US Army Detainee Operations: Aligning Policy and Doctrine

A Monograph

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Abstract

US Army Detainee Operations: Aligning Policy and Doctrine, by MAJ Megan R. Williams, 44 pages.

This monograph discusses the alignment of policy and doctrine for the successful conduct of US detention operations. A historical survey of US prisoners in World War I, World War II, the Korean War, Vietnam, Desert Storm, and the Global War on Terror highlights the unique challenges each conflict presented but also the consistently avoidable lack of planning.

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Abbreviations

AEF	American Expeditionary Forces
ICRC	International Committee of the Red Cross
OE	operational environment
OPMG	Office of the Provost Marshal General
PMG	Provost Marshal General
POC	point of capture
POW	prisoner of war
RP	retained personnel
TDF	Theater Detention Facility

Introduction

> What is a prisoner of war? He is a man who has tried to kill you, and having failed to kill you, asks you not to kill him.
>
> —Winston Churchill, himself a prisoner of war in 1899,
> *Stemming the Tide: Speeches 1951 and 1952*

War is one of mankind's oldest endeavors, with only three ways to stop the enemy—kill, wound, or capture. Thus, prisoners are a natural and unavoidable consequence of warfare, but they present a complicated set of challenges on both the strategic and tactical levels. A nation planning for war should have a policy on how the enemy prisoners should be dealt with, and the military planning to execute the war should have a plan for how to hold the prisoners.

On the battlefield, commanders must be able to maintain momentum and consolidate gains. Consolidating gains transforms temporary operational success into an enduring advantage, setting conditions for future stability.[1] Consolidating gains is how battlefield success transfers into lasting momentum for the operational mission to continue. Continually assessing the battlefield will better enable commanders and units to redirect efforts for maximum efficiency. Inversely, if the commander fails to account for the current disposition on the battlefield, it will delay or prevent the unit from consolidating assets and resources to effectively sustain and continue the fight. Consolidating gains is not a separate action on the battlefield but must be an intentional, ongoing effort to exploit the situation for long-term success.

Since prisoners are a natural outcome of battlefield interactions, a unit's ability to efficiently and effectively detain this population will directly impact their mission. The responsibility for detainee operations shapes the commander's ability to consolidate gains and continue to the next objective. Success in detainee operations will always be a product of prior anticipation, analysis, and planning, not an accident. Prisoners on the battlefield can be an

[1] US Department of the Army, Field Manual (FM) 3-0, *Operations* (Washington, DC: Government Publishing Office, 2017), 8-1.

impediment to commanders moving forward and can be particularly daunting if it was not previously considered in planning. By neglecting this critical subject, the United States Army is ceding critical time during battle to analyze, decide, and act. Without an end state and a method to pursue it, the US military does not plan adequately for detainees as part of conflict and must be reactionary.

Detainee operations uniquely span both strategic and tactical levels of warfare—with the tasks at the tactical level but operationalizing political aims. Effective detainee operations must align both national policy and military doctrine for implementation, synchronizing the intent with the execution. Contemporary US doctrine is the most comprehensive guidance that has currently been implemented and employed for training, but there are still shortcomings.

Battlefield detention is infrequently discussed as a concept impacting the war's outcome and conclusion. Detainee operations is a tactical-level mission that may have strategic-level consequences. Governed by international law, it is doing the right thing for the right reasons, in the right way. To neglect this effort leads to reactionary consequences that distract from the immediate mission, but negligence or cruelty may also have catastrophic repercussions on a political or strategic level, affecting national standing with partners.

As a key player on the global stage, the United States' experiences with prisoners, both successful and unsuccessful, have impacted international agreements and shaped world perspectives. In the twentieth century, the United States varied the approach and execution of detainee operations through both World Wars, Korea, Vietnam, the Gulf War, and the Global War on Terror. The different experiences show how undefined national policy regarding prisoners of war (POWs), combined with underdeveloped doctrine for detainee operations, impeded the military's ability to plan for and perform the mission, which subsequently had varying impacts. Understanding these historical formative experiences is key to shaping detainee policy and doctrine for the future.

The United States has captured the enemy in every war it has fought. However, history largely ignores the impact that prisoner operations have had on a conflict's strategy or conclusion, although the personal experiences of imprisonment create lasting legacies of how that fight was conducted. Detainee operations do not receive the same attention and analysis after the war is over. Most accounts relate to personal experiences, gleaned from individual prisoners' stories after the war, and discuss what daily life was like. Infrequently does literature discuss the immediate impact that the detainees had on the capturing force on the battlefield. History will point out egregious violations of human rights in war crimes or atrocities, but rarely mention successful detention, which belies the significance of this mission. In recent conflicts, for example, the United States has experienced both the convergence of failure in planning, priorities, and leadership during the Global War on Terror; but also, success in detaining a population for a short period of time during the Gulf War. Neither example had immediate strategic impacts on the war's outcome, but each shaped how the international community viewed the United States from the perspective of both allies and enemies. In America's historical preparations for war, the plans for enemy prisoners have been insufficiently anticipated and implemented. We can—and must—do better.

Literature Review

Throughout history, the treatment of POWs reflected the political and military priorities of the times. As warfare evolved, a defeated military could expect to be killed, enslaved, or ransomed by the victors.[2] The conquering military determined the actions based on security requirements, and later, economic considerations. Over centuries, the concepts of state political responsibilities and the value of human life developed and matured, leading to new philosophies on how prisoners should be treated. In 1625, Dutch philosopher Hugo Grotius proposed moral

[2] Arnold Krammer, *Prisoners of War* (Westport, CT: Praeger Security International, 2008), 3.

laws applicable to both the state and the individual, advocating that prisoners had a "recognizable humanity" which could not be violated.[3] This served the important function of aligning a state's responsibility with the treatment of prisoners. Centuries later, in the American Civil War, President Abraham Lincoln directed the draft of instructions for the US military's conduct during the war. The forthcoming Lieber Code recognized enemy prisoners as fellow humans and required captors to maintain their prisoners' living.[4] This code, as an important American legal development, was a key foundation for many international agreements for the next century to come.[5]

Entering into the 20th century, the general international perspective regarding warfare matured and developed. With the increase of state powers, the soldier was an agent of the state, and therefore not subject to punishment. This change reflected prevailing Enlightenment viewpoints stemming from philosophers that had begun to permeate Western warfare. When the war between states ceases, the POWs should be restored their liberty, because the military and political conflict has concluded.[6]

As warfare expanded to involve more state concerns, international treaties reflected concerns with reciprocity and humanitarian treatment of POWs. The cost to states of raising and training armies was becoming higher, making individuals on the battlefield less disposable and encouraging states to negotiate prisoner exchanges. Reciprocity compelled warring states to treat prisoners well as an inducement for the other side to do the same and to facilitate prisoner transfer either during or after hostilities, rank for rank.[7] Reciprocal and equivalent prisoner treatment was the dominant perspective through the mid-twentieth century, as countries in World War I

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[3] Krammer, *Prisoners of War*, 18.

[4] John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (New York: Free Press, 2012), 382.

[5] Krammer, *Prisoners of War*, 20.

[6] Herbert C. Fooks, *Prisoners of War* (Federalsburg, MD: J. W. Stowell Printing, 1924), 11.

[7] Ibid., 12-13.

managed expectations of prisoner treatment with the logistical requirements of maintaining large captive populations.

Despite attempts at pre-established treaties and standards for prisoner internment, the varying conditions experienced at the beginning of the twentieth century and into World War I, with countries not practicing high standards, created a push for the humanitarian treatment of prisoners, even if there was not an expectation that the enemy would do the same in capturing friendly forces. Standards for humanitarianism developed through bureaucratic evolution, where international agencies demanded access to POW camps for accountability.

Despite the universality of POWs in conflict, there is not an abundance of literature on the subject. Returning from World War I, Herbert C. Fooks published *Prisoners of War* in 1929, which explored the "development of principles" regarding prisoners.[8] Fooks' work expresses a comprehensive review of POW history but also an evolution of associated ethics. The book's emphasis on fairness and expectations for prisoner treatment reflects the contemporary attitudes from World War I, when post-war reflection had to reconcile what was legally required with what was experienced.

Arnold Krammer is perhaps the United States' most extensive author on POWs, with multiple books and articles on the topic, spanning centuries of conflicts across continents. Most significantly, he aligns the causes of war with an evaluation of how prisoners were treated. In *Prisoners of War*, Krammer observes that the causes of wars contribute to how the prisoners of the conflict are likely to be treated, regardless of the international regulations and expectations.[9] He postulates that the causes of wars, especially when it is a combination of nationalism, ideology, and territorial aspirations create particularly vulnerable conditions for the prisoners.

[8] Fooks, *Prisoners of War*, 1.

[9] Krammer, *Prisoners of War*, 35-36.

Paul J. Springer surveyed the American POW experience from the Revolutionary War to the Global War on Terror in *America's Captives*. He identifies three principles consistent in the United States' approach. First, America has enforced reciprocal standards on the treatment of the prisoners, treating captives as least as well as how enemies treated Americans. Second, America has attempted to observe international laws regarding war and prisoner treatment. This includes advocating to change international law to improve standards of treatment, which would impact Americans held captive. Third, America has frequently chosen "expediency" in prisoner treatment, "doing what is quickest, simplest, or cheapest" to maintain the minimum standards.[10] According to Springer, throughout wars, and despite changing political climates, the United States has consistently maintained these principles relating to prisoners.[11]

Springer postulates that, in the history of POWs, "policy and practice are intertwined."[12] The policy, as prescribed by civilian political leadership, articulates the guidelines for the field operations in handling prisoners, while the practice is the implementation of this guidance. Springer identifies that when a policy is absent, "practice can essential replace policy," a phenomenon that has continued through American history.[13] When the policy guidance is not present to units on the battlefield, field-expedient means of detention will emerge and become the *de facto* guidance, which will not reflect political concerns.

Evolution of Legal Requirements

The Hague Conventions of 1899 and 1907 attempted to clarify and consolidate regulations for treatment of POWs, but the violence and technological developments of World War I identified that many of these provisions were incomplete or inadequate. In 1929, forty-

[10] Paul J. Springer, *America's Captives* (Lawrence, KS: University Press of Kansas, 2010), 3-4.

[11] Ibid., 12.

[12] Ibid., 3.

[13] Ibid.

seven nations signed the Geneva Convention Relative to the Treatment of Prisoners of War. This convention refined the requirements for capturing governments to treat prisoners humanely and on equal grounds as their national soldiers with specifications for medical treatment.[14] Particularly, the convention also reformed labor requirements and protected prisoners from especially harsh labor.[15]

Despite the Geneva Conventions, in World War II, the world was shocked by German and Japanese atrocities and demanded new standards and accountability. The 1949 Geneva Conventions assembled sixty-three governments to produce four sections (or conventions), of which POWs were addressed in the third section. It revised the 1929 definitions of persons considered to be POWs and extended protections to partisan forces meeting the militia definitions, combatants of unrecognized governments, and conscripted combatants.[16] These definitions became the primary foundation of the United States' contemporary definitions of enemy detainees, enduring today. In fact, the controversy in the twenty-first century Global War on Terror revolves around the treatment of "unlawful combatants" that do not fall into one of the Geneva Convention categories. This phrase in the convention's documents has been used since the 1940s to describe prisoners not entitled to these protections.[17]

Historical Survey

The United States' history from World War I to the recent Global War on Terror highlights the similarities and differences in policy and doctrine for detainee operations. Most consistently, US planners underestimated the quantity of prisoners, which instigated additional challenges for security and sustainment. While each conflict had unique circumstances, there are

[14] Krammer, *Prisoners of War*, 122.

[15] Ibid.

[16] Ibid., 145.

[17] Ibid., 146.

two consistent lessons from the experiences—that planning affects preparation and that military organizational struct affects the mission's success. Both of these are impacted by deliberate policy guidance and doctrinal implementation.

World War I

The United States' delayed entry into World War I presented a missed opportunity to understand the mission and plan for prisoners. In January 1915, the major powers asked the (then) neutral United States to serve as a protecting power and inspect prison camps, in an attempt to eschew the abundant rumors on all sides regarding prisoner mistreatment.[18] The European belligerents agreed to inspections by the US State Department, provided that they supply statements of the POW policies in advance and allowed American inspectors access to their locations. Assessors made more than 600 camp inspections across Europe and the reports were generally perceived as fair. When the United States entered the war in April 1917, neutral Switzerland assumed the role of protecting power and continued inspections for the duration of the war.[19]

Despite this firsthand observation of the prisoner camps, the United States entered the war with neither POW policy nor plan. Three factors hindered American detainee operations' planning and implementation during World War I. First, although US inspectors had immediate knowledge of the European POW systems, the American Expeditionary Forces (AEF) had not developed their own. Responsibility for POWs fell to the Provost Marshal General (PMG), a wartime staff department. Because the United States had not declared war, the department had not existed in advance to develop the plans.[20] Second, American and German practices towards each

[18] Springer, *America's Captives*, 134.

[19] Ibid.

[20] Springer, *America's Captives*, 135; Jacob B. Lishchiner, "Origin of the Military Police: Provost Marshal General's Department, AEF, World War I," *Military Affairs* (Summer 1947): 67.

other's prisoners were covered in a 1785 treaty signed by Prussia and the United States. This specified that prisoners in a conflict with each other had to be held in either country, not by a third party, so the United States could not transfer their prisoners to the British or French.[21] This forced the United States to take custody of prisoners they captured. Third, World War I was the first major overseas deployment for the United States, and the ambiguities and inexperience of prisoner requirements further exacerbated the strain on logistics planners. In unison, these factors presented particularly challenges in developing policy or issuing doctrine to the AEF.

The PMG, whose position was created during the war, was given broad-ranging responsibilities, including control of road traffic, protection of inhabitants from US troops, apprehension of deserters, custody of POWs, and a myriad of other tasks. These reflected the lack of both centralized policy authority and the vision in how to enforce it.[22] These duties were assigned to units, but without consistent training on how to perform them, as military policing was not yet established as a separate military specialty. Military police responsibilities focused first on controlling the large AEF population in Europe, managing traffic control, and instituting criminal investigations before turning to the task of prisoner management. The lack of published guidance on prisoners until January 1918 forced local units to take an *ad hoc* approach to handing their detainees with little oversight or consistency.

The first AEF POW camp in Europe established in April 1918 only accommodated 150 prisoners, but by that summer, the French Army began transferring American-captured POWs who had been in temporary French custody to the AEF. The prisoner population quickly escalated into the thousands, immediately requiring a much larger facility and significant logistical commitment.[23] The sudden escalation of prisoner population challenged the POW camp

[21] Springer, *America's Captives*, 135.

[22] Lishchiner, "Origin of the Military Police," 67-69.

[23] Springer, *America's Captives*, 138.

administration and logistics, who were already overwhelmed with the requirements to secure, account for, feed, and occupy the prisoners.

As the AEF matured, regulations designated two functions for prisoners: sources of labor and sources of intelligence.[24] From June 1918 to April 1919, more than 37,000 German POWs processed through the AEF detainment facility and nearly 32,000 received assignments to labor companies. The American POW infrastructure was so administratively hindered that it was incapable of keeping updated reports as rates of captures increased, deterring implementation of prisoner labor. While the labor system developed, and prisoner tracking and administration matured, the camps expanded employment. Prisoners worked in salvage, construction, lumber production, sanitation, and freight handling.[25]

Equally important, the POW system provided the AEF with sources of intelligence through questioning prisoners. Upon capture, AEF interrogators questioned prisoners, gleaning information about troop sizes and unit movements, which was consolidated, verified, and passed through command channels. Despite limited prisoner cooperation, personal details about the captured troops could have potential intelligence value. The German military recruited regionally, so a prisoner's dialect, mannerisms, and speech patterns could indicate far more about German units indirectly than the actual information they provided.[26] Recognizing this opportunity improved US methods of interrogation and intelligence analysis.

The armistice of November 1918 specified that Germany would begin immediate repatriation of prisoners, without expecting corresponding return of German prisoners. The United States initiated repatriation before the other Allied countries but still did not do so until

[24] Springer, *America's Captives*, 136.

[25] Ibid., 139.

[26] Charles A. Willoughby, "Identification of German Prisoners of War," *Infantry Journal* 15, no. 3 (1918): 181-202.

November 1919.[27] The relatively low number of German prisoners in custody, approximately 41,000 in total, coupled with the time the Army had for planning, enabled the prisoners to be efficiently returned in about a month's time.[28]

The emergent gains from prisoner labor and intelligence collection did not reflect a cohesive policy implementation, nor an efficient doctrinal execution, but instead the AEF's ability to adapt to the situation. On the battlefield, the slow development of detainee operations limited the AEF's ability to consolidate gains, because the units did not have clear guidance on what to do with prisoners and they did not have a designated entity for transfer until late in the war. Strategically, this experience demonstrated the need for increasing prisoner protection and the requirement to improve and clarify the international requirements in the Geneva and Hague conventions.[29]

World War II

In World War II, the sheer volume of the conventional POWs the United States captured was staggering. During this war, the United States detained more than seven million prisoners from Italy, Germany, and Japan—more than every other American conflict combined.[30] Prisoners of these nationalities presented varying challenges, which required differing policies and application. Despite the lessons assembled from World War I, American forces still struggled with planning for detainee operations, grossly underestimating rates of capture. Moreover, without a direct comprehensive strategy for how to handle the prisoners, the implementation was clumsy and short-sighted. The inefficient division of prisoner responsibilities between the War

[27] Springer, *America's Captives*, 142.

[28] Richard B. Speed, *Prisoners, Diplomats, and the Great War: A Study in the Diplomacy of Captivity* (New York: Greenwood Press, 1990), 179.

[29] Walton K. Richardson, "Prisoners of War as Instruments of Foreign Policy," *Naval War College Review* 23, no. 1 (1970): 49.

[30] Springer, *America's Captives*, 143.

and State Departments, which oversaw prisoner maintenance and repatriation, respectively, reflected the bureaucratic complications that emerged in the absence of clear policy and exacerbated the challenges.[31]

When the United States entered the war in December 1941, the other world powers had already instituted systems for handling POWs. Initial prisoner intake was relatively low in 1942, so the United States agreed to receive 50,000 prisoners from Great Britain to alleviate crowding, and another 30,000 prisoners arrived in 1943 from the North African campaigns, followed by another 50,000.[32] Captured prisoner numbers did not significantly increase until after the Normandy invasion, and would rapidly accelerate through the end of the war, overwhelming transportation capabilities.[33] As American forces swept across Europe, Axis troops, exhausted and overwhelmed, surrendered in higher-than-anticipated numbers, pressing commanders with the immediate problem of securing these prisoners while needing to move forward to meet operational imperatives. In 1947, the Office of the Provost Marshal General (OPMG) stated that, at peak, the United States held nearly three million prisoners in Europe.[34]

The Army established the Military Police Corps in 1941, incorporating the lessons learned and recommendations for continuity from the previous World War, but it would take time before this military specialty could be trained and fielded into the Army.[35] A significant shortage of military police personnel compelled many units to internally designate combat forces to serve as acting military police platoons. The General Board, established by the European Theater Headquarters after the war, reviewed the challenges of prisoner and detention, observing that

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[31] Lishchiner, "Origin of the Military Police," 67-68.

[32] Springer, *America's Captives*, 146.

[33] Ibid.

[34] Ibid., 146-147.

[35] Ronald Craig, "Evolution of the Office of the Provost Marshal General," *Military Police Bulletin*, April 1, 2004, 13.

prisoner movement to the rear was balanced with the movement of supplies to the front but that there was no transportation specifically provided for prisoner transportation.[36] This forced units to react to the situation and divert combat power to accommodate the movement of detainees from the battlefield, leaving fewer combat troops for advancing forward.

Prior to World War II, the United States had no experience with POW detention stateside, as all of World War I prisoners were interred in the theater of operations. The volume of captured enemies quickly forced the United States to transport them out of the combat theater for ease of logistical support but also to conserve combat power for the fight. Prisoner labor became an opportunity to replace US troop personnel for maintenance on Army installations, which made the move to the continental United States more palatable, despite domestic objections. By the end of the war, nearly 450,000 prisoners were in the United States, spread across more than 500 camps.[37]

In housing, the United States was extremely conscientious about the Geneva Conventions' requirement for treating the prisoners to the same standard of living as American soldiers. In camps that did not have enough barracks space to house the guards and prisoners, US leadership directed that both had to live in tents until more barracks were constructed to ensure equity.[38] These considerations were not reciprocated by the Axis powers holding American service members as prisoners.[39]

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[36] General Board, United States Forces European Theater of Operations, World War II: General Board European Strategy, Tactics and Administration Reports, Provost Marshal, "103 PM Military Police Activities in Connection with the Evacuation and Detention of Prisoners of War, Civilian Internees, and Military Personnel Recovered from the Enemy."

[37] Jacob Neufield and George M. Watson, "A Brief Survey of POWs in Twentieth Century Wars," *Air Power History* 60, no. 2 (Summer 2013): 37-38.

[38] Derek R. Mallett, *Hitler's Generals in America* (Lexington, KY: University Press of Kentucky, 2013), 118.

[39] Krammer, *Prisoners of War*, 21.

The United States held custody of around 50,000 Italians, most captured during the North Africa campaign, which was a relatively low number compared to the millions of German prisoners.[40] When the Allies accepted Italy as a co-belligerent in October 1943, it presented a distinct dilemma. The armistice Italy signed with the Allies required the return of Italian-held prisoners but did not specify the disposition of the captured Italians in American custody.[41] What would be done with them in the absence of national policy? The fate of the Italians was determined by a mix of economic and security concerns, as would be the influences on all nationalities of US prisoners.[42] Now technically "enemy," the Italian prisoners were now not considered the same threat as the Germans or Japanese, but were still in the continental United States, where there was a significant labor shortage with the ongoing draft.

As an available labor force, most Italian prisoners detained in the United States performed agricultural work, from cotton farming to ranching and forestry.[43] After the 1943 Italian armistice, Italians were not technically considered to be POWs, and they were able to volunteer for jobs that were not permissible for POWs under the Geneva Conventions. These tasks included service aiding the war effort: supply and ordnance depots, salvage work, and loading military supplies at ports.[44] Based on their work contributions and changed status within the United States, these Italian volunteers were entitled to more privileges, including parole benefits. This angered some Americans that men captured fighting them were receiving benefits that the Americans fighting were not.[45]

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[40] Springer, *America's Captives*, 147.

[41] Ibid.

[42] Bob Moore, "The Fate of Italian Prisoners of War in the Second World War," *War in History* 22, no. 2 (April 2015): 175.

[43] Ibid., 181.

[44] Springer, *America's Captives*, 147.

[45] Ibid., 148.

In predominantly German-populated POW camps, the United States did not fully understand how much the Nazi ideology permeated the general military population, and how attitudes among prisoners would impact their detention when different ideological groups were consolidated. US forces did not take advantage of the prisoners' disorientation and vulnerability in the first few weeks after their capture for a thorough interrogation, which could have separated the hardline Nazis from the rest of the population, before they were consolidated in their detention camps.[46] This was later corrected but provided significant turbulence amongst the prisoner population. Frequently, the committed Nazis enforced their leadership within the prisoner populations, discouraging cooperation with the American guards through coercion and intimidation. When these ideological extremists were identified and segregated, the intra-prison violence stopped.[47]

US policymakers identified later in the war that the education of prisoners could help to shape post-war reconstruction efforts. Initially reluctant because of the international restrictions on administering propaganda to prisoners, coupled with a fear of German reciprocity to American prisoners, the United States followed the Soviet lead in providing education platforms in the POW camps. US policy makers wanted to balance the Soviet efforts, thus implementing lessons on democracy and de-Nazification.[48] The educational program that eventually emerged was in effect until prisoner repatriation began in April 1946 and was against the spirit, if not the specific letter of the Geneva Conventions.[49] While there was no post-war measure of the program's

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[46] Arnold Krammer, "American Treatment of German Generals During World War II," *The Journal of Military History* 54, no. 1 (January 1990): 68.

[47] Cheryl Benard, Edward O'Connell, Cathryn Quantic Thurston, Andres Villamizar, Elvira N. Loredo, Thomas Sullivan, and Jeremiah Goulka, *The Battle Behind the Wire: US Prisoner and Detainee Operations from World War II to Iraq* (Santa Monica, CA: RAND, 2011), 5-6.

[48] Ibid., 11.

[49] Springer, *America's Captives*, 154.

efficacy, it may have contributed to improved German-American relations after the war, another example of how belated policy development may have missed opportunities.[50]

In stark contrast to the European theater, the United States captured very few Japanese prisoners—only about 5,500.[51] In Europe, Allied troops killed and captured German forces in about equal amounts, but the Japanese had nearly thirty killed for each soldier who surrendered.[52] The Japanese culture, which directed suicide over capture, contributed to this disparity. This meant that the Japanese soldiers would fight more fiercely, with surrender being more likely to coincide with injury or incapacity to fight. Ironically, since the Japanese did not have any training on what to do if they were captured, they were a relatively compliant population during interrogation.[53] Even old prisoners advised new prisoners to be forthcoming in their disclosures, lest they be accused of falsifying information.[54] Additionally, US intelligence officers conducting the interrogations did not need to coerce Japanese prisoners into cooperation, because nothing was as effective as the threat of sending the prisoner's name home to Japan, thus disgracing his family.[55]

Despite the cooperation during interrogations, the Japanese prisoners proved to be much more difficult in captivity. The Japanese prisoners fought against labor, and many refused to work, which was a stark contrast from the German and Italian prisoners, who seemed to find labor inevitable, but also preferable to idleness.[56] Japanese prisoners were uncooperative and problematic, with internal population rivalries and petty and unending complaints about their

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[50] Ibid., 154-155.

[51] Krammer, *Prisoners of War*, 10.

[52] Springer, *America's Captives*, 149.

[53] Ibid.

[54] Krammer, *Prisoners of War*, 73.

[55] Ibid.

[56] Ibid., 81-82.

treatment and camp conditions.[57] While camp conditions provided much more food than what troops of all nationalities had on the battlefield, the prisoners also demanded menus similar to their national preferences. Camp authorities obliged, wanting to encourage reciprocity and fair treatment to American captives held abroad, but also hoping that the concession would reduce food waste.[58] Not having considered dietary considerations in initial planning, prison camp administration adjusted to accommodate.

As in World War I, prisoner labor was noteworthy in World War II, as the policy aligned the asset with the requirement, but was not well-implemented. Americans originally employed prisoners on military installations, performing basic maintenance tasks to free up military personnel for the war effort, but as camp locations expanded, they were not always adjacent to military camps. The War Department and the War Manpower Commission collaborated to devise a plan to supply prisoner labor to mitigate civilian manpower shortages from conscription.[59] This unskilled labor, applied first to the agricultural industry, was initially successful because the crop harvesting had previously been performed by migrant workers, who were not represented by organized labor. However, when prisoner labor began to expand, major union opposition opposed prisoner employment in the meatpacking, railroad, and logging industries.[60] Despite a shortage of available American men for these jobs, the cheaper prisoner labor was a point of contention between the labor unions and the politicians who advocated for labor.[61]

Detainee operations during World War II reflected the "improvisational nature of American POW policy and practice, as efforts to plan for the capture, maintenance, and

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[57] Ibid., 79-80.

[58] Krammer, *Prisoners of War*, 71.

[59] Springer, *America's Captives*, 161.

[60] Ibid., 157-159.

[61] Krammer, *Prisoners of War*, 71; Springer, *America's Captives*, 161.

utilization of enemy prisoners proved to be wholly inadequate."[62] The failure to plan and anticipate again forced the military to be reactive, diverting effort from the main mission, and missed opportunities for additional benefit. However, the US efforts did maintain very low mortality rates (less than 0.5 percent overall and 0.2 percent in the US), with most prisoners dying of natural causes, and overseas having a higher death rate because of wounds and injuries.[63]

Korean Conflict

The United States' prisoner experience in Korea clearly demonstrated the dangerous convergence of humanitarian problems and security shortcomings stemming from the absence of both policy and doctrine. The aggressive downsizing of the military after World War II depleted the military population of experience as soldiers returned to civilian life. Entering the Korean Conflict unexpectedly, the US military was in a largely reactionary role, responding to the captured enemy, instead of planning for them. Although the Geneva Conventions were ratified in 1949, the Army's hasty entrance into the Korean Conflict did not yet reflect the changes in regulations and doctrine that would be required.[64] In addition to the lack of pre-conflict planning for large prisoner populations, the US was also challenged with the lack of qualified personnel, lack of understanding of prisoners, and failure to see prisoners as part of the political process.[65]

While the United States eventually stumbled through these challenges, the impact of the prisoners was significant to the war's culmination. First, the United States significantly lacked personnel to administer the prisons, specifically trained guards, interrogators, and linguists. At the time, the newly established Military Police Corps primarily focused on controlling the Korean

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[62] Springer, *America's Captives*, 156.

[63] Gwynn A. Tucker, "Effects of Organizational Structure on American Enemy Prisoner of War Operations" (Thesis, Central Michigan University, 1990), 189.

[64] James F. Gebhardt, *The Road to Abu Ghraib: US Army Detainee Doctrine and Experience* (Fort Leavenworth, KS: Combat Studies Institute, 2005), 4.

[65] Benard et al., *The Battle Behind the Wire*, 17-18.

black-market activities, specifically detecting and apprehending military personnel participating in illegal trade, a decision which again assigned untrained non-combat personnel to military police duties.[66] Prison camps were overcrowded and understaffed, reaching ratios of only one American guard per 180 prisoners in some facilities.[67] The American draftees were young and without the experience of World War II veterans. With a noticeable linguist shortage, American guards frequently relied on prisoners to translate, an opportunity that North Korea exploited. North Korean propagandists allowed themselves to be captured, and, as prisoners, worked within the camps to control information dissemination amongst the prisoner population.[68] This effectively set conditions for a lack of American control.

Without understanding the prisoner population, the United States only separated the population by rank, gender, and nationality, and not by ideology. When the violence within the prison population grew, camp commanders began to identify that communists and anticommunists also needed to be separated, a problem that had not been learned from the Nazi prisoner experience. The delay in recognizing the need for additional segregation increased risk, both for violence (which then instigated more stringent guard actions) and continued political indoctrination among detainee populations. Later, the implementation of education programs, including literacy and agricultural training, supported the prison population and factual information helped to quell anti-American propaganda. Some US prison commanders support these efforts, but some refused, based on the Geneva Conventions stipulation that participation in education programs would be voluntary.[69]

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[66] Robert K. Wright Jr., *Military Police* (Washington, DC: Center of Military History, 1992), 10.

[67] Springer, *America's Captives*, 166.

[68] Ibid., 163.

[69] Ibid., 166.

The swarming prison camps on the island of Koji-Do demonstrate how an uncontained prisoner population produced the worst-case scenario. US forces did not separate the prisoners by ideological lines, but the overcrowded prisoner population self-segregated and competing groups turned violent.[70] Without a coherent and consistent doctrine to implement, camp administration varied widely, and in Koji-Do, the security was so ineffective and lackadaisical that the guards did not enter the camps at night, reinforcing the prisoners' self-rule. The Koji-Do problem was so significant that it eventually drew the attention of the Eighth US Army Commander, who diverted a significant number of combat troops to reinforce security, but it was still less than required to control more than 165,000 prisoners in camps designed and built to hold 38,400.[71]

The simmering problem boiled over in May 1952, when camp prisoners seized control and took the prison commander, a US general officer, hostage for three days. After three days of demands from the prisoners, the United Stations Command finally acquiesced, and the commander was released unharmed.[72] Regaining control, the United Nations Command aggressively reinforced security and, after a 2.5 hour battle, regained control of the camps and dissolved the large prisoner population into smaller manageable populations on separately secured compounds.[73] Clearing the prisoners' camps, where American forces had previously not been present to supervise, the reinforced command recovered the prisoners' written plans for a coordinated escape, as well as spears, Molotov cocktails, knives, hatchets, and other weapons, indicators of the pending threat that the lax security allowed to grow.[74]

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[70] Gebhardt, *The Road to Abu Ghraib*, 17.

[71] Gebhardt, *The Road to Abu Ghraib*, 19; William Roskey, *Koje Island: The 1952 Korean Hostage Crisis* (Arlington, VA: Association of the United States Army, 1994), 1.

[72] Gebhardt, *The Road to Abu Ghraib*, 20.

[73] Ibid.

[74] Raymond J. Lewis, "The Koje-do Uprising of 1952," *Popular Culture Association* (1994): 10.

At the end of hostilities, POW repatriation was an unprecedented and unanticipated concern. The 1949 Geneva Conventions stipulated that POWs would be released or returned to their home country without delay.[75] North Korea and China demanded the return of all their prisoners, although many in American prison camps denounced communism and resisted repatriation.[76] President Harry Truman claimed a right to refuse repatriation, which was a point of contention in negotiating the armistice and prolonged the conflict. Ultimately, the negotiation of prisoner return changed American policy to refuse forcible repatriation of prisoners, which was consistent with American policy to stop the spread of the communist ideology and linking the detainee operations with the country's strategic goals.

Vietnam

The Vietnam War encompassed the challenges of both conventional warfare and counterinsurgency.[77] This distinction affected detainee operations. Despite World War II and Korean experiences, a generation later many of the same detention challenges resurfaced in Vietnam, including lack of planning for mass prisoner populations, incorrect prisoner identifications, and lack of understanding of the population's cultural and political context.[78] The United States' presence in Vietnam was an ever-changing development, which did not reflect a consistent policy or plan.

First entering the conflict in 1965, the US military initially implemented the policy of turning detainees over to the South Vietnamese in order to conserve American combat power for the fight.[79] However, considering this to be a civil war, the Republic of Vietnam did not classify

[75] Benard et al., *The Battle Behind the Wire*, 28.

[76] Springer, *America's Captives*, 177-178.

[77] Gebhardt, *The Road to Abu Ghraib*, 40.

[78] Benard et al., *The Battle Behind the Wire*, 33.

[79] Springer, *America's Captives*, 180.

North Vietnamese prisoners as enemy combatants and did not treat them in accordance with Geneva Conventions standards.[80] While the United States ensured the International Committee of the Red Cross (ICRC) and the international community that they would implement the Geneva Conventions in Vietnam, it proved difficult to enforce the same of the Vietnamese partners.[81] In October 1965, the ICRC conducted inspections of the South Vietnamese prison camps, and finding them not in compliance with Geneva Conventions, the ICRC informed the United States of their responsibility for the prisoners transferred.[82] From this reactionary position, the United States had to immediately implement a detainee operations plan during counterinsurgency operations.

With this responsibility, the United States assumed control of about 5,000 POWs in 1965, but within two years, this number nearly tripled and continued to grow exponentially.[83] The population complexity increased with the combatants' different legal statuses as conventional or unconventional fighters. The United States would not have been able to air transport prisoners if the detained population reached large unit levels, as previously seen in World War II and Korea.[84] Supporting the conflict until 1973, the United States waged a counterinsurgency war and the asymmetric conflict required detention of many more categories of personnel than just uniformed combatants, including civilian internees and civilian criminals as well.[85] This challenged the concept of detainee operations, as well as increasing security and logistical complexity. Expecting that the host nation in a counterinsurgency can fully bear the detention

[80] Gebhardt, *The Road to Abu Ghraib*, 42.

[81] Benard et al., *The Battle Behind the Wire*, 38.

[82] Gebhardt, *The Road to Abu Ghraib*, 42; Benard et al., *The Battle Behind the Wire*, 38.

[83] George S. Prugh, *Law at War: Vietnam 1964-1973* (Washington, DC: Department of the Army, 1991), 40.

[84] Gebhardt, *The Road to Abu Ghraib*, 53.

[85] Benard et al., *The Battle Behind the Wire*, 47-48.

responsibilities may be unrealistic.[86] The United States will ultimately be responsible for its own prisoners, and the international community will hold the United States to a higher standard of conduct.

During the Vietnam War, the Military Police Corps also underwent several structural changes. In May 1974, the Army succumbed to Congressional pressure to discontinue the OPMG during peacetime and dissolved the office.[87] With this disbanding, which would last nearly three decades, the Army lost the centralized point of consolidation for military police and detention expertise to advice the Chief of Staff of the Army.

Persian Gulf War

Successful detainee operations in the Persian Gulf War are noteworthy as an example of success in the eyes of the international community. Despite enduring the consistent severe underestimation of prisoner capture rates, the United States accommodated and sustained the population, albeit for a distinctly short period of time. American forces captured more than 60,000 Iraqi forces and accepted another 8,000 from British and French units. In total, coalition forces detained almost 87,000 Iraqis, most during the four days of ground combat.[88] As capture rates exponentially exceeded planning estimates, the population overwhelmed numbers exceed the transportation capacity and the United States required immediate logistical support, which Saudi Arabia provided. Cognizant of cultural considerations, the partnership with a Muslim country for detaining an almost exclusively Muslim population alleviated some concerns for the Iraqi prisoners.

It is important to point out that planning considerations and humane treatment are not mutually exclusive. Iraqi prisoners in American custody experienced good treatment, and the

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[86] Ibid., 73.

[87] Craig, "Evolution of the Office of the Provost Marshal General," 13-14.

[88] Springer, *America's Captives*, 193.

ICRC reported that the "treatment of Iraqi prisoners of war by US forces was the best compliance with the Geneva Convention by any nation in any conflict in history."[89] Detainee operations succeeded in the Gulf War, despite logistics shortfalls, because of the Saudi assistance in transportation and resourcing, which they were able to supply easier and faster, based on their geographic proximity.[90] The conspicuously short duration of detainment also contributed to the operational success of a temporary mission, as sustaining the large population in austere conditions would be challenging to sustain.

The humane treatment of Iraqi prisoners in US custody was a stark contradiction to the twenty-three American service members in Iraqi custody, who were brutally tortured, experiencing shattered skulls and eardrums, whipping, burning, shocking, beating, starvation, and sexual assault.[91] The United States implemented detainee operations with high humanitarian standards, without reciprocity from the adversary—a contemporary acknowledgement of the current and future enemy.

Global War on Terror

In both Iraq and Afghanistan, the large-scale counterinsurgency challenged planning shortfalls in forecasting detainee populations and the larger-than-anticipated population generated by counterinsurgency operations did not redirect detention capacity and funding to mitigate these challenges.[92] On the ground, the limited cultural understanding and inadequate linguistics support diminished the US ability to evaluate the detainee population and assess their ideological motivation. In Iraq, the invading coalition forces severely underestimated projected capture rates and did not translate an understanding of the enemy population into vulnerabilities for the

[89] Ibid., 194.

[90] Ibid., 195.

[91] Krammer, *Prisoners of War*, 62-63.

[92] Benard et al., *The Battle Behind the Wire*, 49.

coalition forces. The high rate of tuberculosis among Iraqi detainees exposed their coalition handlers to the disease and increased the risk of contagion in the detention camps, affecting detainees, handlers, and guards.[93]

The preponderance of counterinsurgency fighters in Iraq and Afghanistan, as an unconventional fight, presented unique challenges. Insurgents are classified as unprivileged enemy belligerents, qualifying them for different international laws regarding their disposition as sub-state actors. Detaining insurgents is an evidentiary-based process for the insurgents' legal processing, which requires more administrative processing than uniformed combatants. The inadequate coordination and information sharing between the forces capturing the detainees and those receiving them complicated this requirement.[94] American commanders eventually realized that the detention of the insurgents was an opportunity to erode their ideological motivation and to direct efforts to reeducate and de-radicalize the detainees, instead of the hardline ideologies influencing the general population, which was reminiscent of World War II and Korea.[95]

In Iraq, the prison at Abu Ghraib illustrates the convergence of multiple lines of failure—planning, priorities, and leadership. There was not a pre-designated site as part of the US invasion plan in 2003, so a hasty plan identified a pre-existing prison for convenience. The location itself was poorly selected for detainee collection, as it was a notorious prison compound where political prisoners were tortured under the Saddam Hussein regime.[96] The site could not be adequately protected from insurgent attacks and there was no segregation within the prisoner population.[97]

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[93] Megan Williams, "Detainee Operations Planning Framework," Training and Doctrine Command (TRADOC) Operational Environment and Threat Analysis Directorate, May 2020, 12, accessed February 1, 2021, https://community.apan.org/wg/tradoc-g2/operational-environment-and-threat-analysis-directorate/m/documents/325705.

[94] Benard et al., *The Battle Behind the Wire*, 50.

[95] Ibid., 81.

[96] Springer, *America's Captives*, 198.

[97] Ibid., 199.

These planning considerations are a direct result of ignorance of the technical requirements for the detainee mission and a lack of situational awareness.

Military police units assigned to the detainee operations mission were not a high priority in theater, which yielded soldiers not properly trained on camp operating procedures. Furthermore, leadership provided little oversight of military or civilian contractors on site.[98] Investigations after highly publicized prisoner abuse determined that "morally corrupt soldiers and civilians," with neither leadership nor supervision, were encouraged to obtain actionable intelligence without observing limits for detainees' rights through violence, as well as psychological and physical torture.[99] Subsequent to the investigation, the chain of command relieved multiple officers and criminal investigations pursued the enlisted personnel directly involved. However, most damaging was the loss of US military credibility, both domestically and globally, when many of these problems could have been avoided with proper planning and resourcing.[100]

Recognizing the need for a single centralized agency for police and detention expertise, the OPMG was reinstated in September 2003, after the invasions of Afghanistan and Iraq.[101] With a physical office presence in the Pentagon for the first time, the PMG would now serve as the Army's single law enforcement source for executive oversight, planning, policy, and resources for police and security matters, directly advising the US Army Chief of Staff.

Findings and Analysis

Despite the progression of warfare and technology, detainee operations from World War I to the Global War on Terror have had consistent commonalities in the United States' approach.

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[98] John F. Hussey, "Detention Operations as a Strategic Consideration," *Joint Forces Quarterly*, no. 97 (March 2020): 75.

[99] Springer, *America's Captives*, 200.

[100] Hussey, "Detention Operations as a Strategic Consideration," 75.

[101] Craig, "Evolution of the Office of the Provost Marshal General," 15.

For effective implementation, the civilian-issued policy must be informed by the mission's technical requirements for security and sustainment and the corresponding military doctrine must be practical and well-trained at all echelons.

The past century of warfare emphasizes two key lessons for the US Army's future planning and organizational structure. During times of conflict, the Army is at its most adaptive capacity and able to expeditiously innovate solutions to meet requirements, but performance in subsequent wars seems to indicate that the lessons learned are either quickly forgotten, or not incorporated into the Army's permanent organizational structure. In each successive conflict, the Army experiences different challenges with detainee operations, based on the operational environment (OE) and the disposition of the enemy, but previous experiences do not translate into better planning nor resourcing for the conflict, through either policy or doctrine.

The first significant lesson from this historical survey is that US Army planners did not anticipate the large numbers of prisoners, and thus did not consider the high demands of security and sustainment that the prisoner populations demand. The uncertainty of battle prevents exact predictions for the composition of the enemy population and how and where they will be captured, but it is a certainty that it will happen.

In both World Wars, the United States did not enter the wars with plans for detainee operations, even though both wars were ongoing in Europe before the United States joined. This is even less excusable in World War I, where the United States was an observing party to the ongoing prisoner camps but neglected to incorporate this into planning prior to becoming a combatant. The United States did not have detainee plans entering into Vietnam, initially delegating to the South Vietnamese, and the plan for detainees through the Global War on Terror was continually reactionary and adaptive.

Moreover, the United States consistently failed to understand the enemy populations prior to their capture, and these considerations forced the US forces to be even more reactionary. In World War II, the United States did not understand the cultural differences and fighting mentality

between the European enemies and the Japanese, which impacted how the different nationalities fought. Once captured, the United States also did not understand the prevalence and impact of ideologies of the imprisoned enemy and how that would affect their detention. This shortcoming impacted the prisoner populations in conventional fights in World War II with Nazi ideology and in Korea with communist adherence, but in the Global War on Terror, the nature of detention and the spread of ideas galvanized and networked current fighters during their detention.

An immediate consequence of poor planning and incomplete understanding is the failure of US forces to adequately implement the detainee operations in each conflict. The initial failure to plan detracts from battlefield resources, as personnel have to be diverted from current missions to provide security and sustainment to transport and support the prisoner populations. The legal and ethical considerations of this reallocation are conflicting during the heat of battle, when commanders and units are all focused on the current fight. In addition, these breakdowns can generate additional second- and third-order effects. For example, when the World War II prisoners were not correctly assessed for Nazi ideology during their initial detention, it was much more complicated to separate the fanatical Nazi prisoners later on, after that segment already influenced the general population.

A second lesson demonstrated by the historical survey is how organizational structure impacts the mission's planning and execution. At the most senior level, the Army's organizational structure establishes the hierarchy for key thoughts and ideas, which also contributes to doctrine development. The OPMG was not a permanent position on the Department of the Army Staff for much of the twentieth century. As a wartime position, it was activated during World War I and World War II and the position endured through the Korean conflict, dissolving during the Vietnam War, and reestablished in 2003.[102] The varying duties of this

[102] Craig, "Evolution of the Office of the Provost Marshal General," 11-15.

senior position, as well as the supporting staff, stretched their attention and did not create the structure for institutional knowledge and development particular to the detention mission.

On the tactical level, the requirement for military police skills and expertise in detainee operations has continuously exceeded the capacity of the designated units. This requirement has forced commanders to reallocate combat units to the requirement for detention operations. During World War II, this affected the rapid advance of troops into Europe after D-Day and in Korea, the rapidly expanding prisoner requirements forced units to perform prison guard missions to support the limited number of military police units available.

These organizational limitations prevented the Army from consolidating gains, both at the strategic and tactical levels. At the senior staff echelon, the absence of planning expertise negatively affected the Army's ability to transform operational success into an enduring advantage because the planning was limited, and the battlefield was reactionary. The provost marshal position, as senior military police advisor to the commander, was either a late establishment, forced to be reactionary, or the office was overwhelmed by the broad scope of tasks required. At the tactical level, commanders could not maintain momentum if units had to successively detract from the combat mission to accommodate the ever-growing prisoner population. The combination of these two limitations detracted from the United States' ability to capitalize the battlefield success into an enduring advantage, both strategically and tactically. This shortcoming was both self-inflicted and avoidable.

These two lessons emphasize the importance of aligning national policy and doctrine. The policy for POWs will be conflict-specific and should reflect the national strategy and direction of the war and its political goals. The doctrine, which provides the requirements and procedures for the tactical level, must be developed and implemented in advance.

Despite the limitations in planning and organizational structure, the detainee operations mission does present some historical success. In World War I, the United States learned how to leverage both intelligence and labor from prisoners. In World War II, the United States had

significantly lower prisoner death rates than other nations. In both World Wars, the policy to utilize prisoner labor offset significant domestic labor shortages. In Desert Storm, the Red Cross identified the detainee operations as being particularly successful. But these limited successes for United States detainee operations have largely been a product of resolve and application of thought, instead of an outgrowth from prior planning. As each conflict presents unique challenges, they are not indicative of future success.

The Army's organizational structure has repaired some of the structural deficiencies that exacerbated the planning challenges. The PMG, reestablished as a Major General billet on the Army Staff in 2003, and the Army Corrections Command, established in 2007, both play important roles in advising policy and developing doctrine for the detention mission.[103] On the strategic level, the structure that could support the technical expertise for planning is limited, and on the tactical level, there are not enough military police units to support the large security and transportation requirements of detention, which requires other forces to be allocated to this mission.

Contemporary US Doctrine

Based on the historical evolution of detainee operations during times of war, the United States has incorporated these lessons learned with the international standards for missions today. Contemporary doctrine is definitively more comprehensive than it has been in the past but still requires improvement. Detainee operations doctrine broadly includes the "capture, initial detention and screening, transportation, treatment and protection, housing, transfer, and release" of detainees.[104] The responsibility stretches from capture to repatriation, which may occur well

[103] Army Corrections Command, as the nomenclature implies, is organizationally dedicated to military corrections, which shares many similarities to battlefield detention conceptually and in the long-term holding of prisoners.

[104] US Department of Defense, Joint Staff, Joint Publication (JP) 3-63, *Detainee Operations* (Washington, DC: Government Publishing Office, 2014), vii.

after a conflict is resolved. The responsibility for caring for detainees during this process will transfer amongst many different units and organizations. The military must be able to plan, execute, and support detainee operations from the point of capture (POC) through the transfer, release, repatriation, death, or escape of a detainee.[105]

The Department of Defense defines a detainee as any person captured, detained, or otherwise under the control of the Department of Defense.[106] Reflecting the 1949 Geneva Conventions, Field Manual 3-63, *Detainee Operations*, identifies four categories of detainees: enemy POWs, retained personnel (RP), civilian internees, and detained persons.[107]

> Enemy POWs are members of the armed forces of the military conflict and are entitled to prisoner-of-war status. RP are non-combatants but official members of (or in support of) the armed forces of the conflict. RP may be medical personnel or chaplains actively in support of their service members. Civilian internees in a conflict are in Department of Defense custody for security or protection and generally qualify for protected status but must be segregated from belligerents. Detained persons have engaged in hostilities but are not entitled to combatant status, including combatant immunity. They may be civilians who joined or supported an enemy non-state group or engaged in spying or sabotage, thus forfeiting the protection of civilian status.[108]

Doctrine stipulates that these different groups be segregated and separated from each other during detention. Within the US Army, military police advise commanders and staffs on planning detainee operations, and military police units maintain the technical capability to execute detainee operations in facilities. But overall total mission accomplishment demands a cooperative approach from all unit types. While detention operations are primarily a military police discipline, the ubiquity of the enemy on the battlefield demands that any soldier engaged in operations could be required to secure, safeguard, and transport detainees. At the POC, detainees are disarmed and secured, beginning the chain of custody and responsibility for the prisoners. The

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[105] US Department of the Army, Field Manual (FM) 3-63, *Detainee Operations* (Washington, DC: Government Publishing Office, 2020), 1-1.

[106] US Joint Staff, JP 3-63, *Detainee Operations*, vii.

[107] US Army, FM 3-63, *Detainee Operations*, 1-9.

[108] Williams, "Detainee Operations: A Planning Framework," 3.

responsibility includes the security, control, welfare, and intelligence collection from detainees, although these functions may be performed by different military specialties.[109] In each phase of the detainee processing, as they are transported from the battlefield to a more secure (or convenient) location, the processing iterates to establish accountability, maximize intelligence collection, and ensure protection of detainees.[110]

On the battlefield, detainees are evacuated away from the primary point of hostilities, moving rearward from the POC to a Detainee Collection Point, normally the responsibility of a brigade or division. The unit will transport the detainees to a temporary stop for consolidating and more processing at the division or corps level in a Detainee Holding Area, before movement to the Theater Detention Facility (TDF) (or the Strategic Detention Facility), which is typically at the corps or joint support area echelon. Mission requirements allow an exigent departure from this process if there is a need to expedite an individual to a medical treatment facility or the TDF for intelligence collection.[111] Through this process, which may take several days in transition, accountability standards should be consistently high and must be maintained as the detainees transfer through multiple units on the battlefield.

Detainees provide a unique source of human intelligence and the US military deliberately aligns interrogations with the standards of the Geneva Conventions standards. Of specific note, the guards for detainee operations (as military police or any other designation) enable human intelligence collection, but do not conduct interrogations and do not set conditions for interrogations.

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[109] US Army, FM 3-63, *Detainee Operations*, 3-6.

[110] Williams, "Detainee Operations: A Planning Framework," 4.

[111] The detainee plan for reception and treatment at the medical treatment facility cannot be underestimated nor left to chance, considering the high security requirement. Hospital organization in Vietnam did not maintain detainees to be collocated, but spread them across wards by type of injury, which challenged security and increased the number of guards required. Gebhardt, *The Road to Abu Ghraib*, 53.

Even under the most efficient circumstances, the detainee process is labor and resource intensive. From initial capture, detainees require constant security and the same amount of resourcing for life support as United States military personnel. Detainee operations are a high-visibility mission with international agencies, particularly the ICRC, requiring both transparency and access for oversight.[112]

In a conventional conflict, the segregation of officers, enlisted soldiers, civilians, and females is straightforward, but during stability operations, additional population categories may fall along different lines, such as by ethnicity or tribe. Additionally, the circumstances of a detainee's apprehension may determine custody, with the overall intent to sequester insurgents, criminals, and extremists from moderate and circumstantial detainees.

Understanding these complex requirements necessitates that planners at all echelons continually assess and predict shifts in missions, incorporating detainee projections and their subsequent population needs as the OE changes. Staffs must consider the dynamic OE and mission requirements, such as anticipating and resourcing for an increase in detainees when planning for surge operations or shifting resources geographically when the battlefield moves.[113]

Conclusion

Based on this history, and coupled with the future character of warfare, it is incumbent upon the Army to recognize the lessons learned from a century of detainee operations to avoid a repeat of these challenges. The US Army must work now, in a period without major active conflict, to emphasize detainee operations. While policy development on this topic is at the national level in civilian authorities' control, the Army has the ability now to develop and implement doctrine, as well as train planners and leaders on effective implementation.

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[112] Williams, "Detainee Operations: A Planning Framework," 5.

[113] For additional planning considerations, see Appendix for the Detainee Operations Planning Framework.

In looking at the past and evaluating the future, three lessons on detainee operations are clear. First, that the United States does not have a consistent record of successful detention during war, and this is largely a product of insufficient planning and neglect during peacetime. Second, the OE continues to become increasingly more complicated. Adversaries will be willing to use information (or false information) against the United States, and the high-profile nature of detainee operations is an opportunity to do that, especially against the backdrop of previous experience. Third, the United States cannot afford a misstep in detainee operations, either from a security or a sustainment perspective, when consolidating gains on a future battlefield will be of utmost importance.

Moving forward, the US Army should develop two clear lines of effort to support detainee operations, —one implementable now and the other prior to the conflict. In the first effort, the US Army needs to revise and enhance the doctrine that will ensure successful and efficient planning for detainee operations. While the current planning doctrine is updated and sufficient at the tactical level, the regulatory requirements, Army Regulation 190-8, *Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees,* has not been revised since 1997. As the Department of Defense proponent of detainee operations, the Army must revise, approve, and publish a current regulation for units and leaders to train on now.

For the second line of effort, the Army must support and inform senior civilian and military leadership when planning for conflict and developing policy. Detainee operations are not a primary consideration when planning for war, but the overall political end states for the war's culmination will influence how the prisoners of that conflict will be detained. With the mission's technical considerations, the Army will have to advise civilian political leadership on available options but receive subsequent guidance for the intent and policy of execution. Army leaders will become more proficient in solving this mission if they have more exposure to the concept in training.

Throughout US history, detainee operations have consistently suffered from lack of emphasis and subsequent planning neglect. At the same time, the United States has shown considerable ability to implement humane conditions for prisoners. If the United States can align and synchronize the political policy with military doctrine, it will be able to plan, train, and implement detainee operations that best reflect America's adherence to international standards, as well as concerns for security and sustainment.

Appendix
Detainee Operations Planning Framework

This framework proposes that four population variables, each with sub-variables, have significant mission impacts to the detainee operations mission. This framework reflects elements of PMESII-PT, the variables describing the OE and also incorporates the mission variables of METT-TC. The example questions are not all-encompassing, but instead may serve as a guideline for staffs to identify considerations relevant to their specific OE and enemy populations, planning considerations, and mission impacts.

VARIABLES	SUB-VARIABLES	MISSION IMPACTS
SOCIAL Identifies nationality and cultural (or religious) composition of the enemy population.	**NATIONALITY** What country is the enemy from?	SPACE / SECURITY REQUIREMENT
	DEMOGRAPHICS What is the anticipated enemy population in gender and age?	SPACE / SECURITY REQUIREMENT
	IDEOLOGY What extreme ideologies may be represented within the population that should be segregated from others?	SPACE / SECURITY REQUIREMENT
	ETHNICITY / RELIGION What cultural or religious groups does the population represent?	SPACE / SECURITY REQUIREMENT DIETARY REQUIREMENT RELIGIOUS SUPPORT
HEALTH Identifies health considerations, concerning the possibility and probability of both disease and injuries to the population.	**DISEASE** What diseases are expected within the population? Are there considerations for communicable diseases?	MEDICAL ASSETS TRANSPORTATION ASSETS MORTUARY AFFAIRS
	INJURY What injuries can be anticipated? (e.g. cold weather or overexposure, malnutrition, CBRN contamination, specific combat injuries)	MEDICAL ASSETS TRANSPORTATION ASSETS MORTUARY AFFAIRS
COMMUNICATION Anticipates ability of U.S. forces to communicate with or convey messages to the enemy population.	**ORAL** What language does the population speak?	INTERPRETER SUPPORT
	WRITTEN What is the anticipated literacy rate of the population?	DETENTION COMMUNICATION
CAPTURE Considers the circumstances of capture, identifying an information requirement for the equipment on the detainee's person and their legal category of detention.	**EQUIPMENT ON PERSON** What equipment is issued to the enemy population? What personal effects does the detainee have?	INTELLIGENCE COLLECTION PERSONAL PROTECTIVE GEAR SUPPLY ASSETS
	LEGAL CATEGORY How many detainees are anticipated by type? Are they classified as uniformed combatants?	SPACE / SECURITY REQUIREMENT INTELLIGENCE COLLECTION
	CIRCUMSTANCES OF CAPTURE Are there any notable conditions regarding capture? (e.g. mass capitulation)	SECURITY CONSIDERATIONS

EXAMPLES

- Indications that an enemy population carries communicable diseases can give front line troops information and resources to protect themselves. Diseases will detract from combat power, even after the enemy has capitulated.
- Knowing that the enemy population suffers from malnutrition with a higher likelihood of carrying parasites should trigger different preparatory planning – alerting a potential requirement for medical treatment and supplies, as well as guard considerations for custody.

ADDITIONAL RESOURCES

- FM 3-39, Military Police Operations
- FM 3-63, Detainee Operations
- AR 190-8, Enemy Prisoners of War, Retained Personnel, and Other Detainees

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