

OCCUPATIONAL PURSUITS: THE ARMY AND WORLD WAR II OCCUPATION PLANNING

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USAWC STRATEGY RESEARCH PROJECT

**OCCUPATIONAL PURSUITS:
THE ARMY AND WORLD WAR II OCCUPATION PLANNING**

by

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This paper examines how the United States Army became the dominant U.S. government agency in the interagency process concerning 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 reasons are due to the cultural and organizational imperatives of the Army, including its drive towards professionalization and its incorporation of legal standards during the nineteenth and early twentieth centuries. Other related factors include the Army's ability to create coherent internal doctrine, the relative weakness of civilian agencies, and the agenda and postwar goals of President Roosevelt himself.

OCCUPATIONAL PURSUITS: THE ARMY AND WORLD WAR II OCCUPATION PLANNING

The U.S. Army became the lead governmental agency in the post-World War II occupation. While there is much literature on the occupations themselves, far less analysis has been devoted to how the Army came to incorporate concepts for postwar occupation into its doctrine, training, and organization.¹ This subject is highly significant, for it was largely because of that developed doctrine, training, and organization that the Army became the lead postwar administrator for the United States over other governmental agencies that had also sought lead responsibilities in conquered and liberated territories when the war ended. Understanding this story requires an analysis of the Army's own institutional culture, dating back to the mid nineteenth century. It also requires an understanding of other agencies in the federal government that sought postwar responsibilities, and the wartime goals and agendas of President Franklin D. Roosevelt.

Specifically, in the late nineteenth century the Army had already begun to incorporate bodies of law that dealt with armed conflict and postwar responsibilities, such as The Hague Conventions of 1899 and 1907, into its thinking. Furthermore, as the Army continued to professionalize in the twentieth century, the Army actually performed occupation in Cuba, the Philippines, the Rhineland, and elsewhere, and its members began to study postwar occupations in some detail. Particularly at the Army War College in the interwar period of the 1920s and 1930s, students took this understanding and experience and provided proposals on how to occupy territories after the termination of conflict. Even before America's involvement in World War II, the

Army created a viable military government doctrine and trained and organized itself based upon the doctrinal concepts it created to create a coherent and viable method for postwar occupations.

In contrast, during Roosevelt's presidency the several civilian agencies that sought postwar responsibilities lacked the historical experience, ability to generate coherent internal doctrine, and organizational capacity that the Army had. As the brief lifespan of the Board of Economic Warfare (BEW) illustrates, these organizations invariably self-destructed or were otherwise ineffectual. Often they were at cross-purposes, sometimes aggravated by Roosevelt's own ambiguous postwar designs. And as the controversy over the School of Military Government reveals, other governmental agencies failed to produce a coherent alternative to the military postwar model. This paper, therefore, examines how a governmental agency, the United States Army, through its experiences and internal capacities to create doctrine, train, and organize gained significant positional advantage in the interagency process over competing governmental agencies that lacked such experience and capacities.

Looking Beyond the Battlefield to Postwar Responsibilities

The Army had been conducting military government operations throughout the nineteenth and early twentieth century in places such as Mexico, Cuba, and the Philippines, and many of its officers believed it had the organizational skills to conduct them well. In a 1915 address entitled "The Civil Obligation of the Army," a prominent Army reformer, Major General Leonard Wood, asserted that the Army was fully capable of 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 Porto Rico, Cuba, and the Philippines, and conducted these governments with great success.”²

Such confidence to perform tasks beyond that of the battlefield was linked with the Army’s efforts at increasing professionalization within its own ranks. In the late nineteenth and early twentieth centuries, Secretary of War Elihu Root and similar reformers determined to professionalize the Army through the application of scientific and managerial concepts, the study of past successes and failures, and the broadening of intellectual horizons into domains beyond wartime strategies and battlefield tactics.³ As historian Brian McAllister Linn points out, many Army officers began to study matters that might not be considered the essence of warfare and battle.⁴ One example is a comprehensive 1892 treatise by William E. Birkhimer, entitled *Military Government and Martial Law*.⁵ Birkhimer was a soldier as well as scholar who had gone through many of the facets of the American military experience in the nineteenth century. His service in constabulary-style military actions provided a practical basis for much of his book. It 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.”⁶

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 legalistic understanding of the role of states during and after conflict.⁷ States can lawfully engage in war, and military government’s prerogatives and responsibilities come from that lawful right.⁸ 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.⁹

Birkhimer's extensive treatise on military government actually predated The Hague Conventions of 1899 and 1907, which were the first bodies of law that specifically state the post-conflict responsibilities of occupying armies.¹⁰ Article 43 of the Conventions, for example, stated that an occupying power must restore public order, and Articles 44 and 45 stated that inhabitants could not be forced to provide information about their nation's military or be required to swear allegiance to the occupying power.¹¹ The Conventions also implied a contractual relationship between occupier and occupied: Article 55 for example indicated that the occupying force acted as a usufruct for the territory and had an obligation to safeguard public buildings and agricultural and real property in order for them to be in sufficient working condition when the occupation ended.¹² An underlying premise in the contractual relationship was that if occupied civilians did not interfere with the conquering army's mission, that army would, to a large extent, leave the civilians alone and let them continue with their local laws and customs.¹³

As Birkhimer's work foreshadowed, the Army would come to incorporate readily The Hague's requirements into its increasingly legalistic understanding of war.¹⁴ An example of the Army's doing so is the official manual entitled *Military Government*, published in 1920, during the post-World War I occupation of the Rhineland, by Fort Leavenworth's school press.¹⁵ The premise of the manual was a series of rule-based prescriptions that defined military government as a "branch of international law." The

manual further noted that “[Military government’s] sanctions are the sanctions of that law,” specifically referring to Section III, Chapter V of The Hague Conventions.¹⁶ The manual cited the frequent American practice of military government, from the Mexican War to the present day, and it also referenced the famous General Order 100 (the so-called Lieber Code of 1863) and other examples of General Orders as justification for military government.¹⁷

The manual stressed that military government was ultimately a military responsibility that could and should be exercised by Army officers nearly exclusively. Furthermore, 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,” advised the manual, “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.”¹⁸ As the manual indicated, more was needed to perform postwar occupation than simply to apply a set of rules. It required a definite military mindset and judgment. Lastly, it was consistent with The Hague Conventions notion of a contractual relation between occupier and occupied, making the notion of non-interference with the occupied civilian populations even more explicit than the Conventions themselves: “It is better to leave all laws, civil and criminal, in effect and their enforcement to the local officials. ... Do not try to make over the people, to change their habits or customs, or bind them to our way of thinking.”¹⁹

The Army War College Planning Committees

The 1920 manual had been written in light of the Army’s occupation of the Rhineland following World War I. 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 seven million German inhabitants (11% of the overall population).²⁰ It was the most significant occupation by the Army to date, and it fostered an even greater interest in the study of its postwar responsibilities.

One such study was 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 later appointed its Officer in Charge of Civil Affairs.²¹ The Hunt Report provided a series of lessons and recommendations on the conduct of military government, and it in turn greatly influenced study at the Army War College in the 1920s and 1930s.²² There, various student committees studied numerous scenarios on a range of topics that were not limited to campaign planning.²³ One such topic was the planning for the occupation and military government of defeated nations. While never made official for use at the Army War Plans Division, these studies would have significant influence in the World War II planning for military government.²⁴

As an example, one seminal document from the 1933-34 committee study was a guide for postwar occupation administration titled "Basic Manual for Military Government by U.S. Forces."²⁵ The 1934 manual specifically defined 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," and it cited applicable Hague Conventions on issues such as the duty of the occupier, destruction

and seizure of enemy property, and respect toward private property.²⁶ It also stressed the importance of exclusive military control of postwar occupation. Military government was to be conducted by the “Military Commander under the direction of the President.”²⁷ Like the 1920 Military Government manual, it stressed non-interference with local civilian populations: “As a principle, changes in existing government will be as few as practicable under the situation, and only after sufficient study to insure that they are warranted by conditions.”²⁸

What was also notable throughout the manual was a lack of reference to any ongoing coordination, much less subordination, to any civilian agency during military government proper. Just as in the 1920 *Military Government* manual, postwar occupation was envisioned as a nearly exclusive military, and specifically, Army domain (though a reference was made to cooperation with the Navy when joint operations were conducted). The military government was to be wholly run by commissioned officers, and the ultimate authority unified under a military commander. The military’s primacy framed the very issues in terms that stressed the military’s priorities—military necessity could thus trump all other considerations. This conception of military necessity, along with the concepts in the manual, would reveal themselves again in the doctrines set forth in FM 27-5, the major Army statement on military government.

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

In 1940, the work done by the War College directly led to the creation of Field Manual(FM) 27-5, titled simply *Military Government*, which would be the source for planning, training, and implementation of all American military government during and after World War II.²⁹ Though it took several of the ideas about military government organization from the 1934 War College manual, it did much more. FM 27-5 was a

culminating product of decades of Army cultural practice and thinking that took the concepts of the War College committees and updated and refined them to create a new, coherent idea of military government. It was also a prime example of Army doctrine.³⁰ FM 27-5 was intended as authoritative guidance that leaders had to be familiar with, and it served as a general guide as to what means to employ and what methods to proceed with in the implementation of military force, thus serving, in political scientist Barry Posen's term, as a "subcomponent" of grand strategic design.³¹

FM 27-5 defined military government in language virtually identical to that found in the 1934 War College Basic Manual.³² Notably, FM 27-5 provided even greater emphasis on the authority of the presiding military commander and thus represented a development from its predecessor:

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.³³

Furthermore, FM 27-5 strengthened the military commander's power, stating that the commander's only restraints were the "laws and customs of war."³⁴ It also expressly linked the exercise of military government with "command responsibility," something absent from the 1934 discussion on the military governor's responsibilities.³⁵

And FM 27-5 carried on the model of non-interference with civilians: "As a principle, changes in existing government will be as few as practicable under the situation, and only after sufficient study to insure that they are warranted."³⁶

FM 27-5 provided an important new addition to the concept of military government. It stated that the fundamental policy that controlled 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.³⁷

In paragraph 10a, it followed from the “basic policy of military necessity” that the commanding general of the theater of operations must “have full control of military government therein.”³⁸ In so doing, FM 27-5 defined military necessity in a way that oriented the notion of necessity towards occupation during and *after* hostilities rather than only toward combat *during* hostilities, as had been done in previous documents on armed conflict, such as the 1863 Lieber Code.³⁹ What paragraph 9a stated was that soldiers must have the “least inconvenience” afforded to them if fighting has to resume and under conditions “most conducive” to the war’s termination.⁴⁰ Thus, if required, military operations and requirements in occupations would trump other considerations—the requirements of military necessity could prevail in postwar occupational responsibilities.

In so doing FM 27-5 linked a refined, if not revised, idea of military necessity to military occupation, thus tightening the bond between occupation and expressly *military* responsibility. If the primary concern was military necessity, then logically, a military commander who could determine that necessity should be responsible for governing. As would be seen in debates conducted over the primacy of the military’s postwar role, “military necessity” was a key and sometimes conclusive argument. By doctrinally

framing the concept to fit its own postwar interests, the Army could powerfully employ the argument of necessity, especially against competing civilian agencies in disputes over postwar roles.

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 more practical and immediate influence. First, FM 27-5 provided the official basis for establishing the School of Military Government in Charlottesville, Virginia. Paragraph 7 of FM 27-5 stated that "the necessary personnel, commissioned, warrant, and enlisted, will be selected and procured" in order to staff plans developed for possible postwar occupations.⁴¹ Relying on that doctrinal basis, in March, 1942, the Army G-1, which had doctrinal responsibility for military government, ceded that authority to the Provost Marshal General, Major General Allen Gullion, to establish the School.⁴² Second, FM 27-5 became the intellectual cornerstone of the training of all the officers who attended the School of Military Government. In the students' classes, the document served as a primary organizing principle for problem analysis.⁴³ As students were told upon arrival at the School, the "little pamphlet [FM 27-5]" would soon be their "bible."⁴⁴ 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, military government planners soon realized that each potentially occupied country needed to have a series of studies detailing the areas that FM 27-5, paragraph 13 had listed: public works and utilities, fiscal matters, public health, education, public safety, legal matters, communications, public welfare, and economics.⁴⁵ Using these categories, the Army thereby directed an immense project

that resulted in numerous government agencies writing hundreds of “civil affairs handbooks” that described in detail relevant information for military government officials in all countries to be occupied.⁴⁶

Thus, while a doctrinal and not a strategic document, FM 27-5 was nonetheless crucial in structuring the postwar occupation model. It represented the culmination of the Army’s historical experience, increased professionalism, and intellectual understanding as they had developed over nearly a century. As official Army doctrine, FM 27-5 bore the *imprimatur*, and thus the explicit endorsement, of the Army senior leadership. This provided interdepartmental justification for expansion of the military government concept into tangible reality, very early in America’s involvement in the war. Perhaps just as important, by making it doctrine in which the concept of military necessity encompassed postwar responsibilities, FM 27-5 greatly strengthened the Army’s argument for primacy of control of occupations against civilian agencies that would make such claims.

The Establishment of the School of Military Government and its Curriculum

Initial resistance to establishing the school came from within the Army itself. Though the Army’s G-1 section had doctrinal responsibility for military government, its ever increasing administrative tasks were making it exceedingly difficult to take on this additional burden.⁴⁷ Relying upon a proposal by Provost Marshal General Gullion to take the task, Brigadier General Wade Haislip, the G-1 chief, wrote to General Marshall in December, 1941, proposing the establishment of a military government school.⁴⁸

The G-3, in charge of the Army’s overall operations, non-concurred, stating that because the requirements were so vast and so different from military police matters, it did not believe that the Provost Marshal was the proper agency for a military

government training school.⁴⁹ After back-and-forth exchanges between Army staff sections, Gullion's proposal carried the day, and on February 9, 1942, he was charged with establishing the training for officers for "future detail in connection with military government" which involved establishing a school.⁵⁰

Relying on the Army's understanding of military government principles contained in FM 27-5, school organizers 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."⁵¹ The basic materials that provided the underlying foundation for such training came from FM 27-5, from relevant international laws such as The Hague Conventions, and from official records of American occupations.⁵² On that foundation, school officials created more specialized and particular studies of the culture, language and political systems of the countries to be occupied. They also constructed problems of military government administration for students to analyze and solve through the application of doctrine, coursework, and historical precedents.⁵³ Notably, however, the solutions did not involve fundamental reconstructions of the nations that were conquered. Stressed in the lectures at the school were principles of local autonomy. The idea was to prevent local civilians from interfering with military government, not to radically remake their societies. As a lecturer pointed out, "The existing laws, customs, and institutions of the occupied country have been created by its people and are presumably best suited to them. That is a recognition of the fact of uniqueness in cultures."⁵⁴

The school continued to grow throughout 1942. Even so, the size and complexity of military government required expansion beyond Charlottesville. By mid-1943, there were two major types of military government training. 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.”⁵⁵ Those who had highly specialized technical or professional knowledge and were recruited directly from civilian life were trained at Civil Affairs Training Schools (CATS) located at sixteen different universities across the United States.⁵⁶ This essential division of labor between the Charlottesville School and CATS 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 allied officers.⁵⁷ These personnel formed the core of military government officials who would conduct the postwar occupations for the Army.

While there was later criticism about the quality of the school, it is notable that its establishment occurred in early 1942. The battles of Midway, El Alamein, or Stalingrad had yet to occur. America was still reeling from Pearl Harbor and was in the throes of an agonizing retreat and ultimate surrender in the Philippines. This early beginning would prove significant for the Army’s future as the primary agent in postwar affairs, for the foundational work placed the Army at significant institutional advantage in regard to other civilian agencies that would also seek to have primary influence in postwar affairs.

FDR, the War Cabinet and the Pitfalls of Building Consensus

An analysis of the intergovernmental competition of interests within the interagency process regarding the postwar world should start with the goals and agendas of President Roosevelt. 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.⁵⁸ It included progressive New Dealers such as the self-styled “curmudgeon” Secretary of Interior Harold Ickes, and former Secretary of Agriculture, now Vice-President, Henry Wallace.⁵⁹ Roosevelt did not confine his political choices to progressives for his wartime administration. Most importantly for the war effort, he 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 respectively. In so doing, he helped solidify a consensus across party lines. At the same time, this “team of rivals,” men with conflicting personalities and viewpoints, often clashed. This contributed to a sometimes chaotically managed administration. But this was also part of FDR’s managerial method. He would let subordinates fight it out in Darwinian power struggles, see where the political wind blew, and then step in and sort out the problems as a wise, avuncular, above-the-fray figure.⁶⁰

Another Roosevelt management technique was to fuzz long-range details and to defer decisions.⁶¹ While this caused uncertainty, FDR likely thought he had sound reasons for this method, especially when it came to postwar policy. For FDR eyed an electorate that was uncertain about what America’s postwar role should be. A March, 1943 intelligence report on postwar America’s roles revealed the ambiguous feelings many Americans shared. It 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.”⁶² 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 report went on to say that “The public nervously shies away from concrete plans for bringing a more secure world into being ... Many Americans are appalled at the complexity of the problems involved in world reconstruction.”⁶³

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. Not only were Army and Navy Chiefs George Marshall and Ernest King reporting directly to Roosevelt on a regular basis, and not only were the War and Navy Departments expanding to unprecedented levels, FDR notably deferred to the military component of his administration. The requirements of 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 British Prime Minister Winston Churchill, Roosevelt acquiesced.⁶⁴ When the generals in Hawaii demanded the continuation of martial law in that territory, Assistant Secretary of War John J. McCloy helped to persuade FDR and other Cabinet officials to continue it after any realistic threat of Japanese invasion had passed.⁶⁵ Most revealingly, when the Commanding General of the Western Defense Zone required on the grounds of military necessity—and a near-total absence of evidence—that

Japanese-Americans be relocated from the West Coast—a position forcefully presented in Washington by McCloy—Roosevelt did not oppose the relocation.⁶⁶

The man in FDR's administration most responsible for clearing the path for the Army's requirements and for protecting military prerogatives was Secretary of War Stimson. Stimson, a distinguished Wall Street attorney, had also been a colonel of artillery during the First World War, and had been Secretary of War under William Howard Taft and Secretary of State under Herbert Hoover.⁶⁷ He was also a strong proponent of the necessity of military government (he himself had served as a governor-general in the Philippines). To him, military government was a "great and proper function," and the American tradition of military government was a long and honorable one.⁶⁸

Stimson believed that FDR thought the idea of military government was "strange" and even "abhorrent."⁶⁹ Yet what Roosevelt really thought of military government would actually be unclear to the War Department and to other members of FDR's wartime team during the first two years of America's involvement in the war. Indeed that lack of understanding about Roosevelt's intentions fostered disputes and tensions between Stimson and those on the opposite side of the political spectrum in FDR's administration, the New Dealers.

Two such New Dealers were Henry Wallace and Harold Ickes.⁷⁰ Wallace, an unrepentant progressive and champion of civil rights, was deeply distrusted by old school Democrats and even suspected as a Soviet fellow traveler.⁷¹ His Chairmanship of the Board of Economic Warfare (BEW), an organization presumably with major responsibility for postwar planning, revealed many of the cracks and fissures of the FDR

coalition. A second New Deal figure of importance was Secretary of Interior Ickes. Another progressive, he was especially suspicious of military plans and designs. As Interior Secretary, he had ostensible responsibility over the Hawaiian Territory, and he felt that the Army had both trampled civil liberties and sidelined his authority there.⁷² He also shared Henry Wallace's view that what was needed after the war was a "people's peace...founded upon certain elementary principles."⁷³ What Europe and the world did not need was a return to *realpolitik*, so "power-statesmen [can]...return to their pleasant little game of international penny-ante."⁷⁴ He associated that sort of international gamesmanship with great-game machinations and with military government.

Wallace and Ickes played key roles in postwar planning controversies, but neither achieved his end. Wallace saw the BEW collapse and therefore not be a viable alternative for postwar military occupation, and Ickes argued unsuccessfully against the Army's establishment of the School of Military Government. The spectacular failure of the BEW indicated, among other things, the limitations of FDR's managerial style and the difficulties of interagency cooperation, whereas the military's own organizational methods appeared, in contrast, as relatively efficient. The interagency dispute over the School of Military Government slowed down but did not defeat the mission of the school. The dispute, in fact, revealed how deeply and inextricably developed, by late 1942 and early 1943, were the Army's conceptions about postwar occupation, and how much the Army had already done to achieve its own goals regarding such occupation.

The Board of Economic Warfare (BEW) and Interagency Dispute

Early in America's involvement in World War II, there were disputes as to who should ultimately run overall economic planning within Roosevelt's administration. One agency caught in the middle of such disputes was the BEW. Established in July, 1941

as the Economic Defense Board (renamed the BEW after Pearl Harbor), it was under the chairmanship of Vice-President Wallace.⁷⁵ While its wartime functions were somewhat limited, its postwar responsibilities were expansive. The Board's founding executive order stated that its functions and duties included "mak[ing] investigation and advis[ing] the President on the relationship of economic defense ... measures to postwar 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."⁷⁶

With this charter, Chairman Wallace sought to make the BEW the primary postwar reconstruction agency of the United States. Through the BEW, he would advance postwar ideas about global industrialization and higher living standards and export the New Deal abroad.⁷⁷ But there were significant problems from the outset. There were the bureaucratic difficulties of standing up a complex organization made up of other governmental agencies, many of them long standing, each with its own agenda, staff and budget, and not necessarily united in a common purpose. Efforts to bring other agencies in and to ensure that the BEW was a stable, sustaining agency took months to complete. While the BEW did become a functioning bureaucracy with 2500 people and three divisions, it did not meet at all for the first four months of 1942 as it slowly organized.⁷⁸

There were also interagency disputes. Wallace especially fought the Department of State over prerogatives. When he attempted to get authority to control export under the Board, the State Department refused. Wallace had to get FDR to sign an executive order to transfer State's authority to him, but only after great resistance

from State.⁷⁹ And if his relationship with State was uneasy, it was outright hostile with Secretary of Commerce Jesse Jones, another key member of the BEW.⁸⁰ Jones was a big-business conservative from Texas and a consensus-building choice of FDR's for Cabinet office. Wallace and Jones disliked each other personally and were worlds apart ideologically. Jones also was chairman of the Reconstruction Finance Corporation (RFC), a Herbert Hoover-created government organization that FDR had kept when he came into office. The RFC controlled government loans to businesses, and Jones' parsimonious view of loaning government dollars soon clashed with Wallace's expansive ideas of using government dollars to enact socially transformative designs.⁸¹

Problems first arose when a frustrated Wallace obtained FDR's signature on an executive order in April, 1942 granting the BEW broad authority to implement his New Deal designs. But Wallace did it surreptitiously, without consulting the State or Commerce Departments, though apparently leading FDR to believe that he had.⁸² Upon discovering the deception, FDR felt that Wallace had duped him, and his relationship with the Vice-President permanently soured, though he permitted Wallace to stay on as the BEW's chairman.⁸³ A worse showdown with Jones in the summer of 1943 sealed the BEW's fate. The conflict erupted when Wallace made public allegations about Jones's supposedly derelict handling of the RFC, a huge political mistake. Wallace had already alienated himself from Roosevelt, and Jones, despite his political leanings, was actually personally closer to FDR.⁸⁴ Finally FDR intervened. In July, 1943, he abolished the BEW outright, placing its functions within a new executive agency, the Foreign Economic Administration (FEA), under Leo Crowley, a fiscal

conservative who was close to Jones.⁸⁵ New Deal visions for postwar reconstruction, at least under Wallace's direction, were dashed.

The end of the BEW did not end postwar planning efforts by civilians in FDR's administration. There were other civilian organizations that would be involved in postwar matters. But none had the opportunity the BEW could have had to leverage civilian influence in postwar matters. The Office of Foreign Relief and Reconstruction (OFRRO) under the direction of Governor Herbert Lehman of New York was intended to coordinate and direct relief efforts in liberated countries, but its authority was not established by formal executive order, and it thus lacked a legitimizing charter.⁸⁶ Disputes broke out between it and other agencies, especially the State Department, which supposed that it provided oversight to OFRRO. In the end, OFRRO, like the BEW, was folded into the FEA.⁸⁷

The State Department's Office of Foreign Economic Cooperation (OFEC) established in July, 1943 was also to be a major agency for American policy in liberated areas. It was especially created with attention to the relations of civilian agencies with the Army.⁸⁸ But it too failed. Indeed, its existence only increased interagency warfare: OFEC tended to side with the Office of Lend-Lease (another FDR agency) against the BEW (before it folded) and OFFRO. Before long the OFEC too was folded into the FEA.⁸⁹ Finally there was the FEA 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.

The fate of the BEW and the other Roosevelt wartime civilian agencies illustrates the centrifugal tendencies of these *ad hoc* organizations. The infighting, the dueling over prerogatives, and the lack of internal coherence were not lost on commentators of the period. Writing for *Fortune* magazine in 1943, journalist-economist Eliot Janeway pointed out the military's comparative advantage to the civilians in the administration.⁹⁰ Janeway noted "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."⁹¹ Janeway also noted that 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."⁹² A major reason why the Army gained primacy in postwar occupation was the lack of a viable alternative.

The School of Military Government Controversy⁹³

By mid-1942, the School of Military Government was underway and was training students, though there was some controversy in and out of the Army over the quality of some of the students and faculty.⁹⁴ Major General Gullion, seeking to increase both the size and quality of the student body, began sending notifications to various agencies within and outside the government, requesting liaisons with them, and seeking assistance and recruiting in personnel as possible students for the school.⁹⁵

When a school official requested from Undersecretary of the Interior Abe Fortas the names of engineers, economists, lawyers, and other civilians within the department who might be qualified to serve as advisors to military governors, Ickes reacted strongly

and negatively.⁹⁶ Already angered over the Army's actions in Hawaii, Ickes, according to his diaries, privately met with FDR in early October. He told the President that the Army was training "pro-consuls" at its school in Charlottesville, and he demanded action to rein in the military.⁹⁷ Most interesting was FDR's purported response. According to Ickes, Roosevelt knew all about the school, and he said that he was going to do something about it: "[The President] does not think that Army men are the people who should have civil administration entrusted to them."⁹⁸ But Ickes was also deeply concerned that FDR would put off deciding the issue until it was too late to do anything to change course.⁹⁹

At a Cabinet meeting in late October, the issue dominated the entire session. FDR somewhat chastised Stimson over the school, with Ickes joining in, stating that it looked like "militaristic imperialism" and that it should be stopped.¹⁰⁰ It was, in Ickes' mind, "one of the most dangerous indications that have 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."¹⁰¹ Outraged, Stimson blamed the matter on what he called the New Deal "cherubs"—a dismissive allusion to, in his eyes, the naïve and excessively idealistic progressives of the Cabinet.¹⁰² But regardless of how little Stimson thought of some of colleagues, it was a critical juncture for the idea of the Army being the "lead" in postwar occupation duties.

On close inspection, FDR's view was more nuanced. Despite what FDR may have told Ickes in private, the President's greatest concern at the Cabinet meeting was not the idea of the school but the risk that some of the faculty and students there were

perhaps not adequate to the task.¹⁰³ The distinction was important. FDR sided seemingly with his New Dealers by attacking the school, but he still provided a way for Stimson to fix the school and make it satisfactory.

Yet with the issue left open, Stimson had huge advantages over Ickes and others who opposed the Army's program. The Army had a rich historical and intellectual foundation and heritage regarding postwar occupation. It had a formulated doctrine, historical examples, and a school already training potential future administrators. Stimson had all this at hand to formulate his arguments. Ickes had relatively little to counter. *Ad hominem* attacks about the quality of personnel at the school could be rebutted. Even if they were not, the Army's answer was precisely what Gullion had attempted to do in his recruitment plan that so incensed Ickes—obtain, through government channels, higher quality personnel. More importantly, “military necessity” was a trump card, already well in use in late 1942, as Ickes had already experienced to his profound dissatisfaction when he attempted to get control over the Hawaiian Territory.

Furthermore, there was no alternative program even close to being established that could rival the Army's, though a few concepts were brought forward. One notable proposal for a civilian-run postwar system was written in the wake of the Cabinet dispute by S.K. Padover, an Ickes assistant.¹⁰⁴ In his memorandum, which Ickes provided to FDR as a possible alternative, 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.” But to Padover this was to be feared, for in so doing, the Army would “monopolize all of the training and research facilities of the country by a process

of total absorption.” Padover clarified this: “In other words, the present plan is to put the men skilled in social science, public law, administration, scientific management, etc., into uniform.” The implication was that the postwar occupations would be thoroughly militarized and designed primarily to suit military interests. While this was 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.¹⁰⁵

Padover’s solution was to civilianize the postwar planning and training process and to create 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 BEW.” 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.¹⁰⁶

On the surface sensible, Padover’s proposal mistook or overlooked key issues. 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...”¹⁰⁷ This was institutionally myopic. One could argue that if any agency had studied and experienced administration of foreign areas, it was the Army, which had done it numerous 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 administrative apparatus would have to be interdepartmentally established even to begin to get some level of institutional expertise—a "Center for Administrative Studies" followed by a "research agency."¹⁰⁸

Furthermore, 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 it termed "primitive cultures" who had far greater expertise in cultural and sociological issues than anyone in the military. As previously noted, the School of Military Government focused far more on the so-called basics of civil administration. The idea was to administer the occupation with as little interference in the local laws and customs as possible.¹⁰⁹ Padover's proposal, on the other hand, called for a kind of benevolent New Deal project abroad. It was this sort of idea that could potentially contradict, and if implemented, threaten, FDR's own coalition-preserving agenda.

In contrast, Stimson did not have to propose new structures, or make unsettling proposals about New Deal-like postwar orders. He could 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. While he did not send it, the response reflected the

essence of his arguments in favor of the school and the Army's conception of postwar occupation.¹¹⁰

In the rebuttal, Stimson 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 thus carefully separated Roosevelt's concerns from that of other Cabinet members, who sensed in the school a "germ of imperialism." Stimson further 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 was 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."¹¹¹

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, where "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 it was eminently reasonable that occupation duties could last as long as the Rhineland occupation following World War I in places throughout the world.¹¹²

The argument carried the weight of experience and of coherent doctrine. Furthermore, in contrast to Padover's proposal, Stimson directly linked postwar occupation with winning the war. Indeed, in Stimson's conception, wartime strategy *became* postwar strategy. 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."¹¹³ As an argument, it addressed both of FDR's concerns and it preserved the Army's prerogatives.¹¹⁴

While Stimson did not send the letter, the ideas in it framed his thinking and his arguments at a follow-up Cabinet meeting.¹¹⁵ 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." Stimson concluded that, "[I] think I finally got it across."¹¹⁶ Ickes saw it differently. According to him, 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."¹¹⁷

Ickes' account seems to indicate Roosevelt favored the Interior Secretary's view, but this is misleading. FDR's assertion that the military turn over to the civilian government as soon as possible 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: would the military governor, most likely the theater commander, be the supreme authority, or would he have to report to another agency? Indeed, FDR's comment of turning over "as soon as possible" was a concession to military primacy—for if the military had such initial control, then it could invoke the requirements of military

necessity and thus determine when and under what terms it would become “possible” to relinquish that control.

Still, the issue did not completely resolve itself in Stimson’s favor, and there was significant dueling between agencies and departments for the next several months. Indeed, an exasperated Stimson wrote of his frustrations with FDR on more than one occasion in late 1942 and early 1943, especially after the apparent confusion and disarray in civil affairs matters following the North Africa landings, when Roosevelt still seemed to lean toward a civilian-led occupation model.¹¹⁸ But the School of Military Government never closed, and in fact expanded, as the CATS program demonstrated. Indeed, the Army was never directed to scale back any postwar initiatives. FM 27-5 was revised, supplemented and made a joint Army-Navy document in 1943. Stimson ordered the establishment of the Civil Affairs Division (CAD) as a special staff, elevating the status of military government planning (previously only a division of the Provost Marshal) in March, 1943. CAD, under the leadership of another Army officer, Major General John Hilldring (and under the direction by Assistant Secretary of War McCloy) eventually came to be the most significant policy agency for postwar occupation administration in the U.S. government.¹¹⁹

After seeing civilian agencies self-destruct or dissolve into ineffectuality throughout the year, as well as the numerous North African problems, in November, 1943, FDR directed that, for the first six months of any occupation, the Army would have total control, a decision that clarified his earlier remarks about Army temporary control.¹²⁰ Stimson, saw this as a turning point, and decisive confirmation of the Army’s primacy in postwar matters:

During the remainder of the war the Army was given a constantly increasing measure of the President's confidence in its work in civil affairs, and ... the War Department organization became more and more effective in co-ordinating and administering a responsibility that in its eventual size and scope far exceeded anything that [I] ... anticipated.¹²¹

Stimson went on to point out that the Army would continue to be the primary agent for postwar occupation more than two years after the end of the war.¹²²

The Importance of Culture and Organizations and the Argument of "Military Necessity"

Analyzing how the Army came to predominate in the post World War II occupations reveals some important lessons. First and foremost, strategic choices are profoundly informed and shaped by cultural and institutional processes. By the time of World War II, the Army had long experience in conducting occupations. As an institution, it had studied them, turned experience into doctrine, and made the relevant international laws part of its understanding. On that basis, it began to train and organize for military government well in advance of any other possible competing civilian agency. Secondly, in the interagency process, organizations that lack time and internal coherence have huge comparative disadvantages in comparison with organizations that do. FDR's civilian committees such as the BEW lacked both. Finally, in civil-military relations, "military necessity" is a powerful, sometimes conclusive argument. The Army successfully oriented the argument to postwar as well as to wartime responsibilities. Whether in so doing, it subordinated grand strategy to the more immediate goal of wartime victory is a question worth further examination. Regardless, the U.S. Army was able to link military necessity with postwar responsibility. In so doing it ensured its primacy in the occupations that followed World War II.

Endnotes

¹ 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).

² Leonard Wood, "The Civil Obligation of the Army" in *The Military Obligation of Citizenship* (Princeton, N.J.: Princeton University Press, 1915), 75.

³ 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 Edward M. Coffman, *The Regulars: The American Army, 1898-1941* (Cambridge, MA: Harvard University Press, 2004), 142-201; James E. Hewes, Jr., *From Root to McNamara: Army Organization and Administration, 1900-1963* (Washington, D.C., Center of Military History, 1975), 3-21; Russell Weigley, *History of the United States Army* (New York: MacMillan Publishing Co., 1967), 313-41; and Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (New York: Vintage, 1957), 222-269.

⁴ Brian McAllister Linn, *The Echo of Battle: the Army's Way of War* (Cambridge, MA: Harvard University Press, 2007), 64.

⁵ 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.

⁶ Information about the life of Birkhimer, to include Davis's quote, can be found in Dan Campbell, "A Brief Sketch of the Life of William Edward Birkhimer, Colonel, 28th Infantry, United States Volunteers" (1943) in *Papers of William E. Birkhimer*, Box 30, on file at the U.S. Army Heritage and Education Center, U.S. Army War College, Carlisle Barracks, PA [hereinafter AHEC].

⁷ Birkhimer, 1-36. 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). U.S. War Department, *A Manual for Courts-Martial* (effective April 1, 1928, corrected April 20, 1943) (Washington, D.C.: U.S. Government Printing Office, 1943), 1.

⁸ Birkhimer, 2.

⁹ Ibid., 2-4.

¹⁰ See James B. Scott, ed., *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).

¹¹ *The Hague Conventions*, Section III, articles 44-46.

¹² *The Hague Conventions*, Section III, article 55.

¹³ Geoffrey Best, *Humanity in Warfare* (London: Weidenfeld and Nicolson, 1980), 180. See also Garrard Glenn, *The Army and the Law* (New York: Columbia University Press, 1943), 43.

¹⁴ 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.

¹⁵ H.A. Smith, *Military Government*, (Fort Leavenworth: The General Service Schools, 1920).

¹⁶ Ibid. at 5-6.

¹⁷ Ibid at 16.

¹⁸ Ibid at 25-26.

¹⁹ Ibid at 9-10.

²⁰ Ibid., 6-7.

²¹ Reprinted during World War II, the document is titled *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).

²² 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.

²³ A review 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. "US Army War College Curricular Archives Finding Aids," on file at AHEC.

²⁴ In the words of an official Army historian, the work of the student committees on postwar occupations "was the fountain from which U.S. military government principles, organizations,

procedures, and publications flowed in the period before World War II.” 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, circa 1946, unpublished history still in draft), vi, on file at the U.S. Army Center of Military History, Fort McNair, Washington, D.C.

²⁵ “Basic Manual for Military Government by U.S. Forces” in G1, Report of Committee, No. 6, Subject: 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, on file at AHEC [hereinafter *1934 Basic Manual*].

²⁶ *Ibid.*, 29, 30-33A.

²⁷ *Ibid.*, 29.

²⁸ *Ibid.*, 35.

²⁹ U.S. War Department, *Basic Field Manual, Military Government*, Field Manual 27-5 (Washington, D.C.: U.S. Government Printing Office, July 30, 1940).

³⁰ An official contemporary definition of doctrine is found in Headquarters, Department of the Army, *Operational Terms and Graphics*, Field Manual 1-02 (Washington, D.C.: Headquarters, Department of the Army, September, 2004), 1-65.

³¹ 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 same time period of FM 27-5, see U.S. War Department, *Basic Field Manual, Military Training*, FM 21-5 (Washington, D.C.: U.S. Government Printing Office, July 16, 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.

³² FM 27-5 defines 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, para. 3. Apart from a few stylistic differences, the War College Basic Manual’s definition is 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.” *1934 Basic Manual*, 29.

³³ FM 27-5, para. 5.

³⁴ *1934 Basic Manual*, 29. Birkhimer, on the other hand, separates 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.” Birkhimer, 33 [emphasis added].

³⁵ FM 27-5, para. 5.

³⁶ Ibid., para 6.

³⁷ Ibid., para. 9a.

³⁸ Ibid., para. 10a.

³⁹ The Lieber Code's language defines military necessity in strictly warlike terms: "Those measures...indispensable for securing the ends of war, and which are lawful...[military necessity] admits of all direct destruction of ...armed enemies, and of other persons whose destruction is incidentally unavoidable." *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. 15, 16.

⁴⁰ FM 27-5, para 9a.

⁴¹ Ibid., para 7.

⁴² The Adjutant General of the Army, "Subject: Establishment of School," memorandum for The Provost Marshal General of the Army, March 13, 1942, in Military Government Division, *History of Military Government Training*, Records Group (RG) 389, National Archives, College Park, MD [hereinafter NARA]. In an earlier memorandum from the Acting Director of the Military Government Division, Mr. (later Colonel) Jesse Miller wrote to General Gullion 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." Mr. Jesse I. Miller, "Subject: School of Military Government," memorandum for Major General Allen Gullion, January 10, 1942, in "History of Military Government Training."

⁴³ Colonel Frank H. Hastings, Assistant Commandant, School of Military Government, "Procedure for the guidance of student officers in connection with civil affairs problems," January 22, 1943, in "History of Military Government Training."

⁴⁴ Colonel C.P. Stearns, "Civil Affairs Functions in the Present War," opening remarks, School of Military Government, January 15, 1943, class III, RG 389, NARA.

⁴⁵ FM 27-5, para. 13a-i.

⁴⁶ Military Government Division, "Topical Outline of Military Government Handbooks," (undated, believed to be 1942), in "History of Military Government Training." At the Army's request, government agencies such as the Office of Strategic Services and the Board of Economic Warfare wrote handbooks. By May, 1944, the following countries had handbooks prepared on the range of FM 27-5 topics: Austria, Belgium, Bulgaria, Denmark, France, French Indo-China, Germany, Hungary, Italy, Japan, Manchuria, The Netherlands, Norway, the Philippines, Poland, Rumania, Thailand, and Yugoslavia. Military Government Division, Liaison and Studies Branch, "Checklist of Civil Affairs Handbooks, No. 2," May 30, 1944, in "History of Military Government Training."

⁴⁷ FM 27-5, para. 6 states 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.”

⁴⁸ Brigadier General Wade H. Haislip, “Subject: Training of Personnel for Military Government and Liaison,” memorandum for Chief of Staff of the Army, December 3, 1941, RG 389, NARA.

⁴⁹ Brigadier General Harry L. Twaddle, “Subject: Training of Personnel for Military Government and Liaison,” memorandum for Assistant Chief of Staff, G-1, December 9, 1941, RG 389, NARA.

⁵⁰ U.S. Secretary of War, “Subject: Training of Personnel for Military Government and Liaison,” order for The Provost Marshal of the Army, February 9, 1942, RG 389, NARA.

⁵¹ Mr. Jesse I. Miller, “Subject; School of Military Government,” to Major General Allen Gullion, January 10, 1942, RG 389, NARA.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Dr. Ralph H. Gabriel, “Lecture: Military Government and the Civilian Population,” course VI, class III, School of Military Government, March 12, 1943, RG 389, NARA.

⁵⁵ So described by Undersecretary of War Robert P. Patterson to Secretary of State Cordell Hull. Letter from Undersecretary of War Robert P. Patterson to Secretary of State Cordell Hull, July 29, 1943, RG 389, NARA.

⁵⁶ The following documents discuss CATS: Chief, Civil Affairs Division, “Subject: Attendance of Officers Already in the Army at Civil Affairs Training Schools (CATS) for Military Government Training,” memorandum to The Provost Marshal General, June 26, 1943, RG 389, NARA; Colonel Jesse I. Miller, “Subject: Disposition of Graduates of School of Military Government and Civil Affairs Training Schools (CATS),” memorandum for Director, Civil Affairs Division, April 11, 1944, RG 389, NARA.

⁵⁷ Director, Military Government Division, “Subject: Final Report of the Present Director, Military Government Division,” RG 389, NARA.

⁵⁸ There are numerous accounts on FDR and his wartime Cabinet. The best 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 Univ 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).

⁵⁹ 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 titled his memoir *The Autobiography of a Curmudgeon* (New York: Reynal and Hitchcock, 1943).

⁶⁰ Ibid.

⁶¹ For examples of this method, see Dallek, 359; Friedel, 253, and 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): 1126.

⁶² Office of War Information, Bureau of Intelligence, "Attitudes toward Peace Planning," March 6, 1943, filed in Official File (OF) 4351 (Postwar Problems), Presidential Papers of Franklin D. Roosevelt, Franklin Delano Roosevelt Presidential Archives, Hyde Park, NY [hereinafter FDR Archives].

⁶³ Ibid at 7-8.

⁶⁴ 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.

⁶⁵ For an account of martial law in Hawaii, see J. Garner Anthony, *Hawaii Under Army Rule* (Stanford, CA: Stanford University Press, 1955). McCloy's involvement in the question of Hawaii martial law was central. Secretary of War Henry Stimson considered the issue of martial law in Hawaii essentially his to resolve, calling it one of McCloy's "pet babies." See diaries of John J. McCloy (1943) in Papers of John J. McCloy, Amherst College Archives, Amherst, MA.

⁶⁶ 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" (U.S. Army Western Defense Command: September and October 1945), on file at AHEC. 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. and a considerable way 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), on file at AHEC. Just as in Hawaii, McCloy's involvement in articulating the Army's case was crucial, as seen in a letter to him from Marshall: "You have been a tower of strength in many problems of the Japanese civilian situation both on the West Coast and in Hawaii, the racial problems and the current issue of civil relations. In all[,] you have been my strong ally in our joint effort to organize and fight the army." Letter from George C. Marshall to John J. McCloy, March 31, 1943, Marshall Correspondence in Papers of John J. McCloy.

⁶⁷ 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: Scholarly Resources, 2001).

⁶⁸ Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War*, (New York: Harper and Brothers, 1947), 48, 556.

⁶⁹ *Ibid.* 556.

⁷⁰ For a brief discussion on the end of the New Deal and its relationship to World War II, see Koistinen, 513-14

⁷¹ For a discussion of Wallace's unpopularity and his suspected too friendly relationship with the Soviet Union, see Fleming, 72-73, 398, 552-553.

⁷² A diary account from July, 1942 reveals the depth of Ickes' frustration about the imposition of martial law in Hawaii. Ickes believed that territorial governor Arthur Poindexter "abdicated...[w]ithout protest to the Army commander, and thus allowed to be established 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." Diaries of Harold L. Ickes, July 19, 1942, reel 5, microfilm, in the Papers of Harold L. Ickes, Library of Congress, Washington, D.C.

⁷³ Harold J. Ickes, *The Autobiography of a Curmudgeon* (New York: Renyal and Hitchcock, 1943), 335-36.

⁷⁴ *Ibid* at 331-32.

⁷⁵ For analysis of Wallace and the BEW, see Quentin M. Sanger, *Administrative History of the Foreign Economic Administration and Predecessor Agencies* (Washington, D.C.: Office of the Historian, Foreign Economic Administration, June 15, 1946), 10, and Stevens, 1127-28.

⁷⁶ Executive Order no. 8839, July 30, 1941, para. 3d, on file in OF 4226, Board of Economic Warfare File, 1941, FDR Archives.

⁷⁷ Stevens, 1128.

⁷⁸ Sanger, 42.

⁷⁹ Stevens, 1129.

⁸⁰ Stimson noted in a diary entry the "good deal of friction" between Wallace and Secretary of Commerce Jones at a BEW meeting. Diaries of Henry L. Stimson, April 23, 1942, p. 139, vol. xviii, reel 7, microfilm, Yale University Library, Yale University, New Haven, CT (on file at

AHEC). For an account of the Wallace-Jones feud as it related to the BEW, see Burns, 341-42 and Fleming, 214-230.

⁸¹ Sanger, 126.

⁸² Stevens, 1131.

⁸³ Ibid.

⁸⁴ Fleming, 215.

⁸⁵ Ibid., 229-30.

⁸⁶ Sanger, 167.

⁸⁷ For a history of OFFRO, see Sanger, 166-203.

⁸⁸ Ibid., 156.

⁸⁹ Ibid., 189.

⁹⁰ Eliot Janeway, "Trials and Errors: The Civilians will have only themselves to blame if the Military takes over," *Fortune*, Sept 8, 1942, 14-18.

⁹¹ Ibid., 14.

⁹² Ibid., 18.

⁹³ 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 the official Army historical compilation, Harry L. Coles and Albert K. Weinberg provide a number of primary source documents as a guide to the controversy. Coles and Weinberg, eds., *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 in the Library of Congress and of Henry Stimson in Yale University Library (on file at AHEC), and documents found at the FDR Archives.

⁹⁴ Marshall himself had initial misgivings about some of the students at the school, noting that it appeared at least initially as a "dumping ground" for second rate officers: "If they [unit commanders] didn't want their chief of staff, and they didn't have the nerve to reduce him or get him transferred ... they would send him to a school like that—kick him upstairs as it were—and I had to act very drastically with several of them for using this as a convenience to get rid of people [they didn't want]." George C. Marshall interview by Forrest Pogue, May 14, 1957, in Forrest Pogue, *George C. Marshall: Organizer of Victory, 1943-45*, (New York, Viking Press, 1973), 456.

⁹⁵ See for example, Letter from Major General Allen Gullion to Norman H. Davis, Chairman, American Red Cross, September 18, 1942, RG 389, NARA.

⁹⁶ See Letter from Harold L. Ickes to Henry L. Stimson, September 30, 1942, RG 389, NARA and Letter from Harold L. Ickes to Franklin D. Roosevelt, October 27, 1942, OF 5136, School of Military Government File, FDR Archives.

⁹⁷ Ickes Diaries, October 10, 1942, reel 5.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ 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, OF 5136, School of Military Government File, FDR Archives.

¹⁰¹ Ickes Diaries, October 25, 1942, reel 5.

¹⁰² Ibid.

¹⁰³ Ibid. This account is corroborated by FDR's Attorney General, Francis Biddle, in his own recollection of the meeting: "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, personal papers of Francis Biddle, FDR Archives.

¹⁰⁴ S.K. Padover, Memorandum to Harold J. Ickes, January 8, 1943, OF 5136, School of Military Government File, FDR Archives.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Letter from Henry L. Stimson to President Roosevelt (undated) in "History of Military Government Training," RG 389, NARA.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Stimson's account of the follow up meeting is in Stimson Diaries, November 6, 1942, p. 19, vol. xxxvi, reel 8.

¹¹⁶ Ibid.

¹¹⁷ Ickes Diaries, November 8, 1942, reel 5.

¹¹⁸ Accounts of civil affairs problems as it related to control and coordination between the theater and policy and strategy makers are found in Stimson and Bundy, 554-556; Ray S. Cline, *Washington Command Post: The Operations Division* (Washington, DC: Department of the Army, 1951), 320-322; and Edwin J. Hayward, Co-Ordination of Military and Civilian Civil Affairs Planning," *The Annals of the American Academy of Political and Social Science*, vol. 267, January 1950, 19-22.

¹¹⁹ Stimson stated in his diaries: "I am setting up this Civil Affairs Section in the War Department 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. These civil affairs stem directly from the military occupation." Stimson Diaries, February 11, 1943, p. 32, vol. xlii, reel 8.

¹²⁰ Letter from President Roosevelt to Henry L. Stimson, November 10, 1943, in *Civil Affairs: Soldiers Become Governors*, 108-09.

¹²¹ Stimson and Bundy, 560.

¹²² Ibid.

