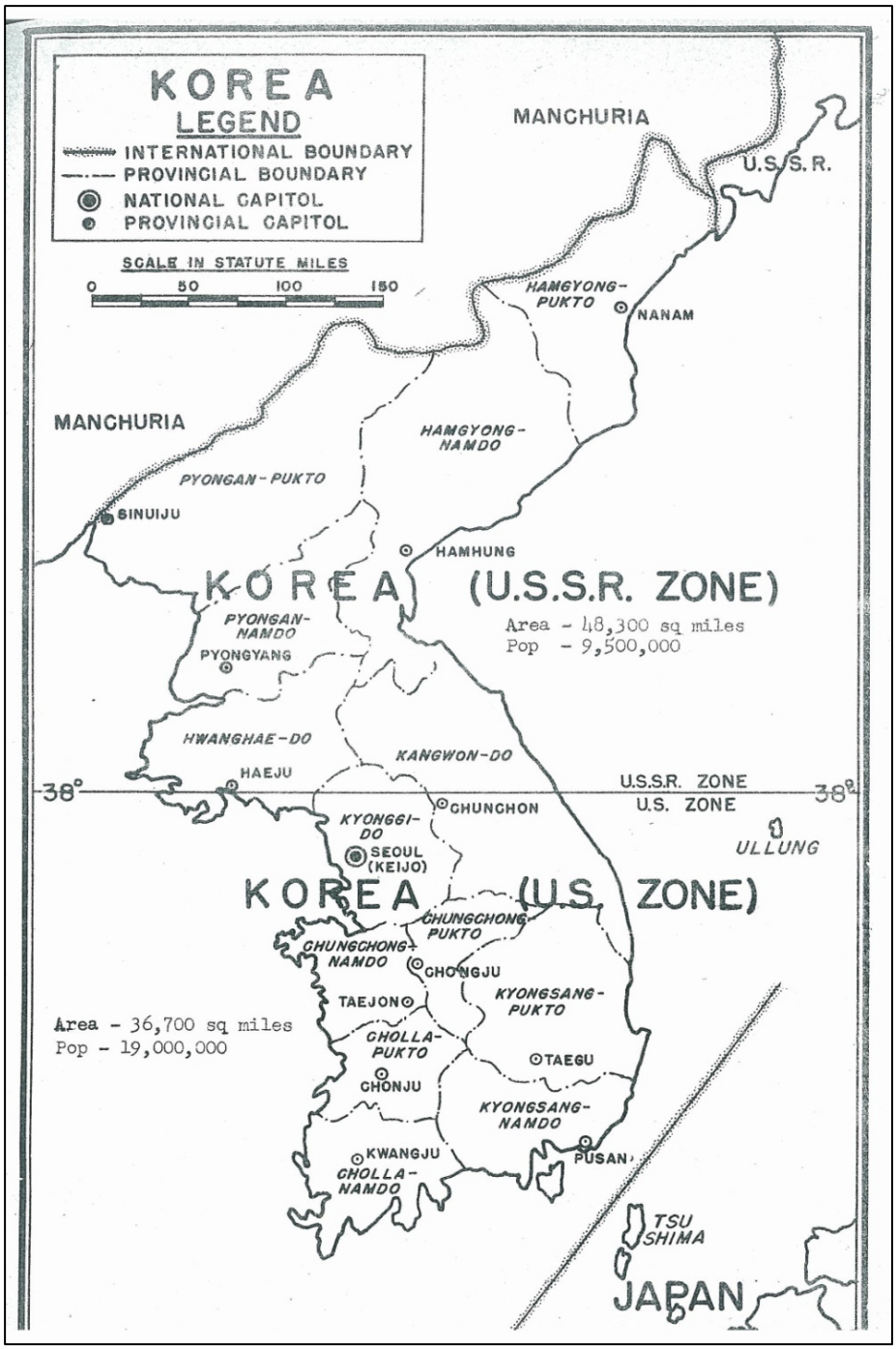

Figure 13
The Division of Korea Along the 38th Parallel[49]

purpose was to demarcate surrender lines, a parallel provided a line on the map that field commanders with maps could ascertain with relative ease, whereas a more political boundary would require greater understanding of local geography.[50] Furthermore, the possibility of combat was not entirely far-fetched either. There was evidence of at least some resistance on the Korean peninsula by Japanese forces as late as mid-August.[51]

Correspondence between Edwin Pauley, the American representative to the Allied Reparations Committee and President Truman underscored how depoliticized the division was. Pauley strongly contended that American forces should occupy quickly as much of the industrial areas of Korea as they possible could.[52] Yet the actual division left the majority of Korean heavy industry in the north. Indeed, the division's very arbitrariness was later used by the United States as an argument for its temporary nature. In a letter from then Secretary of State George Marshall to Soviet Foreign Minister Molotov in 1947, Marshall commented upon the line "arbitrarily assigned for this purpose, the 38th degree parallel."[53]

Based on the available evidence, it does appear that the parallel was drawn up by American military planners with little consideration to longer-term political consequences and that it was done seemingly as a temporary measure to divide the country up militarily between the Americans and the Soviets, in large part to make sure that the Army could accomplish its occupation tasks of disarming and demobilizing the Japanese forces on the peninsula. The particular decision to divide up Korea was done almost immediately after the Soviets had declared war on Japan in early August 1945. Two relatively junior staff officers, Majors Dean Rusk, a future Secretary of State,

and Charles Bonesteel, a future four-star general, divided the country as Rusk recounted:

> Working in haste and under great pressure, we had a formidable task: to pick a zone for the American occupation. Neither [Bonesteel] nor I was a Korea expert, but it seemed to us that Seoul, the capital, should be in the American sector. *We also knew that the U.S. Army opposed an extensive area of occupation*. Using a National Geographic map, we looked north of Seoul for a convenient dividing line but could not find a natural geographic line. We saw the thirty-eighth parallel and decided to recommend that.[54]

Rusk thus made clear that a primary reason for the division was a matter of purely military expediency: the Army did not want a large area to occupy, given the rather threadbare occupation force, already downgraded from an army to a corps. Bonesteel's account largely corresponded with Rusk's above, though neither apparently was aware that following the Russo-Japanese War the Russians and Japanese governments had discussed spheres of influence in Korea divided by the 38th Parallel. Rusk stated that had he known of it, they would have chosen another demarcation line, precisely in order to avoid any political overtones to their decision.[55]

This division, seemingly so random, and yet with such enormous long-range consequences for Korea, the United States, and the eventual Cold War, was entirely consistent with U.S. decision making regarding postwar governance. U.S. senior military officials had paid little attention to the initial determination of zonal boundaries in the European theater. The decisions to divide up Germany and Austria, for example, were driven almost entirely by British planners, and only when specific military objectives were involved were American senior military leaders particularly attentive. In the Far East, however, the British were not involved in occupation planning, and there was no multinational body such as the European Advisory Commission involved in

working out surrender terms or multipartite control machinery. Instead, the planning for the occupation of Japan was almost entirely done by the United States, and in particular by the War Department-dominated State-War-Navy Coordinating Committee.

The United States had stated at Cairo, and then reaffirmed at Yalta and Potsdam, its assertion that Korea would be independent under some form of international trusteeship. FDR and Stalin tacitly agreed both their nations would play a role in the postwar administration. Yet beyond that, there was nothing of any substance on how to accomplish the task. The decision to divide Korea at the 38th Parallel was thus simply made by U.S. Army officers to shape the Army's occupation duties within a reasonable scope. The political end of trusteeship to be followed by independence, vague as it was, provided no framework or context for the decision itself, which was thus arbitrary and supposedly temporary.

Of course, it would not be temporary, but a decision that determined the fate of modern Korea, and caused turmoil for the remainder of the American occupation. Lieutenant General John Hodge, the U.S. senior commander in Korea, stated that "No aspect of military government can escape the effects of an arbitrary division of Korea into two zones of occupation" that occurred north and south of the 38th parallel.[56] But the 38th parallel was not a nefarious creation either by American Cold Warriors to keep the Soviets out or by clever Soviet negotiators to trap half the nation in communist totalitarianism. It was a deeply militarized decision made to meet military objectives.

US Military Government Command and Control

The XXIVth Corps, as a tactical formation, served as the initial U.S. military government in Korea. It immediately confronted a difficulty in that there were

insufficient numbers of Koreans to conduct governmental responsibilities. The country had been administered by Japanese officials, and the initial attempts to use those Japanese had seriously backfired. Hence, from September 1945 until January 1946, the Corps asserted direct control over the Korean people south of the 38th Parallel, though in no way adequately manned or trained to do so, having only tactical units, whose primary responsibility was to demobilize and disarm the Japanese.[57] Throughout the fall of 1945, more military government units came in and though still inadequate in numbers and training, nevertheless allowed by January 1946, the standard "territorial" approach to military government to come into being. By January as well, the demobilization and disarmament of the Japanese forces were largely completed. It was at this point that a new organization was established: the United States Military Government in Korea. In turn, its first General Order directed that control of military government units would pass from Corps tactical units to designated military government detachments, thus relieving those tactical commanders of the responsibilities over "non-military activities" and instead placing them "exclusively in the hands of Military Government officials.[58]

During those crucial opening months, however both Americans and Koreans had expressed grave doubts about the military government model the United States had chosen to adopt, and those doubts were nowhere more forcefully expressed than by the commanding general of the XXIVth Corps, Lieutenant General Hodge, who served as the primary senior commander of all U.S. forces and would act as the supreme U.S. authority in Korea.[59] Described as tough, no-nonsense, and honest to the core, Hodge had a reputation as an excellent combat commander and was even labeled as the

"Patton of the Pacific."[60] He was a tactically skilled leader with extensive combat experience, having fought in the Meuse-Argonne in World War I as an infantry officer, and in World War II as assistant division commander of the 25th Infantry Division at Guadalcanal, as commander of the Americal Division in the Bougainville Campaign, and as temporary commander of the 43rd Division in its combat on New Georgia.[61] Rising to command the XXIVth Corps at Okinawa, both he and the Corps were battle-tested.

Nonetheless, Hodge lacked the civil-political experience for the occupation. In an unfortunate irony, the Korean occupation was the most difficult of any occupation mission carried out by U.S. troops after the Second World War, and the man primarily responsible for it had the least experience of any senior military commander involved in occupation duties. Unlike Lucius Clay, who had spent the war years in Washington, Hodge had no in-depth experience dealing with interagency problems or with politicians. Unlike Mark Clark, he had never had to deal with leading a coalition of forces into battle. And while Hodge had some experience with military government in Okinawa, it could not compare with Clark's experiences in North Africa and Italy. In retrospect, there seemed to be little rationale as to why he was selected other than that he commanded the XXIVth Corps, which, in accordance with BLACKLIST's operational requirements, was the closest unit to Korea in the Pacific.[62]

Historians have tended to treat Hodge rather harshly, whom they have seen as narrow-minded, reactionary, oblivious to the nuances of Korean culture, and excessively and even obsessively anti-communist. Stueck asserts that Hodge proved "abysmally insensitive to Korean desires for immediate liberation."[63] He was also, in the words of Allan Millett, "personal, confrontational, and impatient."[64] Bruce Cumings calls him a

"classic nationalist and containment" figure and more generously but still critically notes his "courageous but ill-considered decisiveness."[65] Such criticism can obscure Hodge's insightfulness, despite his lack of experience. On more than one occasion, Hodge sent out correspondence to his unit commanders about his concerns that U.S. personnel should not treat Koreans as a conquered people and that better efforts were needed to understand them, to respect their customs, and to learn elementary parts of their language in order to increase communication.[66] Hodge was also politically more aware than might be expected, given his reputation. Shortly after arriving he wrote that the situation in Korea was a "powder keg ready to explode." He further realized that his military government was woefully unprepared for the task: the XXIVth Corps was "small in strength and short of competent staff," and the military government was having "little overall effect."[67]

He also presciently saw problems on the peninsula that derived from the occupation. He saw that the 38th Parallel had become in reality a "closed border" and that negotiations needed to be started at once with the Soviets on all sorts of problems that crossed the two zones.[68] Indeed, Hodge believed that such problems could not be solved using military government as structured. In a message that ultimately went to the Joint Chiefs of Staff, he wrote that efforts "at the military level" to bring a joint U.S.-U.S.S.R. collaboration between the occupation governments would likely not succeed. The issues between the nations were too fundamental: before any decision could be made, "high level negotiations" between Washington and Moscow would be needed.[69] To Hodge, the situation in Korea during the first year of occupation was "impossible of peaceful correction … unless immediate action on an international level is forthcoming

to establish an overall provisional government which will be fully supported by the occupation forces under common policy."[70] Hodge thus was aware that recognition of a provisional government was a way to break through to a solution and that could pull the country into the direction of unity under one central government,-something that had occurred in Austria with the recognition of the Renner government. However, he also noted that the longer the division between the U.S. and Soviet zones, the more the separate interim governments would harden, making unity ultimately impossible.[71]

Hodge was nonetheless excessively abrasive in his dealings with Koreans. More importantly, Hodge simply acted too much in accordance with standard military government doctrine and U.S. strategic policy. Much of this was done simply because no alternative existed. Hodge, for example, had no choice but to administer the occupation through tactical units at first and thus provide a heavy-handed military governance style in a nation that had already been occupied for decades, since only three military government teams were part of the initial occupation force that arrived in early September.[72] And, as previously noted, Hodge's initial approach upon entering Korea was to work with the existing civil structure, which meant keeping Japanese officials in power, both in keeping with military government doctrine and practice in Japan.[73] Protests soon broke out, and public opinion surveys showed that retention of Japanese in the government was more vexing to the population than immediate independence.[74] The retention of Japanese officials required major public relations damage control, assurances, and thereafter the complete elimination of all Japanese officials, though this did not completely occur until the spring of 1946.[75]

Yet even that elimination had consequences that related to the inadequacy of the military government that Hodge led. As a military government agricultural report stated, great confusion reigned when Japanese agricultural administrators, technicians and policemen left, and "the entire government service to agriculture had to be reorganized, staffed, trained, and directed," a process that consumed months of time.[76] Once again, the policy reflected not so much malevolence or even ignorance on Hodge's part as much as it reflected the inadequate, military-driven occupation.

The American Occupation Experience

While Koreans were at the very least ambivalent about American military forces occupying their country, some evidence did suggest that they could accept it as a practical, short-term measure, if effectively conducted. For example, a survey of Koreans noted that among top priorities was the lack of military government personnel to administer effectively in the countryside, indicating that they were at least somewhat tolerant to temporary American occupation.[77] It was this very lack of properly trained, equipped and motivated military government forces that contributed to an atmosphere of distrust and pessimism that predominated during the occupation.

The American press noted the initial utter lack of trained personnel. An October 8, 1945 article in *Time* magazine noted that the American military government in Korea was staffed with officers who are "combat officers and not proconsuls. They are short-handed … . Men already punchy from combat (and anxious to go home) are driving themselves 15 hours a day and more, trying to get a country of 25 million people rolling again. Before it is done, the job will take experts."[78] Even the military government personnel who did eventually arrive were not trained for the Korean mission. Much

training, to include culture and language training, was provided for the Japanese and German occupations. Little to no training was Korea-specific, and most military government units were not prepared.[79] Furthermore, the sudden surrender of Japan had thrown off training timetables, and what instruction was provided was hurried and necessarily incomplete. One officer, who would serve as the provincial military governor, noted in a personal account that he had attended the School for Government of Occupied Areas at Carlisle Barracks, Pennsylvania (a school that followed the original School of Military Government in Charlottesville, Virginia), where over a thousand graduates had taken a crash program to meet military government requirements.[80]

The experience of the 185th Regiment, a unit in the 40th Infantry Division, one of the XXIVth's principle combat formations, was standard. It landed in Korea in September 1945, as part of the initial occupying force, with its mission to occupy the city of Taegu and surrounding areas. Its primary tasks were to accept the surrender of Japanese troops, take over all Japanese supplies, provide law and order, and administer the area until the arrival of military government teams.[81] As a combat-hardened unit, it was capable of performing the surrender mission and of providing initial security. Yet it also had the responsibility of conducting military government mission until the arrival of trained military government units specifically designed to perform those duties.[82] But there was a host of other complex political issues that went beyond those military tasks. The regiment's history noted the Koreans' "[h]atred for the defeated Japanese, and the unfavorable political setup," as well as "threats and action by various groups" during the first months. Later, following the Moscow Conference in December 1945, Koreans in

the regiment's occupied areas demonstrated throughout with placards denouncing the idea. As the regiment's history noted, the situation was "chaotic."[83]

At the same time, the lack of attention paid to Korea by American strategists meant a scarcity of resources, which also lowered the morale of the occupying soldiers. The American experience in Korea was in stark contrast to those experienced in Europe or even Japan. In 1946, Frederick Silber from the Department of State's Office of Occupied Areas flew to Korea to determine the usefulness of efforts in political reorientation. Noting that long before he left Japan for Korea, he began to hear "repeated warnings about the horrors of the place," Silber recounted an end-of-the-line psychology that prevailed from commanders at the top to the lowest ranks in military government. He noted that the military government suffered shortages of supplies and equipment—paper was so scarce that "every square inch [was] the subject of conflict between potential rival users."[84] Supply requirements were never met during the occupation. Major General Orlando Ward, the commanding general of the 6th Infantry Division, the other principal combat formation in the XXIVth, noted the complaints of a group of sergeants who had written to the press about shortages of critical items. "These men could not see why service of supply is, in their opinion, adequate in Japan and inadequate in Korea." Ward essentially agreed that property accountability was in a poor state, and that for many important types of supply, the system was fundamentally broken.[85]

The personal experiences of occupying commanders and soldiers revealed that the occupation was fraught with far more hardship than Germany's or Austria's. One soldier noted ominously the harassment that North Koreans inflicted by cutting off

hydroelectric power to the south: "They do anything to agitate us. Every night, just like clockwork, the lights go out at 2100 hours and will stay off for 15 minutes. I think they want us to know that they could turn them off permanently if it [suits] them. They control the dam."[86] Furthermore, many of the American occupiers apparently had a low opinion of their duties and of the Korean people themselves. The same soldier registered his disapproval at the Koreans for dumping garbage "out in front of the houses on the street" and also noted the lack of sanitary sewage.[87] Walter Simmons, a Chicago Tribune reporter wrote that U.S. soldiers told him that the "only things [Koreans] understand are the ball bat and pick handle" and that they unfavorably contrasted the Japanese with the Koreans: "The Japanese are friendly. The Koreans are hostile. You try to take a picture of a Korean child and he runs. You treat the Korean nice and he cheats you."[88]

Hodge himself noted the poor treatment of the Koreans by the American troops: "There seems to be a let-down on the part of Americans everywhere in decency, standards of behavior, and in honesty," he wrote in late 1945.[89] By mid-1946, Hodge realized that initial expectations had fallen far short of reality. Addressing the occupation forces in June of the following year, he noted that, when the American forces arrived in September, they were looked upon as heroes sent from the greatest nation in the world, but since that time many Koreans had changed their minds. Hodge also directed the troops to stop using demeaning terms such as "gook," to learn about Korea customs, and to "[g]et over the idea that the Korean is servile. He isn't."[90]

Hodge's recognition of the gap between ideals and on-ground realities was equally evident in the ordinances, directives, regulations, and legal interpretations that guided

the lives of Koreans south of the 38th Parallel. American military government officials had to reconcile after all that they were military occupiers in a nation that they had ostensibly had been sent to liberate *from* occupation. Nowhere was this reconciling difficulty more prominent than in determining the reconstitution of political parties. Hodge, by following military government doctrine too literally in allowing Japanese to stay on in government, even though temporarily, had already caused initial alienation among the Korean people.

Despite this initial error, Hodge remained committed to returning Koreans to power as soon as possible as a way to facilitate eventual independence. As already noted, Hodge opposed trusteeship altogether, arguing it would be better to restore an independent Korean government as soon as practically possible, and he did seek to put Koreans in power. But in doing so, he fell victim to the inadequacies of the military government structure that he had on hand. His staff completely lacked the experience and even the basic language skills to evaluate and to determine which parties could best represent the Korean people across the spectrum and who could fruitfully work with the occupation force.

Instead, the Koreans who became most influential in the American military government were those whose mastery of the English language allowed them to best represent their interests—and to marginalize those who opposed them. Most of these had been educated by American missionaries and tended to follow Rhee and the provisional government in Chungking. This “government of interpreters” deliberately set themselves in sharp contrast to other political bodies, such as the moderate leftists under Yo Un Hyong, which had established the Committee for Preparation of Korean

Independence prior to the arrival of the Americans, and which soon became labeled by the American military government as a Soviet puppet.[91]

If the military government's organizational structure proved inadequate in assessing the Korean political system, the occupation's legal system revealed the problem of attempting to use the Army as the means to facilitate the move toward independence and democracy. The U.S. military government, for example, issued hundreds of legal opinions on a wide variety of issues, from property and political rights to free speech. One opinion referred to a charge brought by U.S. officials in the provost (military government) court against particular newspaper owners. The owners had published "false and defamatory statements" against the military government and thus were in violation of Military Government Ordinance #19. Specifically, articles in the papers had statements such as "People came to the city hall to ask for rice but got guns and beatings instead." The provost court ruled that the statements were false and deliberately intended to disturb the peace and that the Korean newspaper editors were guilty.[92] Upholding the court's decision, the military government's Department of Justice noted that military government ordinance #19 recognized freedom of the press in Korean newspapers. The opinion went on to say, however, that the freedom was subject to restrictions necessary for the successful survival and operation of military government. Furthermore, the Justice Department pointed out that there were times when statements that could cause disorder or the imminent possibility of disorder could be prosecuted, because Military Government Proclamation #2 made such acts criminal.[93]

Looking at the requirements of occupation against the "privileges and liberties recognized by America as being fundamental principles of civilized and progressive states," the Department then attempted to square American notions of liberty with the requirements of military government. It noted that the statements made by the Korean newspapers did *not* rise to the level of subversion and that therefore the editors could not be criminally prosecuted for violating Proclamation #2. On the other hand, it noted that the requirements of military government *did* allow suppression of freedom of the press in this instance, and it ruled that the papers that published the statements could be suspended.[94] As the opinion stated, "In this entire matter, we must balance military necessity against privileges and liberties recognized by Americans as being fundamental principles of civilized and progressive states."[95] Particularly revealing was the opinion's use of the term "military necessity," the doctrinal standard for determining the requirement in an occupation: the Korean occupation tested the ability of the United States to facilitate both a transition to independence and democracy, though the means it employed to do so, military government, was a problematic method to accomplish this task. It was a difficult task of the American military occupiers to balance what seemed like competing interests—to ensure military government was obeyed without question, and also to attempt to convey to Koreans that Americans were not hypocritical in facilitating the transition in Korea to an independent and democratic nation.

<u>The Soviet Occupation, the Moscow Conference, and the Joint Commission</u>

The contrast between the American and Soviet occupations was significant. The U.S.S.R. entered the war against Japan in August 1945, virtually at the point of Japan's surrender, and thus was not included in any planning for postwar occupations. There

were no comparable wartime coalition organizations such as the Combined Chiefs of Staff or the European Advisory Commission to provide Allied strategic oversight.[96] The Soviets, in undertaking their occupation, did not follow a doctrinal model such as the Americans, and in many ways displayed a shrewder political understanding of postwar governance matters than the Americans did. Even though over 250,000 Soviet troops swept into the upper half of the Korean peninsula and quickly lost their reputation as Korean liberators, given the widespread looting and raping that occurred, the U.S.S.R. did not establish much of a military government at all. A proclamation by the Commander of the Twenty-Fifth Occupation Army stated that the objective of the Red Army was to "rid the area of all the plunderers" and that the Red Army had no "intentions of territorial gains or running the Government of Korea under a Russian system." Rather, the proclamation stated that a democratic system of government would be permitted, along with unions, and that religious freedom would be guaranteed.[97] More recent scholarship has demonstrated that Soviet intentions and actions were far less benign than proclaimed and that the best indication of this was displayed by Koreans who began to escape the north and head below the parallel.[98] Nonetheless, the Soviets did not establish an elaborate, Soviet-run military government apparatus to administer the territory north of the 38th Parallel. Instead, they simply allowed Communist-controlled people's committees (which they had engineered to get to power) to do so.[99] Furthermore, the senior Soviet general did use Japanese administrators to run the government, but quickly replaced them with Koreans, many of whom had returned from training in the U.S.S.R.[100]

Much of this, and much of the Soviet occupation generally, was unknown to the American military government, for the militarily created 38th parallel had quickly become a militarized frontier. Unlike the four-power occupations in Europe, no ties or wartime alliances had previously existed between the two Korean occupiers, and relations started and remained at a distance. Efforts by Hodge to establish contact and begin discussion with the Soviet commander during the first crucial weeks of the occupation in September failed.[101] By November, the borderline between the two zones prevented any significant interchange of information, goods, or persons.[102] By the following month, there was only one U.S. convoy heading into the north per week.[103]

Accordingly, the information that American military government officials gained about the Soviets was vague and uncertain. They knew little of actual Soviet activities, much less Soviet intentions.[104] Reports of the Soviets forcibly replacing local autonomous governments with People's Political Committees that marginalized or suppressed all others fit with other narratives that indicated that political parties in the South were infiltrated and swarming with Communist agents receiving support and direction from the U.S.S.R.[105]

U.S. military government officials came to see, rather inaccurately, though perhaps understandably, the Soviet occupation as part of a campaign of ultimate annexation. One such official later wrote that the actions of the Soviets during the years of occupation indicated that the U.S.S.R.'s goal was to "take over North Korea and make of it a Soviet Socialist Republic for ultimate union with South Korea and incorporation in the Union of Soviet Socialist Republics."[106]

The result was a rapid establishment of two wholly dissimilar governmental systems, and the first significant contacts between the occupiers did not occur until December 1945 in Moscow, in an attempt to work out a joint solution towards ending the occupation. The Moscow Conference was in fact the only detailed plan by the U.S. and U.S.S.R. regarding the future of Korea, though it occurred four months into the occupation itself. Per the conference's direction, military government in the two zones would continue, though a U.S.-U.S.S.R. military commission would attempt to move toward joint administration. Presumably during that period basic administrative and logistical problems in the country could be solved by American and Soviet cooperation. A trusteeship period of several years would follow.[107]

Many Koreans, however, by December 1945 were tired of being dictated to by the Allies. Kim Koo led a major demonstration in Seoul on December 31st, with the streets of Seoul packed with flags and banners in protest.[108] A resolution of the Korean Congress of Political Parties, made up of groups across the ideological spectrum, addressed to the Allied Powers and sent to the Department of State was quite clear: "We want our independence… . We demand our right to restore our territorial, political, and administrative prerogatives as a sovereign nation." The Korean Congress of Political Parties contended that, while the Allies believed that the Koreans were "unfit to be free" because they were divided among themselves, the truth was that Korea had been divided "by forces outside ourselves, like a body cut in half." They went on to say that they could establish a government within a year, holding national elections after a provisional government had been fully recognized by the Allies.[109]

But those demands were overtaken by bilateral superpower attempts at discussion. The Moscow Conference directed that U.S. and Soviet representatives from the respective military governments as a Joint Commission would meet shortly to begin to discuss urgent problems, and to seek agreement on many issues of contention between the two zones.[110] There were procedural and substantive problems from the start. The U.S. and Soviet commission members saw the problem from widely divergent viewpoints. An American goal was to remove the 38th Parallel and consider Korea as a single unit. But the Soviet delegation wanted to discuss far more narrow economic and administrative matters, such as electrical power, rice delivery, and the evacuation of Japanese personnel.[111]

The Moscow Conference decision placed Hodge in a particularly difficult position, for he felt ill-equipped to attempt to resolve occupation problems with the Soviets, and he fundamentally disagreed with the long-range American plan for trusteeship. He felt that he should not approach the Soviets until he had clear understanding of what American policymakers wanted him to do. In fact, he believed that he should not be approaching the Soviets on strategic issues at all. He therefore suggested that political meetings be convened pursuant to intergovernmental communications rather than his own initiative. For Hodge, communications between military government officials could not get at the larger, political questions that transcended what he understood his ability to solve. Hodge furthermore believed that the trusteeship idea should be abandoned, reporting to MacArthur that the results of the Moscow Conference had thrown Koreans

into deep despair and that Koreans were forming a belief that they would have to fight for their independence:

> "Trusteeship" connotes only one idea to Koreans, even after all efforts at reasoning … . Their idea stems from what the Japanese did to Korea starting from a trusteeship. As a result of press releases from the Moscow Conference, we are now confronted with a passive resistance and a non-cooperative campaign by Koreans… . ."[112]

The Joint Commission met several times in the first months of 1946 but eventually deadlocked: the Soviets would not do anything but propose minimal administrative and economic changes; the Americans wanted something more ambitious. The distrust continued to mount through the spring of 1946. As an alternative, the State-War-Navy Coordinating Committee determined that the American military government should form independently a "[Korean] group to act in an advisory capacity to the United States members of the Joint Commission in matters relating to the creation of a provisional government."[113] This body, the Representative Democratic Council, fell under the sway and control of Rhee, who used it to increase his own power (and then later distanced himself from it as a way to continue his rise to the Presidency of the Republic of Korea). Rhee, both strongly anti-trustee and anticommunist, would eventually successfully align himself with American interests and become president of the south's government in July 1948.[114]

What resulted in these maneuvers was political polarity with Rhee and his faction representing American-style democracy and others labeled as communists and therefore to be distrusted. Hodge established a Democratic Representatives Council made up of Rhee's strongly anti-trusteeship party. Yet when the United States proposed making Rhee's rightist party part of a consulting body for the Joint

Commission, the Soviets vehemently opposed such a move, claiming that anti-trustee parties by their definition could not be included in negotiations in a future that the Allies agreed would include trusteeship.[115] By the spring of 1946, the Joint Commission had largely broken down as a vehicle to discuss Korean unification. The U.S. and U.S.S.R. were now firmly locked in superpower geopolitics and both were on a trajectory to pursue their own interests in Korea. Rhee subsequently successfully ensured that his political party would dominate South Korean politics and thus allow him to establish a government there. Hodge correctly assumed that Moscow would push parties north of the 38th Parallel more fully into Moscow's sphere of influence. What was thus set in motion paved the way for separate north and south Korean governments.

By August 1946 the American Chief Political Advisor in Korea stated that the "basic job of the U.S. in Korea has been done." The Japanese had been disarmed and sent home, and the framework of administrative and judicial systems were in place: "communications have been restored, the school systems have been rebuilt, the currency has been saved, stark famine and distress have been overcome, and the change-over from the Japanese regime has been smoothly accomplished."[116] There had been some accomplishment in the past year by the Americans, working in harsh conditions, undermanned and under-resourced as they were. Yet the advisor's assessment could not hide the very real failure of the Joint Commission, which was indicative of the larger failure to establish a unified government in Korea—an essentially political problem for which the structure of military government as established provided no means to move towards and which promoted the conditions for failure. Hodge was honest enough to admit this: he recognized that further negotiations with the Soviets

were pointless and that the "Korean problem" could not be solved at his level.[117] But moving to a higher political plane at this point was only to enmesh the situation further into geopolitics. As Stueck points out, the Cold War had come to Korea with the adjournment of the U.S.-U.S.S.R. Joint Commission in May 1946. Locked into division, neither the U.S. nor the Soviets could find any common agreement.[118] The two were two far ensconced in their own separate halves—they were moving in radically different political directions.[119]

Conclusion

The crucial first year of occupation was, in Bruce Cumings' words, the "crucible from which sprang the political and social forces that continue to play upon the Korean peninsula," with Cumings further noting how the division between north and south short-circuited indigenous ways to true Korean independence, autonomy and democracy.[120] That division and the hardening of that division that resulted following the collapse of the Joint U.S.-U.S.S.R. council are often seen as fundamentally a result of Cold War geopolitics. As sociologist Robert Schaeffer points out in his work on partitions, "Because superpower states played important roles in partition and formed alliances with divided states, post-partition conflict…triggered superpower intervention."[121] The troubles in Korea, which started in around 1948, exploded into full-scale conventional war in 1950 and then led to a superpower clash with the Chinese intervention in 1951, have their origins in the postwar superpower involvement, starting with the vague "trusteeship" formula that Roosevelt and others conceived of in 1943.

In so examining the working of the superpowers, it is also necessary to examine the method by which they occupied the country they came to liberate. South of the 38th

parallel, the particular doctrine and subsequent actions of the U.S. Army, which played a dominant role in constructing postwar governance planning and policy, bear responsibility for much of what occurred during that first crucial year. The zonal occupation model, driven by military purposes, later hardened into a permanent partition and not only denied Korea from fully participating in the international community, but also dragged the occupying powers themselves into the midst of Korean political disputes even as both nations sought exit from the peninsula as soon as possible.

One could ask what alternatives could have existed. Could Korea have been neutralized, as what eventually occurred in Austria? This was only a possibility—but it could only have happened, as it did in Austria, if a provisional government had been jointly recognized by both superpowers. Indeed, the fact that the Soviets did not attempt to occupy Seoul, even though Soviet forces could have, could lead one to believe that a joint solution, much less an agreed-upon neutralization, could never have been achieved.[122] Certainly, however, an alternative in which the 38th Parallel was a border without significance, porous, open to traffic, and unmilitarized, would have helped with unification. So too would have a less militarized form of government in the South, such as a multinational commission from the outset, made up of several nations, that stressed Korean autonomy, and that made Japanese demobilization and disarmament the sole function of the military leadership on the ground. This, however, would have been model that was not the doctrinal American military government solution.

Yet the reality was that the division was in fact exacerbated by a poorly resourced and applied American military government—one ill-suited to the complex realities on the

ground. By the fall of 1945, however, no alternative save that of standard military government existed. The American postwar governance model, with all its advantages and disadvantages, was a template that called for a stable postwar context in which power would be turned over in relatively short order to an indigenous government capable of running the country. Its model was that of a European-style nation with a tradition of functioning civil government and a placid population. That model had little relevance in Korea in 1945, and the strivings of the U.S. military government officials, however relatively benign and well-intentioned, were nonetheless wrongheaded, impractical, and ultimately counterproductive. The 38th Parallel hardened into a permanent frontier; and civil conflict raged over and with the frontiers of the frontier after the American military government ended in 1948. And in June 1950, the United States Army would return to Korea, this time to fight in a protracted and bloody conflict that would cost tens of thousands of American and hundreds of thousands of Korean lives.

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[1] Bruce Cumings, *The Origins of the Korean War: Liberation and the Emergence of Separate Regimes, 1945-1947*, (Princeton: Princeton University Press, 1981), 130.

[2] Ibid., 438.

[3] Ibid., 124.

[4] See Hilary Conroy, *The Japanese Seizure of Korea, 1868-1910: A Study of Realism and Idealism in International Relations* (Philadelphia: University of Pennsylvania Press, 1960); Eugene C.I. Kim and Han-Kyo Kim, *Korea and the Politics of Imperialism, 1876-1910* (Berkeley: University of California Press, 1967); and Eugene C.I. Kim and Dorothea E. Mortimore, eds., *Korea's Response to Japan: The Colonial Period, 1910-1945* (Kalamazoo, MI: Center for Korean Studies, Western Michigan University, 1975).

[5] "Statement Released after the Cairo Conference by President Roosevelt, Generalissimo Chiang Kai-Shek and Prime Minister Churchill," December 1, 1943, in *The Record on Korean Unification, 1943-1960, Narrative Summary with Principal Documents* (Washington, D.C.: U.S. Government Printing Office, 1960), 42.

[6] "The Potsdam Proclamation Defining Terms for the Surrender of Japan, July 26, 1945, in *The Record on Korean Unification, 1943-1960*, 43.

[7] Cumings, 130.

[8] Minutes of Roosevelt-Stalin Meeting, 3:30 pm at Livadia Palace, February 8, 1945 in *Foreign Relations of the United States, The Conferences at Malta and Yalta*, 1945 (Washington, DC: U.S. Government Printing Office, 1955), 770. Stalin apparently thought the shorter the trusteeship the better. Ibid.

[9] See E. Grant Meade, *American Military Government in Korea* (New York: King's Crown Press, 1951), 44-45.

[10] See C. Leonard Hoag, *American Military Government in Korea: War Policy and the First Year of Occupation, 1941-1946* (Washington, D.C.: Office of the Chief of Military History, 1970), 2 (unpublished copy on file at the Army Heritage and Education Center (hereinafter AHEC)).

[11] William Stueck, "The Coming of the Cold to Korea," in *Korea Under the American Military Government, 1945-48*, ed. Bonnie Oh (Westport, CT: Praeger, 2002), 53.

[12] Hoag, 26.

[13] Memorandum of conversation by Assistant Secretary of State (Berle), May 12, 1943, *Foreign Relations of the United States, 1943, vol. III, The British Commonwealth, Eastern Europe, The Far East* (Washington, D.C.: U.S. Government Printing Office, 1963), 1092

[14] The Ambassador in China (Gauss) to the Secretary of State, May 19, 1944, *Foreign Relations of the United States, 1944, vol. V, The Near East, South Asia, and Africa, The Far East* (Washington, D.C.: U.S. Government Printing Office, 1965), 1292-93.

[15] "Post War Status of Korea", Briefing Book Paper, Executive Secretariat Files (Preconference Document), Inter-Allied Consultation Regarding Korea, in *The Conferences at Malta and Yalta, 1945*, 358-361.

[16] Historian Allan Millett goes as far to say that the "great American villain" in Korean history is Theodore Roosevelt, "who won a Nobel Peace Prize for appeasing Japan at Korea's expense," with the great American hero (at least in Seoul) being "Douglas MacArthur, the liberator and unifier of Korea in 1950." Allan Millett, *The War for Korea, 1945-1950: A House Burning* (Lawrence, KS: University Press of Kansas, 2005), 5.

[17] See Pyung-choon Ham, *The Korean Political Tradition and Law: Essays in Korean Law and Legal History* (Seoul: Royal Asiatic Society, Korea Branch, 1967).

[18] The Joint Chiefs of Staff to the Secretary of State, "Assumptions for Planning for the Period of Military Occupation," May 14, 1944, in *Foreign Relations of the United States, 1944, vol. V, The Near East, South Asia and Africa, The Far East*, 1261-1262.

[19] Hoag, 17.

[20] See Millett, 53; Hoag, 54.

[21] Hoag, 54.

[22] Draft Memo to JCS from SWNCC, undated, in *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East*, (Washington, DC: U.S. Government Printing Office, 1969), 1038.

[23] Operations and Plans Division, War Department to Commander in Chief, Army Forces Pacific, Advance, Command Yokohama, September 9, 1945, box 139, Records of the US Joint Chiefs of Staff, Geographic File, 1942-45, RG 218, National Archives, College Park, MD (hereinafter NARA). Bonesteel himself wrote this message.

[24] General Headquarters, U.S. Army Forces, Pacific, Basic Outline Plan for BLACKLIST, August 8, 1945, AHEC.

[25] BLACKLIST, para. 1a.

[26] Ibid.

[27] Ibid., para. 2a

[28] Ibid. Other common tasks required by BLACKLIST included: (1) destroy hostile elements which oppose surrender terms; (2) disarm and demobilize Japanese armed forces; (3) control principle routes of overland communications; (4) institute military government and insure that law and order are maintained among the civilian population; (5) facilitate peaceful commerce, particularly that which contributes to the subsistence clothing and shelter of the population; (6) recover, relieve and repatriate Allied prisoners of war and civilian internees without delay; (7) secure and safeguard intelligence information of value to the United States; (8) suppress activities of individuals and organizations which may be inimical to the operations of the occupation forces; (9) apprehend war criminals; (10) assist with elements of the occupation forces the occupation of subsequent objectives as directed; (11) prepare to impose surrender terms beyond immediate military requirements as directed; (12) prepare to extend controls over the Japanese as required; (13) prepare to transfer responsibilities to agencies of the post-war governments and Armies of occupation when established; (14) assist the U.S. Pacific fleet as necessary. Ibid., para. 3c(2).

[29] Ibid., para. 3a.

[30] Ibid., para. 3c(1)(b)1a.

[31] Ibid., Annex 5b to BLACKLIST, "Assumed Terms of Surrender." US Army Pacific planners had followed the drafts submitted by SWNCC to the JCS, noting that they remained "in a tentative status." Ibid.

[32]Listed as "Japan Proper and Korea" or "Japan and Korea" in paras. 1a, 1d, 2a(8), 2b(7), 3, and 3c(1)(b)1a. Ibid.

[33] See Message 121527/Z, General Headquarters, U.S. Army Forces, Pacific, August 12, 1945, (with BLACKLIST PLAN, AHEC).

[34] "United States Initial Post-Surrender Policy for Japan, State-War-Navy Coordinating Committee (SWNCC)," finally approved by President Harry S. Truman, in Report of Government Section, Supreme Commander for the Allied Powers*, Political Reorientation of Japan, September 1945 to September 1948* (Washington D.C.: U.S. Government Printing Office, 1950), 423.

[35] Map with proposed troop movements is located in Annex 3A to BLACKLIST.

[36] General Order No. 1, September 2, 1945 in *Political Reorientation of Japan*, 442.

[37] Proclamation to the People of Korea Issued by General Douglas MacArthur, September 7, 1945, in *Political Reorientation of Japan*, 453.

[38] SCAP had to issue a quick rejoinder to the Japanese government: "All such purported promotions are ineffective. Japanese government will not attempt to exercise any administrative authority in Korea." Memorandum for Imperial Japanese Government, subject: Promotions of Civil Service Officials in Korea, October 2, 1945, in *Political Reorientation of Japan*, 472.

[39] SWNCC 176/8, entitled "Basic Initial Directive to the Commander –in-Chief, US Army Forces Pacific, for the Administration of Civil Affairs in Those Areas of Korea Occupied by US Forces," undated, in *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East*, 1071.

[40] Ibid., 1074.

[41] Ibid., 1075-6.

[42] Ibid., 1074.

[43] The Acting Political Advisor in Korea (Langdon) to the Secretary of State, November 20, 1945, in *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East*, 1131-1132.

[44] During the early years of the Cold War, foreign policy experts speculated as to the reasons why Korea had been divided, with some correctly determined that the reasons appeared to be for military and not larger political purposes. See, e.g., George M. McCune, "Korea: The First Year of Liberation," *Pacific Affairs*, XX (March 1947): 4; Shannon McCune, "The Thirty-Eighth Parallel in Korea," *World Politics*, 2 (January 1949): 232; and Arthur L. Grey, Jr., "The Thirty Eighth Parallel," *Foreign Affairs*, 29 (April 1951): 482.

[45] William Stueck, *Rethinking the Korean War: A New Diplomatic and Strategic History*, (Princeton, N.J.: Princeton University Press, 2002), 12.

[46] Ibid.

[47] James F. Byrnes, *Speaking Frankly*, (New York: Harper and Co.), 221.

[48] John H. Hilldring, Speech to Economic Club of Detroit, March 10, 1947, in Hoag, 91.

[49] General Headquarters, Supreme Commander, Allied Powers, *Summation of Non-Military Activities in Japan and Korea,* September, 1945, on file at AHEC.

[50] George M. McCune, "The Thirty Eighth Parallel in Korea," 225.

[51]See Grey, "The Thirty Eighth Parallel," 486.

[52] Edwin W. Pauley to Harry S. Truman and Secretary of State, August 11, 1945, in Papers of Harry Wolbers, box 1, AHEC; *emphasis added.*

[53] George Marshall to Molotov, April 8, 1948, in Papers of Harry L. Brown, box 1, AHEC.

[54] Richard Rusk, as told to by Dean Rusk, *As I Saw It*, (New York: W.W. Norton and Co., 1990), 124; *emphasis added*.

[55] Charles Bonesteel, interview by Lieutenant Colonel Robert P. St. Louis, U.S. Army Military History Institute, Project 73-2, 1973, on file at AHEC; Rusk, 124.

[56] *Summation,* November, 1945, 180.

[57] Ibid., 177.

[58] *Summation,* January, 1946, 15.

[59] *Summation,* September-October 1945, 5.

[60] Cumings, 123.

[61] Hoag, 87.

[62] Stueck *Rethinking the Korean War: A New Diplomatic and Strategic History*, 20.

[63] Stueck, 20.

[64] Millett, 57.

[65] Cumings, 440. Had the 10th Army, as originally planned, been given the Korean occupation mission, the U.S. military commander would have been General "Vinegar Joe" Stilwell, who had advised Generalissimo Chiang Kai-Shek. There is some indication that the Generalissimo personally objected to Stilwell getting the command over any American occupation forces, to which the United States acquiesced. Ibid., 123.

[66] See, e.g., Undated Recollection by Mrs. Orlando Ward (wife of Major General Orlando Ward, Commanding General of the 6th Infantry Division, one of the occupying units in Korea), in Papers of Orlando Ward, box 5, AHEC. In the words of Mrs. Ward, who was with her husband in Korea during the occupation: "When we had been there several months, a letter from General Hodge was sent to all of his troop commanders, saying that he was concerned about the feeling between his troops and the Koreans. This was not a conquered country, and an effort was to be made to understand them, to respect their customs, and to promote a friendly feeling. It was important to learn a few Korean phrases, so a pleasant greeting could be exchanged, and so on." Ibid.

[67] Commander in Chief Army Forces, Advance, Tokyo, Japan to War Department, Cable 52058, September 18, 1945 (containing Hodge's report) in Records of the US Joint Chiefs of Staff, Geographic File, 1942-45, box 139, RG 218, NARA.

[68] Secretary of State to Ambassador in Soviet Union, Telegram, November 3, 1945, *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East*, 1106-1107.

[69] Commander in Chief, Pacific, Advance, Tokyo, Japan to Joint Chiefs of Staff, Enclosure B to JCS 1483/12, October 1, 1945, in Records of Joint Chiefs of Staff, Geographic File, 1942-45, box 140, RG 218, NARA.

[70] Memorandum from Lieutenant General John Hodge to General of the Army Douglas MacArthur, September 24, 1945, *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East*, 1054-55.

[71] Ibid., 1054-1057.

[72] Statistical Research Division of the Office of Administration Headquarters U.S. American Military Government in Korea, *History of United States Army Military Government in Korea Part I, Period of September 1945-30 to June 1946*, October 1946, 32, on file at AHEC.

[73] See Department of State, *The Record on Korean Unification: Narrative Summary with Principle Documents* (Washington, D.C.: U.S. Government Printing Office, 1960), 27; *Summation of Non-Military Activities in Japan and Korea*, September-October 1945, 176.

[74] Public opinion surveys in September and October 1945 revealed concern among the Korean people over the following: 1) retention of Japanese officials as advisors to the military government; 2) return of the provisional government in Chungking, China; 3) establishment of price controls; 4) the absence of military government officials in outlying areas; 5) conditions in North Korea; 6) distrust of interpreters working for military government; and 7) distribution of farm lands. Ibid, 195.

[75] *Summation,* April 1946, 1.

[76] US American Military Government in Korea report no. 2, "Present Agricultural Position of South Korea," April, 1947, AHEC.

[77] Public opinion surveys in September and October 1945 revealed concern among the Korean people over the following: 1) retention of Japanese officials as advisors to the military government; 2) return of the provisional government in Chungking, China; 3) establishment of price controls; 4) the absence of military government officials in outlying areas; 5) conditions in North Korea; 6) distrust of interpreters working for military government; and 7) distribution of farm lands. *Summation of Non-Military Activities in Japan and Korea,* September-October 1945, 195, AHEC.

[78] "Foreign News: Not Slave, Not Free," October 8, 1945, *Time*.

[79] Meade, 49-51.

[80] See Resume of Raymond A. Janowski in Papers of Raymond A. Janowski, AHEC.

[81] *History of the 185th Infantry Regiment*, 1946, 72-74, AHEC.

[82] Ibid., 79.

[83] Ibid., 78-80.

[84] Frederick Silber, Report on Survey Trip to Japan and Korea, November 25, 1946 in Records of Assistant Secretary of State for Occupied Areas, box 5, RG 59, NARA.

[85] Major General Orlando W. Ward to Commanding General, XXIV Corps, subject: Letter to Hearst Syndicate by Group of Sergeants, Company I, 63rd Infantry Regiment

(March 23, 1947) and Major General Orlando W. Ward, “To All Unit Commanders” (June 17, 1947) in Papers of Orlando Ward, box 5, AHEC.

[86] Ibid.

[87] Military Journal of Technical Sergeant James E. Hodges, 25 November 1940 to 6 December 1948, Summer 1947 entry in Papers of James E. Hodges, box 1, AHEC.

[88] Walter Simmons “GIs haven’t a Kind Word to Say for Korea: Compared to it, Japan’s Heaven, They Assert,” Chicago Tribune Press Service, December 13, 1945 in United States Army in Korea (USAFIK) Commandant’s Office, General Correspondence, 1943-1946, box 1, RG 554, NARA.

[89] Hodge to Major General Gilbert R. Cheeves, December 9, 1945, in United States Army in Korea (USAFIK) Commandant’s Office, General Correspondence, 1943-1946, box 1, RG 554, NARA.

[90] Message from the Commanding General, US Armed Forces in Korea, June 3, 1946, in United States Army in Korea (USAFIK) Commandant’s Office, General Correspondence, 1943-1946, box 1, RG 554, NARA.

[91] For a description of the problem of the inadequacies of military government and the rise of the so-called “government of interpreters,” see “Labor Problems and Policies in Korea: Report of the Korean Subcommittee,” Labor Advisory Mission, June 18, 1946, in United States Army Forces in Korea, US-USSR Joint Commission on Korea, Subject Files 1945-1947, Daily Radio Reports to News Conferences, box 293, in RG 554, NARA. For a description of Yo Un-Hyong and the Committee for Preparation of Korean Independence, see Stueck, “The Coming of the Cold to Korea,” 51-52, and Park Chan-Pyo, “The American Military Government and the Framework for Democracy in South Korea,” in *Korea Under the American Military Government, 1945-48,* 125-127.

[92] See Opinion #239, Subject Defamation against Military Government, in U.S. Army Forces in Korea (USAGMIK), in *Selected Legal Opinions of the Department of Justice, United States Army Government in Korea, Covering a Period from March 1946 to August, 1948, vol* 1. (1948; repr., Buffalo, NY: W.S Hein, 1976), 55.

[93] Ibid., 57.

[94] Ibid., 57.

[95] Ibid., 56.

[96] Hoag, 2. The Far Eastern Commission was established at the conclusion of the war and did include the USSR and other western allies, but its focus was on the occupation of Japan, and even there its role was greatly diminished, given that the United States was the sole occupier of Japan. Douglas MacArthur, who particularly felt that Commission should not encroach upon his authority in Japan, worked to

marginalize its influence, calling it “little more than a debating society.” Douglas MacArthur, *Reminiscences* (New York: McGraw Hill, 1964), 293.

[97] “The Proclamation for Northern Korea by the Commander of the Twenty Fifth Occupation Army,” as reported by the Acting Political Adviser in Korea (Langdon) to the Secretary of State, November 18, 1945, in *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East*, 1129.

[98] Stueck, “The Coming of the Cold to Korea,” at 55. See also Kathryn Weathersby, “Soviet Policy toward Korea, 1944-1946” (PhD diss., Indiana University, 1990).

[99] See Manduk Chung, “The United States in Korea: A Reluctant Participant, 1945-1948” (PhD diss. Michigan State University, 1975), 95-102.

[100] Stueck, *Rethinking the Korean War: A New Diplomatic and Strategic History*, 20.

[101] Political Advisor in Korea (H. Merrell Benninghof) to the Secretary of State, September 26, 1945, received October 9, in *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East*, 1069.

[102] *Summation*, November, 1945, 180.

[103] *Summation*, December, 1945, 190.

[104] See, e.g., Major General Albert Brown, “The Communist Effort in Korea,” (1951), 31, in Papers of Albert Brown, AHEC. Brown was the Chief American Commissioner in the U.S.-U.S.S.R. Joint Korean Commission.

[105] H. Merrell Benninghof to the Secretary of State, October 1, 1945, in *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East*, 1065; Political Advisor in Korea to Political Adviser in Japan, October 10, 1945, in *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East*, 1070.

[106] Brown, 31.

[107] See Choi Sang-Yong, “Trusteeship Debate and the Korean War,” in *Korea Under the American Military Government, 1945-48,* 13-14.

[108] *Summation*, December, 1945, 189.

[109] “Resolution of the Korean Congress of Political Parties, Addressed to the Four Allied Powers and Sent to Department of State on December 4, 1945, *Foreign Relations of the United States, 1945, vol. VI, The British Commonwealth, The Far East* , 1110.

[110] War Department General Staff Strategy and Policy Group, Strategic Policy, Korea, Colonel Dupuy, December 29, 1945, to Commander-in-Chief, Army Forces,

Pacific, Advance Tokyo, War 90922, box 140, Records of the US Joint Chiefs of Staff, Geographic File, 1942-45, RG 218, NARA.

[111] Commanding General, U.S. Army in Korea to War Department, January 23, 1946, TFGBI 153, box 140, Records of the US Joint Chiefs of Staff, Geographic File, 1942-45, RG 218, NARA; Political Advisor in Korea to Secretary of State, February 15, 1946, *Foreign Relations of the United States, 1946, vol. VIII, The Far East*, (Washington, D.C.: U.S. Government Printing Office, 1971), 633.

[112] Commanding General, U.S. Army in Korea through Commander –in-Chief, Army Forces, Pacific, Advance, Tokyo, to War Department, TFGCG 206, December 30, 1945, box 140, Records of the US Joint Chiefs of Staff, Geographic File, 1942-45, RG 218, NARA.

[113] Policy Paper Adopted by State-War-Navy Coordinating Committee, SWNCC 176/18, adopted January 28, 1946, *Foreign Relations of the United States, 1946, vol. VIII, The Far East*, 626.

[114] Park Chan Pyo, 129-131; Millett, 81-83, 159.

[115] Choi Sang-Yong, 28-30.

[116] Political Advisor in Korea to Secretary of State, August 23, 1946, *Foreign Relations of the United States, 1946, vol. VIII, The Far East*, 726.

[117] Memorandum by State Department (Hilldring) of State-War-Navy Coordinating Committee to Secretary of Committee, July 25, 1946, *Foreign Relations of the United States, 1946, vol. VIII, The Far East*, 718.

[118] Stueck, “The Coming of the Cold War to Korea,” 41.

[119] Ibid.

[120] Cumings, 428.

[121] Robert Schaeffer, *Warpaths: The Politics of Partition* (New York: Hill and Wang, 1990), 7. For Schaeffer’s discussion on the dividing of Korea, see ibid., 129-132.

[122] Stueck, “The Coming of the Cold to Korea,” 49.

Chapter 9 - Conclusion

The Postwar Occupation Experience and Beyond, and Its Lessons for the Army

Military government did not end as rapidly as either Army or civilian leadership desired. By 1947, however, both saw the need to begin doing so. Secretary of War Kenneth Royall in a message to Lucius Clay indicated that he was trying to "induce State to take over Military Government" and that he expected an answer from new Secretary of State George Marshall by the early fall.[1] Speculation rose during the summer of 1947: in July, Assistant Secretary of State John Peurifoy stated before the House Executive Expenditure Committee that while the Army would maintain policing constabulary forces until peace treaties were signed with various occupied nations, all other occupation activities would be turned over to the State Department. Recently designated Secretary of State Marshall also stated that he believed that it was time that State took over the occupation governance functions and that the takeover should begin at the end of 1947. [2]

In reality, however, even though two years had elapsed since the Axis defeat, planning for civilian-run governance was still very embryonic. Despite all the wartime and postwar discussion about the efficacy of the State Department and other civilian agencies being in the lead, fundamental questions remained. As indicated by General Clarence Huebner, the last American military governor in Germany, they included the following for Germany specifically, though the questions could be asked of any of the postwar military government occupations: what the size, composition, and mission of the force remaining in Europe would be when State took over; what the relationship between the senior commander of military forces and the senior State Department

representative would be; who, in view of protocol and other considerations, should represent the United States at the various control councils; what the timetable was for the State Department's assumption of control; and what precisely the role of military forces in occupied territory would be once State had assumed complete occupational responsibility.[3]

The failure even to ask these questions, much less to do significant planning for them, was indicative not only of the uncertain situation of the early postwar period, but also highlighted how little long-range thinking had been done regarding policy in the postwar world. While the Army's predominance in postwar governance had gradually waned, there was nothing remotely comparable in existence that could manage to take over fully postwar governance in conquered and liberated territories in the first years of the Cold War. The Civil Affairs Division, though it was in matters of policy subordinate to the State Department's Office for Occupied Areas under Assistant Secretary of State John Hilldring, still had major influence. The Division's Government Branch, for instance, initiated the various comprehensive directives for military government and continued to provide personnel to State-War-Navy Coordinating Committee, which in turn approved the directives and sent them to the various military commanders, also serving as governors, in the field.[4]

In fact, while the Army reduced its personnel involved in military government, it continued to provide the leadership for the occupations throughout. Clay, the deputy military governor from 1945 to 1947 in the American zone in Germany, became the military governor in 1947 and remained in that position throughout the early implementation of the Marshall Plan and the Berlin Airlift. When he was replaced by a

civilian high commissioner in 1949, his successor was John J. McCloy, who, as Assistant Secretary of War, had done so much to protect and expand the Army's prerogatives in postwar governance. Lieutenant General Geoffrey Keyes replaced Mark Clark as the American High Commissioner in Austria in 1947 and remained in that post likewise until 1949. John Hodge was the senior American in Korea until the actual creation of a state in South Korea in 1948. In all these occupations, then, the Army played a much more substantial, longer-lasting role than had ever been contemplated by either military or civilian leadership, and very much against the desires of either.

Indeed, the Army and the U.S. government as a whole were caught in an organizational dilemma, though, admittedly, the Army itself was somewhat responsible for it. Public pressure, particularly to demobilize troops, was immense after V-E and V-J days, and while there had been much work done on demobilization during the war, there was no indication that such efforts were in any way integrated with the possibility of large-scale occupations.[5] Such lack of integration, in retrospect, was another indication of the paucity of long-range postwar thinking by American strategists during the war. Focused overwhelmingly on securing victory, little thought went beyond what the requirements for an initial occupation force would look like.

Furthermore, Army senior leadership came to see that the Army's role in the occupations was a drain and a distraction from its primary functions of deterrence and combat. This was evident in Eisenhower's final report as Chief of Staff. He wrote to Secretary of the Army Kenneth Royall that while occupation was "worthy and necessary," it had to be seen as "preventive rather than positive security." Occupation, in other words, was not seen as forward-looking and as actively advancing American

interests, but as backward looking and as simply preserving what had already been won, at high price:

> [I]ts physical magnitude and manifold problems demand such concentrated effort that relatively few men and little time are left for the Army's primary job. The purely security mission—organizing, training, and sharpening for national defense—has necessarily taken second place to the problems imposed by the defeat of Germany and Japan.[6]

Eisenhower's opinion represented a powerful and influential strand of thinking about the Army's role as the occupations continued on into their second and third year. Unsurprisingly, the Army's primary agency for occupation planning, the Civil Affairs Division, did not survive the decade and was dissolved in 1949.[7]

A series of reports, findings, and recommendations done during the early postwar period commented upon both the successes and failures of the Army's role in the occupations and its uncertainty as to whether postwar governance would be part of its long-term mission. One of the most comprehensive studies was conducted by researchers at Johns Hopkins, with the results being published in 1956. Over 4700 questionnaires were sent out to former civil affairs/military government officers who had performed some sort of occupation duty, with 1080 being returned.[8] The results were mixed. Many thought that certain aspects of training were effective, particularly at the Charlottesville School of Military Government, though some thought it was at times excessively theoretical. Most thought relevant country training was sufficient. Yet despite the vast amount of time and effort put into creating the hundreds of country manuals on a whole spectrum of topics, most found them unhelpful—indeed nearly a third (29%) had never even heard of their existence.[9]

Unsurprisingly, many of the conclusions revealed the consequences of the narrow, militarily focused set of occupation goals. For example, one conclusion of the report was that personnel performing occupation responsibilities often did not understand the purpose of their duties and the occupation's relationship with the overall larger Army mission. Concomitantly, most noted that directives were from higher were often not received in time, not clear in content, and of limited utility in the field. Overarching strategic objectives in "purge" programs such as denazification were, according to the surveyed officers, seldom clearly defined, thus resulting in "confusion in the minds of both the [military government] personnel responsible for the conduct of the purge and in the minds of the occupied people."[10]

Equally unsurprising, and in keeping with the doctrinal principles upon which the military government officials had been trained, those interviewed indicated that the most important responsibilities they undertook were directly related to immediate military objectives, such as relieving tactical commanders by reestablishing order and obtaining supplies and services in direct support of military operations. Listed as less important were longer range "political" goals such as "laying the basis for a democratic form of government" and "leaving friendly local people in control of a peaceful and stable community." Such views were virtually identical in both occupied and liberated nations.[11]

Other studies stressed the need to institutionalize the lessons of the postwar occupations. Former Undersecretary of Army Karl Bendetsen (himself a former civil affairs officer during the war) proposed that a "Special Assistant for Politico-Military and Civil Affairs" be established within the Army in 1952, and another committee in 1953 led

by Paul Davies, a prominent American corporate executive, proposed among several organizational changes greater emphasis on civil affairs and military government.[12] Another comprehensive study was completed in 1951 for the Secretary of the Army by Daniel Cox Fahey, Jr., which looked not only at the Army but also at postwar occupation policy in terms of civil-military integration. In certain aspects, the Fahey Report validated the American approach to postwar governance. For example, it concluded that future occupations should be run by the military, at least during the combat period and for a certain time until stability had been attained.[13]

Nonetheless, the Fahey report pointed out several problems with the model developed within the U.S. government for postwar governance. For example, State and War Departments (and other agencies) were often at cross-purposes. No single individual or agency had been in a position to "see and understand all of the broad forces, obstacle and controversies" that arose regarding postwar occupation policy. What was needed was a high level interdepartmental committee for coordination of all U.S. occupation policy, with both State and Defense having membership, though not to the exclusion of others. Other agencies participating in occupations should have members, and a secretariat should be authorized.[14] According to Fahey, what had occurred in the absence of such overarching and integrated guidance was that great authority and discretion had been given to military leaders on the ground. The State Department had an "area/desk" approach that was only partially resolved by the postwar Office of Occupied Areas, and that office had only come about a year after the war had ended. Furthermore, the State Department had been removed from the problems of day-to-day administration in the occupied territories, in large part because

State had lacked the personnel, training and capability to perform such duties, and timely political advice was thus hard to obtain. As a result, over and over again, military personnel stepped in to fill the vacuum. The result often was troublesome problems were resolved in accordance with a military point of view.[15] However, the findings and recommendations of the various reports, to include Fahey's, were not followed. In 1949, in accordance with Army staff reorganization, the Civil Affairs Division was absorbed into the Army Staff G-3 section and never regained autonomy.[16]

Yet it was not simply prejudice against the messy work of postwar occupation that made implementation of some of the recommendations difficult to envision, much less achieve. For example, the Fahey Report's proposed solutions revealed some of the tensions in civil-military relations, especially in defining and categorizing "political" and "military" goals and requirements. While it seemed that providing more "political" direction would cause an efficient and straightforward application of the military to achieve those ends, such "polticizing" of the Army was precisely what the War Department leadership feared during wartime would impede the accomplishment of the military mission. The immediate, exigent military end, in its view, was not consonant with the long-term political goal. Indeed, the very problem had a temporal basis: the political end was vague, uncertain, contingent, and open to many possibilities and interpretations. Furthermore, assumptions made in wartime, especially about wartime allies, did in fact become dubious or incorrect in a different peacetime context. Such was the point of Henry Stimson: he pointed out that making secondary military goals that were precise, time-bound, and measurable, at least in comparison to vague and far more elusive long-term political goals, looked very possibly foolish in a conflict such as

World War II, where military victory, defined as the defeat of Axis military forces, was necessarily paramount.[17]

Military Governance and Postwar Policy in Post-World War II Conflicts

The subsequent history of military governance in post-World War II conflicts reveal that, despite the vast experience gained and the numerous studies conducted of postwar occupation policy and implementation, many lessons were not learned. A study conducted for the Army by Johns Hopkins University regarding civil affairs in Korea concluded that the experiences in Korea "further demonstrate that responsibility for CA/MG [civil affairs/military government] tends to devolve upon the Army whenever it is engaged in combat operations."[18] Even so, the Johns Hopkins study determined that there had been no substantive organization or planning for civil affairs within Eighth U.S. Army, the primary U.S. warfighting headquarters, when the conflict erupted, even though within one year the U.S. Army was conducting such operations on such a scale that it required an organization of over 400 personnel.[19] The study's conclusions were similar to those in the Fahey Report. It further concluded that greater attention should be paid to civil affairs and postconflict governance and greater attention paid to civil-military and political matters, and that there should be greater stress on such matters at institutions such as West Point, the Army's Command and General Staff College, and the Army War College. Like the Fahey Report, it concluded also that there needed to be a single focus of responsibility for civil affairs and military government functions and that the "vague locus of responsibility" for civil affairs in Korea, both within the Army and between the Army and other U.S. and U.N. agencies, made it difficult for field commanders to obtain the complete picture required to conduct effective civil affairs.[20]

In other words, the report clearly indicated that very little regarding military governance policy and practice, either during or after conflict, had been institutionalized within the Army, even though the country where the fighting was raging had been under American military occupation just two years prior.

Nonetheless, the Army never abandoned the concept of postwar governance. It did, to some degree, institutionalize certain organizational and doctrinal practices regarding military government and other forms of governance and civil administration. By 1949, for example, the Army had created seventy peacetime U.S. Army Reserve civil affairs/military government units and by the mid-1950s had developed a postwar governance doctrine set forth in the Field Manual (FM) 41 series. But the use of such units and doctrine was narrowly confined to scenarios following typical conventional conflicts. As the next decade got underway, counterinsurgency doctrine supplanted postwar governance as the Army prepared for and performed missions in South Vietnam. [21] Despite its widespread experience in governance, and perhaps because its energies were focused on combat operations, the Army was not tasked with the overall pacification effort in Vietnam. Instead, both the State Department and the Agency for International Development were given primary roles in a conflict that did not follow the linear conflict model of defeat and occupation.[22] Regardless of civil affairs units' rather limited role during Vietnam, they suffered from guilt-by-association with the "hearts and minds" approach of that conflict. By 1977, the Army indicated it would no longer support the twelve civil affairs units it had in its contingency plans.[23]

And despite the U.S. Army's experiences in the 1990s in Somalia, Bosnia, and Kosovo, throughout that last decade of the twentieth century and in the first years of the

twenty-first leading into the Iraq invasion, post-conflict operations were so-called Phase IV "stability" operations and generally given little to no attention in the various exercises performed by tactical units, whose focus, overwhelmingly, was on training to complete the numerous complex tasks involved in high intensity conflict. The comment of General Tommy Franks, commander of the American forces in the 2003 Iraq invasion, reflected this mindset aptly when he referred to his civilian superiors: "You pay *attention to the day* after and *I'll pay attention to the day* of."[24]

Indeed, the planning of the Iraqi War that began in the spring of 2003 has been widely criticized for its lack of depth, as well as its failure to integrate properly postwar governance into the actual wartime plan. Indeed many of the problems that emerged in the days after Saddam Hussein's overthrow, such as disagreements between State and Defense Departments, ineffective interagency cooperation, and unclear guidance from higher levels, seemed to replicate the same difficulties that occurred during and after World War II with State and War Departments. The Iraqi War strategists did, in fact, make long-range planning assumptions. As has been noted, however, the principal problem was that these assumptions were relatively unchallenged during planning and were often flawed and themselves reflected a militarized way of thinking about the operation, particularly the assumption that the success of the initial combat phases of the operation would end decisively and therefore lead to a safe and stable environment within Iraq, that government ministries would continue to function, and that therefore only minimal troop levels were needed in the country.[25]

In recent years, the emphasis on counterinsurgency doctrine in both Iraq and Afghanistan has, just as during the 1960s, overshadowed post-conflict stability

operations, though there has been a recent effort to establish an interagency body, headed by the State Department, that attempts to deal effectively with civil-military operations in stability and reconstruction operations. Called the Office of the Coordinator for Reconstruction and Stabilization, its success to date remains unclear.[26] Indeed, the *Guide for Participants in Peace, Stability and Relief Operations*, published in 2007 by the United States Institute of Peace, reveals how difficult such interagency cooperation can be: the guide itself is essentially an explanation of the various agencies involved in such operations, from the United Nations to nongovernmental organizations, to U.S. civilian agencies to the U.S. military. The section in the book on the military has several pages devoted simply to explaining "military culture" (according to its author premised on "predictability, planning, and precision") and how that culture differs significantly from civilian culture, the point ostensibly being that such an undertaking is so complex and difficult that one first must have a rudimentary understanding of the various players involved before any substantive recommendations can be made.[27]

The complexities involved in attempting to establish coherent interagency processes simply indicate the larger, more complex, and even paradoxical problems involved in post-conflict governance. A frequent criticism of the "American way of war" is that it is short-focused and lacks longer-range political ends (admittedly, the Army's recent emphasis on counterinsurgency may cause a reevaluation of this criticism; though counterinsurgency's hold on the Army's strategic culture is still a matter of debate). One recent work stresses that the American method of war making is "apolitical," "astrategic," "ahistorical," and "impatient."[28] Such a view implicitly leads to an American way of postwar. Accordingly, the 2003 Iraq invasion led to such a dismal

state of affairs because while a quick victory over Iraqi conventional military forces was achieved, decisive political success was not.[29]

In contrast, some look to the postwar World War II governance doctrine, planning and implementation and regard it as a gold standard that has not since been matched.[30] Truthfully, in many ways, American military planners during World War II were more astute and thorough than their counterparts in 2003, in large part because they had the time, resources, and unity of purpose that their successors lacked. The World War II planners created a doctrinal template that provided basic assumptions required to conduct everyday occupation duties; they created a relatively impressive, if not always properly implemented, training program; and they created organizational structures, both to promulgate policy at the strategic level and to implement them at the tactical level. Despite the praise often given to the World War II planners, they seemingly suppressed long-range "political" objectives in order to focus on military objectives. Over and over, high and lower level military government officials bemoaned the utter lack of long-range policy goals. Yet the Army was a victim of its own success in winning responsibility for postwar governance. Having done so, it thus caused the occupation to focus on immediate military objectives.

The focus on such objectives did nonetheless influence much of the early Cold War period. Dividing Korea for military purposes led to a partition that fostered conditions for war in 1950. At the same time, the militarized "apoliticism" of the early occupation could actually work to the advantage of both occupier and occupied, precisely because, in the absence of more sharply defined Cold War policy goals that included a forceful anticommunism, the initial occupation period allowed for a more pragmatic, non-

ideological discourse initially to be conducted. This localized, less "political" space in the first months after the war, for example, allowed Clark to support Renner, a socialist with communists in his cabinet. In the first year of occupation, Lucius Clay was seen as less a hardliner in Germany than most in the State Department, who far more quickly saw an emergent Soviet threat. Clay's federalist experiment, which helped realign the western zones of Germany toward American interests and the American sphere of influence, was effective, while at the same time not expressly disallowing the Communist or other parties. Indeed it provided a space for local authorities to regain control without resorting to censorship or political prohibition.

Postwar Governance and the Limits of Practice and Doctrine

It is tempting to search the historical record of the post-World War II occupations and to glean a better set of practices or a more suitable doctrine that could have applicability today. The more relevant lesson is that standard doctrinal solutions are dangerously deceptive. The doctrinal model for post-World War II occupations, after all, was largely based on what the Army had actually learned and experienced during the Rhineland occupations of 1918-1923, in which the populace was complacent and the civil government in relative good order. As might be expected, that model worked best in a country which postwar situation most resembled it (Austria), somewhat effectively in Germany itself, and poorly in Korea.

Such attempts at "lessons learned" as ways to create coherent doctrine to apply in future contexts are fraught with peril. The current fixation for viable counterinsurgency doctrine illustrates this point. One work particularly looked upon as prescient and relevant for counterinsurgency is David Galula's *Pacification in Algeria, 1956-1958*.

Galula, a French officer who had served in the Algeria insurgency, has been viewed as prophetic, and his book is widely considered as having a "remarkable, almost timeless resonance nearly half a century later."[31] There are numerous apparent doctrinal lessons to be drawn from Galula's work that have contemporary relevance. These include the need to recognize the signs of a budding insurgency, the need to emphasize policing rather than military tactics, the need to avoid a "decapitation strategy" as a means of defeating an insurgency, the critical need for information operations, the importance of sealing off borders, the importance of promoting women's rights, and the importance of according humane treatment to captured insurgents.[32]

Such lessons have as an implication the idea that the counterinsurgent force is the primary actor in the insurgency. It is noteworthy that not a single one of Galula's lessons mention the local populations themselves, except to be acted upon by the counterinsurgent. No lesson states that a primary imperative is to listen to local actors, to adapt to local practices, and even to abandon, as required, doctrinal imperatives or lessons such as above to fit with local cultural norms. Instead, in the above example, the counterinsurgent is the primary force that seeks to impose its will on the population. In this paradigm then, doctrine is a unilaterally imposed construct in which the outside force imposes its will on the populace in order to fulfill a larger strategic imperative.

What the post-World War II occupation experiences should instead reveal is that notions of strategic imperatives presumably imposed from on high are often illusory intellectual constructs. Such notions of overarching strategic imperatives as guiding or as providing an ultimate vision mislead because, as the World War II occupations revealed, it was a single agency within the U.S. government, the United States Army,

that drove and shaped larger American strategic concepts during the early postwar years. Its conceptions of postwar governance drove U.S. policymaking, conceptions which came with their own particular understandings of what should be the occupations' primary focus, in particular the need to ensure the primacy of military objectives. Its doctrinal model—more broadly, its intellectual construct for how postwar governance should be conducted—was applied, for good or ill, in the postwar occupations in different environments throughout the world.

Imperatives that decidedly enabled the accomplishment of military objectives had a significant influence on policy outcomes—from the doctrinal template set forth in *FM 27-5* that was applied in different contexts, to the decentralized decision making authority provided to on-ground commanders, to the decisions on troop placement and zonal division. Such an understanding of these imperatives is necessary to understand how those decisions can ultimately influence larger social-political outcomes. Cold War studies, for example, have often looked beyond traditional bipolar explanations such as U.S.-U.S.S.R. geopolitical competition and have examined possible social, political, economic, technological and ideological origins for the decades-long conflict. Curiously however, relatively little attention has been focused on how military decisions determined the early configuration of the Cold War. American military history has tended to stop at V-E and V-J Days, to resume five years later when the conventional "hot" Korean War broke out.

This is not to say that very good histories of the occupations have not been produced, but they have tended to be considered separate from the cataclysmic conflict that preceded them. The postwar occupations, viewed in the context of wartime

decisions, should be seen as significantly influencing larger Cold War outcomes. The very decision for military government meant that military commanders would have wide-ranging policy influence in postwar governance, whether in pushing for recognition of a provisional government, as in Austria, or in aligning that military government with a representative body that would eventually govern a partitioned half of the country, as in Korea. Essentially then, much of the early Cold War policy making was conducted by U.S. Army officers, often on their own prerogatives. A Cold War scholar such as John Lewis Gaddis has recognized this, pointing out that no one ordered Clay, for example, to allow German press criticism of his policies or to encourage their review by the American Civil Liberties Union. [33] Likewise Clay's decision to return authority to local German governments was actively resisted. He carried it out nonetheless.

The Army as an agency within the U.S. government not only drove the strategic outcomes for the United States. Just as important were the local conditions and actors in the various occupied territories. In fact, such local conditions and actors came to be more important than the Army's doctrinal precepts: instead of local practices being successful bent to fit such imperatives, the reverse occurred. Where the doctrine fit in most neatly to the occupied territory, the U.S. occupation was able to function relatively successfully, as in Austria, where the U.S. officials on the ground wisely decided to back local Austrian governance structures early. On the other hand, when the doctrinal template was applied in Korea, the local practices and conditions resisted it and refused to fit the doctrinal model.

If anything, what the postwar occupations should teach is that complex social-political problems such as postwar governance of other territories are highly complex,

so-called “wicked” problems—problems that resist definitive, doctrinal solutions, problems that depend on as much about the questions asked about them as about any possible answers.[34] Accordingly, what is clear in dealing with such problems is that how one frames and understands such issues is of greater importance than any preconceived doctrinal constructs. Indeed, such constructs may impede fuller intellectual understanding of the problem. Such efforts at framing and “meta-questioning” have been termed in military thinking as “systematic operational design.” In such design, context is as important as doctrine and practice, and indeed particular context must trump either in order to adapt to existing situations.[35] A “design” approach to post-World War II governance problems, for example, would have noted the utility of the Rhineland/*FM 27-5* military government construct in a nation such as Austria and drastically altered, if not dispensed with altogether, the construct in Korea.

The design approach has another utility in its continuous questioning in that it exposes the illusion of control in postwar environments. The World War II planners actually to some degree recognized this problem—they recognized that attempting to integrate far-off and elusive political goals with military objectives was perhaps a task beyond their ability to solve. As a result, they often simply chose to ignore those political goals and instead focused on immediate military ones. However this may appear to have been short-sighted in hindsight, it was also a recognition of the limits of what even the most powerful actors can foresee or control in such environments. Perhaps then the ultimate lesson of the post-World War II American occupations is that control, in the form of an overarching strategic vision, cannot be forcefully imposed and maintained. The United States’ interests during the postwar occupations were often

driven by the particular interests of the United States Army, which trumped and subordinated other agencies in establishing its priorities. And in the occupied countries themselves, American interests were also shaped by the interests of the occupied actors, and the particular imperatives of the various actors within those nations were generally more important than the doctrine or practices of the United States military governing them.

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[1] Kenneth Royall to Lucius Clay, Message W-84501, August 19, 1947 in box 7, Papers of Lucius D. Clay, December 1946-August 1948, RG 200, National Archives, College Park, MD (hereinafter NARA).

[2] Clarence Huebner to War Department Plans and Operations, Message SX-1347, July 17, 1947, in box 7, Papers of Lucius D. Clay, December 1946-August 1948, RG 200, NARA.

[3] Ibid.

[4] See "Report on Factors Involved in Transfer from War to State of Economic and Financial Functions Relating to Administration of Germany, Austria, Japan, and Korea," June 19, 1947, in Office of Assistant Secretary of State for Occupied Areas and "Department of State Assumption of Operational Responsibilities in Occupied Areas," June 20, 1947 in box 2, Office of Assistant Secretary of State for Occupied Areas, RG 59, NARA.

[5] John Sparrow, *History of Personnel Demobilization in the United States Army, DA Pamphlet No. 20-210*, July 1952 (Washington, D.C.: U.S. Government Printing Office, 1952), 289.

[6] "Final Report of the Chief of Staff, United States Army to the Secretary of the Army," February 7, 1948 (Washington, D.C.: U.S. Government Printing Office, 1948).

[7]Likewise, the State Department's Office for Occupied Areas was dissolved the same year. Edward N. Peterson, "The Occupation as Perceived by the Public, Scholars, and Policy Makers," in *Americans as Proconsuls: United States Military Government in Germany and Japan, 1944-1952*, ed. Robert Wolfe (Carbondale, IL: Southern Illinois University Press, 1984), 421.

[8] George Fitzpatrick et al, September 1956, *A Survey of the Experience and Opinions of US Military Government Officers in World War II* Operations Research Office, The Johns Hopkins University, 13-14.

[9] Ibid., 21-27, 66.

[10] Ibid., 3-4.

[11] Ibid., 57.

[12] See James E. Hewes, Jr., From *Root to McNamara: Army Organization and Administration, 1900-1963* (Washington D.C.: Center of Military History, 1975), 194-196.

[13] Daniel H. Fahey, Jr., Special Consultant to the Secretary of the Army "Findings, Recommendations, and Conclusions Concerning U.S. Civil Affairs/Military Government Organization," February, 1951, (hereinafter Fahey Report), 3, on file at the U.S. Army Heritage and Education Center, Carlisle Barracks, PA (hereinafter AHEC).

[14] Ibid., 2.

[15] Ibid., 2, Analysis, Part I, 2, 6, Analysis Part II, 3-5.

[16] Hewes, 194.

[17] Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (New York: Harper & Bros., 1948), 565.

[18] C. Darwin Stolzenbach and Henry Kissinger, *Civil Affairs in Korea, 1950-51* (Chevy Chase, MD: The Johns Hopkins University Press, 1952), 1.

[19] Ibid.

[20] Ibid. 1-3.

[21]See William R. Swarm, "Impact of the Proconsular Experience on Civil Affairs Organization and Doctrine" in *Americans as Proconsuls*, 401-411.

[22] Edward N. Peterson, Discussion of "The Occupation as Perceived by the Public, Scholars and Policy Makers," 433.

[23] Swarm, 413.

[24] The full quote is: "While we at CENTCOM were executing the war plan, Washington should focus on policy-level issues . . . I knew the President and Don Rumsfeld would back me up, so I felt free to pass the message along to the bureaucracy beneath them: *You pay attention to the day* after and *I'll pay attention to the day* of."Tommy Franks, *American Soldier*, (New York: Harper Collins, 2004), 441 (emphasis in the original).

[25] See, e.g. Nora Bensahel, et al, *After Saddam: Prewar Planning and the Occupation of Iraq* (Santa Monica, CA: RAND, 2008), 234-235.

[26] Its website is at U.S. Department of State, Office of the Coordinator for Reconstruction and Stabilization, http://www.state.gov/s/crs/what/index.htm, which lists its various tasks of assessing the drivers and mediators of conflict, the potential entry points for U.S. government efforts, and projects in need of reconstruction and stabilization (R&S) funding; planning a systemized, results-oriented, and sustainable response to crisis and conflict; coordinating civilian agencies, military actors, international partners in Washington and in the field to mobilize resources; and deploying civilian experts to support and implement assessment, planning, and coordination in the specific areas of expertise needs in R&S environments. Ibid., (accessed October 1, 2010).

[27] Robert M. Perito, *Guide for Participants in Peace, Stability, and Relief Operations* (Washington, D.C.: United States Institute of Peace, 2007), 270-275.

[28] Jeffrey Record, *Beating Goliath: Why Insurgencies Win* (Washington, D.C.: Potomac Books, 2009), 104-107.

[29] Ibid., 110.

[30] James Dobbins et al, *America's Role in Nation Building from Germany to Iraq* (Santa Monica, CA: RAND, 2003), xiii.

[31] Bruce Hoffman, forward to David Galula, *Pacification in Algeria, 1956-1958*, (1963; repr., Santa Monica, CA: RAND, 2006), v.

[32] Ibid.

[33] John Lewis Gaddis, *We Now Know: Rethinking Cold War History* (Oxford: Oxford University Press, 1997), 199.

[34]See e.g., Jeff Conklin, "Wicked Problems and Social Complexity" in Dialogue Mapping: Building Shared Understanding of Wicked Problems (Chichester, UK: John Wiley & Sons, LTD., 2005).

[35] For an introduction to systematic operational design in military operations, see Huba Wass de Czege, "Systemic Operational Design: Learning and Adapting in Complex Missions," *Military Review* (January-February, 2009): 8.

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