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American Experience with Military Government

RALPH H. GABRIEL*

IN the autumn of 1943, after Italy had fallen and when the ultimate defeat of Germany had become a certainty, the appropriate authorities at the national capital approved the *United States Army and Navy Manual of Military Government and Civil Affairs*.¹ The event was significant. The action symbolized the close co-operation that has characterized the two services in the present conflict; it established identity of doctrine in an area of vast importance; and it made clear that thinking on the relation of war to civil populations had been made adequate to the complexities of modern civilization. The opening paragraph says:

The term "military government" is used in this manual to describe the supreme authority exercised by an armed force over the lands, property, and the inhabitants of enemy territory, or allied or domestic territory recovered from enemy occupation, or from rebels treated as belligerents. It is exercised when an armed force has occupied such territory, whether by force or by agreement, and has substituted its authority for that of the sovereign or a previous government. Sovereignty is not transferred by reason of occupation, but the right of control passes to the occupying

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¹The two manuals governing military government are *Rules of Land Warfare* (Washington, 1940) and the *United States Army and Navy Manual of Military Government and Civil Affairs* (Washington, 1943). The Historical Section of the Army War College has turned out a number of studies which exist in manuscript form. Of these the most important are: Lieutenant Colonel James A. O'Brien, "Military Government in New Mexico and California" (July, 1943); *id.*, "Military Government of Mexico by American Forces under General Winfield Scott" (May, 1943); Major Hamilton V. Bail, "The Military Government of Cuba, 1898-1902" (June, 1943); Colonel R. C. Humber, "Military Government in the Philippines" (June, 1943); and Lieutenant Colonel Oliver S. McCleary, "The Armistice Terminating Hostilities in World War I" (May, 1943). The Office of Records Administration of the Navy Department, under the supervision of Dr. R. G. Albion, recorder of Naval Administration, Secretary's Office, Navy Department, and others, has published in mimeograph the following: A. C. Davidonis, *The American Naval Mission in the Adriatic, 1918-1921*; and Henry P. Beers, *American Naval Occupation and Government of Guam, 1898-1902*. A source of great importance is the so-called "Hunt Report" in four mimeographed volumes. Volume I is entitled *Report of the Officer in Charge of Civil Affairs, Third Army and American Forces in Germany, 1918-1920*. Volume II is entitled *American Representation in Germany, 1920-1921*. Volumes III and IV are compilations of selected documents of the occupation. Volume I was published by the Government Printing Office in 1943. A valuable analysis of the occupation of the Rhineland by Ernst Fraenkel has been brought out in mimeograph by the Institute of World Affairs and the Carnegie Endowment for International Peace, entitled *Occupation Government in the Rhineland, 1918-1923* (no date). For published works concerning various occupations see the standard bibliographical aids.

force, limited only by international law and custom. The theater commander bears full responsibility for military government. He is, therefore, usually designated as military governor, but may delegate both his authority and title to a subordinate commander.

The *Army and Navy Manual*, which opens with this definition, is not the result of the improvisation of the moment. It is the fruit of experience, knowledge gained from a large number of experiences scattered through a century of American history.

The beginnings of that development in military thought which resulted in the *Manual* bring out the problems involved in civil affairs and the basic principles necessary for their solution. The American origins of the policies and philosophy expressed in the *Rules of Land Warfare* and the *Army and Navy Manual* may be found in the events of the year 1846 when the United States became involved in a war with Mexico. The decisions of that year and the policies carried out in the months which followed it established foundations on which later military thinkers built. But these foundations were laid in the matrix of mid-nineteenth century American democratic thought. They were, in fact, established in the midst of a war which was opposed on reasons of principle by a powerful and articulate minority—a war which was condemned in scathing verse by the militant Lowell and which inspired Thoreau to write his manifesto on *Civil Disobedience*. Thoreau voiced a fundamental postulate of American thinking in that period when he insisted that human society rests on a moral law that is of the essence of Nature and that the first duty of the individual is to this code. James Kent and Justice Story insisted that in this fundamental law all human law finds its source.

The old argument as to the origin and the justice of the war against Mexico is not relevant to our present purposes. The conflict came about, and it had to be fought through to a successful conclusion. Its importance for the development of American military thought lies in the fact that it was the first conflict in which the United States was involved in extensive military operations beyond its national boundaries. The year 1846 saw Kearny invade New Mexico and Taylor cross the Rio Grande to begin a deep penetration into the sparsely settled plains of northern Mexico. Before the year had run out, official Washington had become convinced that the Taylor expedition could not force a peace, and the President had decided to give to Scott the mission of taking the enemy capital by an invasion which should begin at Vera Cruz. The question confronting the men of 1846 was what should be the relation between invading American armies and the civil populations of the regions they occupied.

Rhett of South Carolina rose in the House of Representatives in December, 1846, to state his understanding of the meaning of those terms "laws of war" and "laws of nations," which some members had affirmed controlled the actions of conquerors of foreign lands. For Rhett the phrase "laws of nations" connoted naked power. It made the conqueror, he said, a "despot; he might do what he pleased—might cut off the head of a judge if he pleased. . . . So far as the laws of nations was concerned he had a legal right to do his pleasure." Rhett recalled the maxim "*Inter arma leges silent.*" But Rhett, who thought himself a realist in legal matters, could not escape the religious convictions that governed his life. He added a qualification: Congress might judge of the "morality" of the acts of the commander in chief in his role as conqueror. Rhett's realism did not express the temper of the House. There were many who rose to reply to the South Carolinian, but none did so more effectively than James A. Seddon, a young attorney from Virginia and a newcomer to the House. Seddon said:

In those barbarous ages when the maxim originated, it may have been true that "*inter arma leges silent*". . . . But mere force . . . no longer rules with unbridled sway. . . . It is the boast of modern times, the blessing to Christendom of Christianity and civilization, that in war, as in peace, a code of law to govern all international relations, founded in part on the practices of nations, but more correctly binding, as deduced from the most sacred principles of justice and the highest ethics of morality and humanity, has by general comity and common convictions been established and recognised. . . . The worst of all conditions for a people is to be without government at all—a prey to anarchy and confusion, with their rights, their property, and their persons, at the mercy of the ruffian, or the ravisher, whose excesses no law restrains and no justice punishes. For a conqueror to overthrow an existing polity, and leave a submissive people to such horrors, would be such a tyranny as no principle of humanity or law could tolerate.²

Seddon spoke for the great majority of his colleagues. They relegated the realism of "*Inter arma leges silent*" to the distant, barbarous past. They believed in progress and they defined civilization in moral terms. The men of 1846 would not have believed it possible that within a century a great power would deliberately withdraw from a conquered population that security which government gives to the individual and adopt this policy as the most efficacious method of compelling the conquered, if they wished to survive, to co-operate with the conqueror. The episode occurred in Hong Kong between December, 1941, and April, 1942. It is an example of the philosophy of power politics carried to its logical conclusion.

Seddon and his congressional colleagues in 1846, in expressing their philosophy, did not go beyond the vague generalization that American com-

² *Congressional Globe*, 29 Cong., 2 sess., pp. 23–24.

manders in Mexico should be limited and controlled by the "laws of nations" and the affirmation that these laws stemmed ultimately from the fundamental moral law. Such generalizations were of little use in the field. The first year of the war brought reports to Washington that Taylor's force in northern Mexico was guilty of atrocities. His soldiers, and particularly his partially trained volunteers, left an unfortunate record of robbery, murder, and rape behind them along the Rio Grande and in the interior. Nor was all the evil conduct due to lack of discipline. The Texans in his army vented upon the Mexicans a hatred born of the atrocities committed by the troops of Santa Anna when that officer attempted to put down the Texas rebellion in 1836. These crimes of Taylor's men, in the opinion of Justin Smith, put an end to a separatist movement in the provinces north of the Mexican plateau that might have been used by the Americans to help their cause. Because of Taylor's failure, it fell to the lot of General Scott to give concrete meaning for a theater commander to those vague terms "laws of nations" and "laws of war." Scott is the outstanding pioneer in American military history in formulating and putting into effect the principles which have subsequently been fundamental to the American practice of military government and civil affairs.

When Scott was directed to lead the campaign that brought the war to an end, he planned his civil affairs as carefully as his military strategy. He saw the two as inextricably interrelated. His campaign is probably the best illustration in American military history of the importance of civil affairs control for military operations. It is discussed here both because of the clarity with which it brings out the military significance of civil affairs and because of its importance in making precedents.

Scott's mission was to take Vera Cruz, to cross a tropical lowland in pre-railroad days, to climb an escarpment nearly a mile and a half in height, and to cross a densely populated plateau to Mexico City. As he advanced, his lines of communication would increase in length. He was aware that the sense of nationalism was not well developed among the people along the invasion route, but he feared that the appearance of a hostile American army on the Mexican plateau would create that sense of nationalism and would transform an inert civil population into fighters determined to make any sacrifice to destroy or expel the invader. He sensed the possibility that his fate might well be that of Burgoyne. He developed his civil affairs policy in terms of legal control and of the winning of voluntary co-operation on the part of people of the occupied areas. These are the two focal points of any civil affairs policy.

Scott saw the necessity for complete control by the theater commander not only over his own troops but over the civil population among whom his army operated. He was aware that the *Articles of War* as they existed in 1846 did not provide a legal foundation which would permit the commander to punish the ordinary nonmilitary crimes which were included in the criminal codes of the states. It was expected that such offenses, when committed by soldiers within the territorial limits of the United States, would be handled by state tribunals. Scott requested of President Polk a recommendation to Congress for a revision of the *Articles of War* in order to give the theater commander proper legal authority when operating in foreign territory. Polk declined. The general, thereupon, before he left Washington for the field, drew up a memorandum in which he detailed a plan to establish the necessary legal authority to ensure control over his own troops and a conquered population. His suggested device was to proclaim martial law and to proceed under the powers so established. Secretary of War Marcy read the memorandum as did also Polk's Attorney General. These high officials neither approved nor disapproved. The Polk administration refused to take responsibility.

The reason for this avoidance of responsibility by the highest policy-making authority is not far to seek. Jacksonian democracy was still at flood tide. Polk himself, scarcely a decade before, had been one of Jackson's staunchest congressional supporters. Few phrases aroused more resentment among the individualistic and equalitarian supporters of Old Hickory than the words "martial law." They seemed to deny those basic postulates of American democratic practice that law must be above government and that civil authority must transcend military power. Martial law and military government seemed to turn democratic practices upside down. The connotation of martial law was tyranny. The Polk administration was afraid to use martial law even in Mexico. Perhaps the President and his Secretary of War recalled that Scott was a Whig and that there might be political advantage in letting him shoulder the public displeasure at the use of a hated power. Scott left for Mexico in ignorance of the administration's policy with respect to civil affairs control.

On February 19, 1847, at Tampico, where he made his first headquarters, the commanding general issued what became famous as General Orders No. 20,⁸ later to be reissued in every important city that was occupied by his troops. The order pointed out the inadequacies of the *Articles of War*

⁸ For copy of order see Justin H. Smith, *The War with Mexico* (New York, 1919), II, 455-56.

and emphasized the need for a supplementary code for dealing not only with soldiers but with the civil population. Scott called that supplementary code martial law, and the order duly proclaimed this. The order then listed the offenses known to ordinary criminal law and provided for the punishment of offenders whether they were Americans or Mexicans. For the trial and judgment of accused persons the order set up the military commission, a tribunal hitherto unknown to the American military service. The present provost courts and military commissions stem directly from General Orders No. 20. This document gave specific content to the vague term "laws of war" and provided for adequate enforcement of these laws. When Scott issued General Orders No. 20, he could not foresee the future, and he had the warning of the obvious fear of the Polk administration with respect to martial law. In hazarding the experiment, the commanding general risked his career. In this case the task of the military governor required moral courage of the highest order.

In the hands of Scott the system of martial law was a complete success. In spite of the fact that he had many poorly disciplined volunteer troops in his command, crimes and disorders were rare. Offending American soldiers and Mexican citizens were brought to trial and subjected to punishment with complete impartiality. The evidence is conclusive that the contrast between an occupation by Scott's army and one by Santa Anna's undisciplined horde was not lost on the Mexican population. Scott's formula for control was adequate for the purposes of his campaign. With public order guaranteed, it was easy for Scott to get co-operation from local officials who, during the stay of the American troops, carried on their functions as usual. Here is the normal pattern of military government. The native administrative officials of the occupied region execute the laws of the country subject to control by the military governor and with such changes in the local laws as are called for by military necessity.

But Scott's civil affairs plan also included public relations. According to the theory of the Polk administration the United States was fighting only the Mexican government; it had no quarrel with the people. Scott was sincere in an identical understanding of his task. He cultivated the Mexican civil population because he had no war with them and for the purpose of strengthening himself against Santa Anna and the Mexican army. He refused to follow an administrative suggestion that he requisition without payment supplies from the country through which he passed. He paid for the goods he required. He emphasized in a series of proclamations issued as he advanced into the country that he was fighting the Santa Anna govern-

ment and that he desired to be friends with the civil population. At Jalapa, Scott and his generals attended the funeral of a worthy Mexican officer who was killed at Cerro Gordo. From the beginning of his campaign Scott cultivated the Mexican Catholics. He not only understood the importance of the church for the common people but he was aware of the antagonisms between the Mexican hierarchy and the Santa Anna regime. Scott, a Protestant, attended mass in Vera Cruz and marched in a religious procession. In that city he required his soldiers to salute local Mexican magistrates and priests. He took this action at a time when anti-Catholic agitation in the United States was at a peak. On the advance inland he saw to it that no desecration of any church occurred. The only exceptions were churches used by Mexican troops for military purposes. Aided by the activities of a mysterious agent from the United States, Moses Y. Beach, Scott impressed the clergy with the sincerity of his guarantee not only to the church but to the people of their freedom and their property. This formula has also become standard operating procedure in civil affairs, freedom in Mexico as in occupied countries today being limited only by the demands of military necessity. The Mexican hierarchy decided to support American efforts for peace and to oppose Santa Anna as the chief obstacle to peace. The result was Jalapa.

Jalapa, beautiful city high on the eastern escarpment, was the scene of one of the most extraordinary episodes in American military history. It is hard for soldiers in the twentieth century to understand what happened there. Scott's invading army was well advanced into Mexico; the line of communications from Vera Cruz was long. Santa Anna's force, though defeated, was again growing. While Scott paused at Jalapa, a third of his troops took the road for Vera Cruz and home. Their terms of enlistment had expired and they had refused to re-enlist. When they were gone, Scott had 7,113 men left. Re-enforcements were slow in coming. Yet, even as the volunteers marched toward Vera Cruz and the United States, Scott sent an expedition, four thousand strong, far into the plateau to storm and take the city of Puebla. Why did not the Mexican people, turned irregulars, swarm against Scott's overextended lines and, surrounding the tiny force left at Jalapa, cut off his communications with Vera Cruz? Why was Scott, instead of facing a Saratoga, able to make a forward thrust even as he lost a third of his army? The reason is found primarily in Scott's civil affairs policy. Scott had not turned the civil population into desperate guerrillas determined to avenge indignities, looting, and atrocities. The commanding general had, on the contrary, won co-operation that carried him triumphantly through the most critical moment of his campaign. The Catholic hierarchy of Mexico, opposing

Santa Anna and favoring peace, had arranged secretly to have Jalapa, Puebla, and important towns beyond them refrain from opposing Scott. Jalapa is one of the outstanding civil affairs victories in American military history.

In Scott's Mexican campaign, military strategy and the strategy of civil affairs were blended into a perfect pattern. The operation illustrates two basic principles, namely, that before the end of hostilities the function of military government is primarily to assist the armed forces in the accomplishment of their mission and that normally military necessity is best served by providing so far as possible for the vital needs of the conquered population. These principles are fundamental to American military thinking in the second World War. In a time, moreover, when international law was not well developed, Scott in General Orders No. 20 and in the precedents set by his whole civil affairs policy gave for the American Army specific meaning to the vague phrase "laws of war." He demonstrated that, although in military government the military authority rises above the civil in the occupied area, the military governor in fact is governed by laws which transcend his power. These laws are today set forth in the *Rules of Land Warfare*, and their application in a theater of operations is guided by the principles elaborated in the *Army and Navy Manual of Military Government and Civil Affairs*. Winfield Scott is the father of American civil affairs practice.

Scott's work was that of a pioneer. The operations of the Civil War provided additional experience. In that conflict the problems of civil affairs were explored on several occasions, and Federal occupation officials gave examples of good and bad military government. The Butler regime in New Orleans, in spite of some excellent features, has remained notorious for the evils which finally caused the general to be relieved. Sherman's short tour of duty as military governor of Memphis in 1862 provides an example of an efficient and humane management of a local area. In 1865, when Richmond fell, the government of the city was turned over to a civil affairs officer who had acquired skill and understanding of this branch of the military art through long experience at New Orleans. Out of the Civil War also came War Department General Orders No. 100.

This famous order, published on April 24, 1863, was made necessary by the advancement of the Federal lines into the Confederacy. It was a conscious effort to carry into the office of the military governor the old American concept of a government of laws and not of men. General Orders No. 100 was the first formal attempt on the part of a national government, either in Europe or in America, to translate the phrase "laws of war" into a developed code. This remarkable document, which promptly acquired fame in Europe,

was written by Francis Lieber and revised by a board of officers under the chairmanship of Major General E. S. Hitchcock. It was entitled *Instructions for the Government of Armies of the United States in the Field* and published as a manual in 1863. It covered the whole area of the relations between an invading army and the civil population of an occupied territory. That Lieber used Scott's General Orders No. 20 as a springboard is suggested by the opening sentence of the *Instructions*, which reads, "A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the invading or occupying army, whether any proclamation declaring Martial Law, or any public warning to the inhabitants, has been issued or not." But the similarities between the philosophies of Lieber and of Scott are not limited to the concept of martial law as the legal framework for military government and civil affairs. The thought of both men grew out of the same general assumptions concerning a fundamental moral law that provided the ultimate frame of reference for mid-nineteenth century American thought. Lieber said:

Martial Law is simply military authority exercised in accordance with the laws and usages of war. . . . Military oppression is not Martial Law; it is the abuse of the power which that law confers. . . . As Martial Law is executed by military force, it is incumbent on those who administer it to be strictly guided by the principles of justice, honor, and humanity—virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

As Lieber wrote these sentences, I cannot help believing he was thinking of his three boys. One of them had joined the Confederate Army and gave his life for the cause of Southern independence. Two were in the Union Army, and one, before Lieber wrote General Orders No. 100, had lost an arm at Donelson. The Lieber family epitomized American history and symbolized the American people and nation. The father had been driven from Europe for his liberalism and in his adopted country had become an intense nationalist. His sons divided, even as the Union divided. There is a certain fitness in the fact that the first American effort to formulate the laws of war was made by an aging man in whose home the travail of national division and civil conflict had come to focus. Lieber, in the midst of hatred and carnage, strove to preserve for his sons and their generation those values which were the core of civilization in both North and South. "Men who take up arms against one another in public war," he wrote, and President Lincoln approved, "do not cease on this account to be moral beings, responsible to one another and to God."

After long and hard fighting Appomattox came. Then followed uneasy

months when the first efforts were made to re-establish the exhausted South in the Union. Finally Congress, abandoning the values for which Lieber contended, forced upon the defeated ex-Confederates, through the device of military government, a peace founded on vindictiveness and hatred. Thaddeus Stevens became the symbol of a sad declension. The rule of the generals in the South was one of the longer American experiences with military government. It lasted nearly a decade. It was a postwar undertaking, the primary purpose of which was to force the will of the victor on a conquered people. It was the most ambitious use of military government for postwar purposes in American history and, as such, is worth a moment's consideration. The radicals who controlled Congress erected military governments in the South for the purpose of bringing about a political revolution in the defeated states. The foundation of suffrage on which local government rested was drastically altered. Military government strove to change the culture (the word is used in the anthropologist's sense) of the South, and the outcome of the experiment showed the South's great resistance to change. The last vestiges of the revolution which Stevens had effected in the former Confederacy disappeared in 1877 with the departure of the troops. The failure is not unique in American history. American experience has demonstrated that, although the military governor appears to come with unlimited power, there are limits to his ability to effect permanent changes in the culture of the people of an occupied region.

The use of military government in the post-Appomattox South was one among many American experiences with that form of rule which were not directly integrated with military operations. A survey of the use of military government in American history discloses a variety of missions given to military governors. One of the most common of these has been to maintain the *status quo* in the interim between the conclusion of military operations and the ratification of a treaty of peace. After the fall of Manila in August, 1898, and before the final action on the treaty with Spain by the United States Senate, an American army maintained military government in the capital city of the Philippines. Similar missions were given to military commanders in Cuba, in Puerto Rico, and in the Rhineland after the armistice of November 11, 1918. In the phase that follows the treaty of peace and in the case of military governments not associated with a war, the missions have been extraordinarily varied. A few illustrations will suggest the range of uses to which military government has been put.

In the Philippines, following the peace treaty, military government provided the transition between the termination of Spanish sovereignty and the establishment of civil administration by the United States. The Philippine

experiences were complicated by the fact that a native revolution, which had broken out before the Spanish-American War, continued to develop outside Manila during the months in which the policy-making authorities in Washington were coming to a decision as to what should be done with the islands. The final decision to make the islands a dependency of the United States caused the Aguinaldo movement to be directed against American authority, with the result that the second phase of military government in the archipelago was complicated by a war of pacification.

The military governors had the difficult task of putting down the revolution on the one hand and, on the other, of persuading the more or less inert masses of the people that the American government planned a beneficent rather than an exploitive rule. Many of the difficulties in the Philippine experience were due not only to economic ambition but to ignorance and naïveté at the national capital. The characteristics both of the islands and of the island peoples were virtually unknown to Americans. With the exception of their unhappy record in dealing with the Indian tribes, the Americans had no experience in governing peoples with less developed cultures. Traditionally the citizens of the United States had sought to destroy the cultures of the Indians and to substitute their own, a process which they called "civilizing" or "Americanizing" the red man. This same ideal of Americanization provided the background for both military and the early civil government in the Philippines. Ignorant, in the beginning, of the characteristics of many of the cultures with which they were dealing and imbued with the ideal of helping backward peoples up the ladder of progress, Americans in the Philippines learned the hard way that government, whether it be military or civil, must be adjusted to the culture of the peoples governed. The evolution that has taken place in American thought in this matter is best expressed by the statement of purpose behind the present educational system which provides for the needs of the Polynesian people of American Samoa:

To conserve the best of Samoan culture and at the same time to give acquaintance with the great intellectual tools and the social concepts and institutions of the West to the end that the Samoans may maintain respect for their native heritage . . . and at the same time [be able] to meet on equal terms with other peoples the conditions of the modern world.

That Americans finally learned the lesson of tolerance and won by beneficent local policy the confidence of the native people of the Philippines is shown in the number of Filipino soldiers who died beside our own troops on Bataan.

Samoa illustrates another use to which the United States has put military government. The islands of Tutuila in the Samoan group and of Guam in

the Ladrões have been, during the twentieth century, critical areas in the American naval strategy of the Pacific. For this reason the government of these islands has been a form of military government under the ultimate control of the Secretary of the Navy. The naval governors who administered the islands have been also civil governors, but they have never lost sight of the importance of their islands for the fleet. Military necessity has helped to shape the course of development in these overseas possessions. In both islands, due in part to the rather simple culture of the local populations, the governments have been paternalistic. In both areas, however, it is worth noting that the Americans did not follow the policy, used so frequently by the Japanese in Micronesia, of displacing the native population with immigrants. American naval authorities have assumed that the demands of military necessity would be best met by furthering the well-being of the natives. In particular, it was important for strategic reasons that the islands be as nearly as possible self-sufficient in food production. Samoa and Guam are the two longest military governments in American experience.

Cuba provides a contrast. In that country, after the treaty of peace with Spain, military government was a period of transition from the status of colony to that of independent nation. Spain had kept the Cuban people politically illiterate. American military government, responsible for giving to the individual Cuban the security and the example of efficient government he needed to prepare himself for the responsibilities ahead, was, of necessity, an elaborate organization. The Secretary of War, Elihu Root, summarized the policy which controlled American military government in Cuba:

It would have been a poor boon to Cuba to drive the Spaniards out and leave her to care for herself, with two-thirds of her people unable to read and write, and wholly ignorant of the art of self-government. . . . We are trying to give the Cuban people just as fair and favorable a start in governing themselves as possible. . . . To succeed in their experiment the Cubans must necessarily acquire some new ideas and new methods. This is a very hard thing for a whole people to do, and it cannot be done by having outsiders preach at them. It is something they have to do for themselves. The best that anybody else can do is to afford them opportunity of seeing and studying new methods.

Americans during the period of military government did not transform the culture of Cuba; they maintained order and let the Cubans themselves develop the political forms appropriate to a new day.

A final experience suggests the range of missions given to American military governors. In November, 1918, naval forces of France, Italy, and the United States, acting under a single committee yet each operating in a separate zone, began the occupation of the Dalmatian coast. The American

forces were not withdrawn until September, 1921. The Americans, who controlled the portion of the coast of greatest importance in the naval strategy of the Adriatic, were responsible for maintaining order on shore. The naval commander solved his problem by giving advice that was requested by the local Dalmatian government and by landing patrols from time to time to assist in maintaining order. The ostensible purpose of the occupation in its earlier months was the guarding of surrendered Austro-Hungarian warships pending their final disposition. The real purpose of American military government in this area was, however, to further President Wilson's policy of self-determination for the Yugoslavs. To accomplish this mission it was necessary for the naval governor to protect the local Dalmatian government from aggression on the part of the Italians who, on several occasions, threatened or actually made forays from their zone of occupation into that for which the Americans were responsible. In this instance the United States used military government to thwart the imperialistic ambitions of a nation associated with it in a war just ended. This objective was best accomplished by reducing military government to an absolute minimum.

The variety of missions helps to explain the variety in the form of American military governments. But there have been other factors. The form of military government in American experience has been dependent primarily upon three variables: the strategic and tactical situation, the mission or purpose of the particular military government undertaking, and the culture of the people over whom government is exercised. Throughout American history there has been no fixed pattern for American military government. Each undertaking has been a unique enterprise.

Since the time of Winfield Scott and Francis Lieber, however, a constant has helped to shape the form and control the character of American military government. This constant has been the American understanding of the laws of war and of international law as set forth in a series of manuals of which General Orders No. 100 was the first. These manuals have not always prevented abuses but they have provided the foundation for the correction of such abuses as have occurred. They have defined the limits of military power and have set the tone for civil affairs administration. The manuals have undergone evolution in a changing world. One of the characteristics of American thinking in the realm of military government and civil affairs has ever been a critical attitude toward the developed and recognized international law of any particular period. But the United States, even in the middle years of the twentieth century, when the prestige of international law declined vastly as a result of the momentary triumphs of *Realpolitik*, did not abandon its tradi-

tional stand concerning the law of nations. The events of 1942 and 1943, shaped in part by the initiative of the American Republic, suggest that the time may be at hand when international law will achieve something of the importance hoped for by Congressman Seddon in 1846. At least the belief of the men of 1846 in a "code of law to govern all international relations, founded in part on the practices of nations but more correctly binding as deduced from the . . . principles of justice and the higher ethics of morality and humanity," may well be the goal for their sons of today.