

AN HISTORICAL SURVEY OF AMERICAN MILITARY
GOVERNMENT IN GERMANY AFTER WORLD WAR II

A THESIS

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A THESIS

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PREFACE

This study proposes to trace the development of the various policies of the United States government with regard to the occupation and military government of Germany during and after World War II. This experience of the United States is of extreme importance to political scientists, to the nation's political leaders, and to the military departments. Germany is the key to the control of Western Europe and the principal prize of the present "Cold War" between East and West. This research does not attempt to evaluate the broad political decisions involved in United Nations planning on such questions as the arrangement of occupation zones. Rather our purpose is to examine the development of specific occupation policies and practices as they evolved.

The military occupation of Germany was a great tactical maneuver directed at winning the peace. How did the United States prepare to meet this problem? How was our initial program changed in the light of experience and under the pressure of changing international developments? What lessons concerning military government have we learned from our experience in Germany? For obvious reasons it is impossible to draw final conclusions with regard to the above questions but it is hoped that this study will throw some light upon these matters.

At this point it is perhaps well to point out that our occupation of Germany is but one phase of recent American experience in military government. The record of American military government in North Africa, Sicily, and Italy is most interesting and justifies careful examination by those who seek a detailed knowledge of modern military government. Military government in the Far East following World War II was less extensive than was anticipated, as a matter of fact large numbers of officers who devoted months to training for such undertakings left military service without action.

The military government program in Japan aroused great public interest, not only because of its aggressive character, but perhaps even more because of the decided skill of General MacArthur in the public relations field. Military government in Japan had the advantage of profiting from the extensive experience in the North African-Mediterranean and European theaters. Moreover, it was unique in that it more or less skipped over the tactical phase which played such an important role in the other theaters. Instead of having to start from nothing and construct a new system of government, military government in Japan simply took over the Japanese political structure which continued to operate under United Nations supervision.

If a single area is to be selected for observation

of military government it must clearly be Germany. The German record may be less spectacular than that in Japan, but the problems encountered have been more varied and have involved more extensive operations. The experience gained in North Africa and Italy made possible a maturity in Germany which the initial military government activities could not be expected to have. Also the military government organization in Germany surpassed any other in size, elaborateness, and scope of program. Here one may observe a training program, planning activities, the tactical phase, the intermediate phase, and the final period before the transition to a civil administration.

Military government in Germany involved complex liaison with our Allies, as well as the collaboration with three of them in the occupation. Plans had to be coordinated with the English, Russians, and French, and a new system of German regional and local government had to be organized from the ground up. One finds the organization and the program in Germany so complex and so confronted with difficulties that it is much less easy to comprehend than the Japanese counterpart, but if military government in full strength and in full dress is to be examined, it must be in the Reich.

It may be well to stress again the fact that military government in Germany is of great significance because

the future stakes involved are so high. The location of Germany in Central Europe is even more commanding than that of Japan in the Far East. It is hardly an exaggeration to state that the return of anything like normalcy in Europe depends in large measure on developments in Germany. The German economy has long been closely geared into that of Europe. More than half of the steel of Europe and a considerable portion of the coal have come from Germany. The reestablishment of stable economic conditions and the defense of England, the Low Countries, France, the Scandinavian countries, and eastern Europe can be achieved only with the cooperation of Germany. It is obvious that the security and economic prosperity of the world as a whole is closely integrated with Europe.

The first chapter of the study is of a background nature and deals with American experiences with military government prior to World War II. The succeeding five chapters are based on the chronology of events and treat the development of a military government policy toward Germany during World War II, military government staff and planning organization preparatory to invasion, military government during tactical operation and the problems faced during the occupation which followed the collapse of German arms. The final chapter deals with certain late developments in organization and policy and attempts to draw some

tentative conclusions concerning the American experience with military government in Germany.

This writer's original interest in military government stems from a brief experience in the occupation government of Germany following World War II. This interest was nurtured by reading on the subject after the war and by lectures attended as a member of the Reserve Officers Training Corps while enrolled at the University of Texas during 1951-1952. Serious research on the problem began in the summer of 1951. The primary source materials used in this research consist largely of special reports published by the United States Armed Forces and the Department of Defense. Since this type of matter was not widely distributed some difficulty was encountered in obtaining materials. Use was made of the libraries of the University of Texas, Fort Sam Houston, Texas Agricultural and Mechanical College, and Sam Houston State Teachers College. Senator Lyndon Johnson helped make available certain indispensable documents from the Library of Congress. This documentary material was supplemented by interviews with a number of officers having important positions in the American military government of occupied Germany.

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CHAPTER I
AMERICAN EXPERIENCE WITH MILITARY
GOVERNMENT PRIOR TO WORLD WAR II

Americans have had a long and varied experience, extending through more than a century, with military government. New Mexico, California, New Orleans, Memphis, Cuba, Dalmatia, Siberia, Samoa, Guam, Vera Cruz, and Coblenz, by no means exhaust the list of places where American military or naval governors have exercised control over civil populations. Virtually no effort had been made before the recent war to analyze this experience and to draw from it principles to assist in the solution of the problems of the present and the future.¹ Military government may be of vast importance for the world of tomorrow. It is the transitional phase between the active conflict of armies and the quiet of an established peace. Military government may be, and has been at times in American history, as important for ultimate solutions as major military campaigns.

Military government, according to the official definition set forth in the Department of the Army's Manual on military government, ". . . is that form of government which is established and maintained by a belligerent by force of

¹ Hajo Holborn, American Military Government (Washington: Infantry Journal Press, 1947), pp. ix-x.

arms over occupied territory of the enemy and over the inhabitants thereof."² In this definition, the term "territory of the enemy" includes not only the territory of any enemy nation but also domestic territory recovered by military occupation from rebels treated as belligerents. Military government is normally closely associated with the operations in campaigns of the Army or the Navy. For this reason, the Department of the Army Manual lays down the following principles concerning authority:

The exercise of military government is a command responsibility, and full legislative, executive, and judicial authority is vested in the commanding general of the theater of operations. By virtue of his position, he is the military governor of the occupied territory, and his supreme authority is limited only by the laws and customs of war.³

The actual planning and supervision of military government for the commanding general is done by the civil affairs officers of his staff. The Civil Affairs Division, Department of the Army, in conjunction with the General Staff, is charged with the task of preparing plans and policies for the guidance of theater commanders with respect to military government.⁴

² Department of the Army, United States Army and Navy Manual of Civil Affairs and Military Government, FM 27-5, OPNAV P22-1115 (Washington: United States Government Printing Office, 1947), pp. 2-3.

³ Ibid., p. 4.

⁴ Ibid., p. 31.

In the normal situation, as envisaged by the Department of the Army, military government may pass through three successive phases.⁵ The first occurs in the territory immediately behind the fighting front. In this phase military government conforms to the boundaries of the zone of operations of tactical units, and consequently is of the rudimentary sort. The relations with the inhabitants are generally in the hands of the civil affairs officers on the staff of the commanding general of the troops actually making the advance. These civil affairs officers may be sent forward from headquarters to study the problems in the area preparatory to establishing the second phase of military government after the front has moved forward.

The second phase of military government emerges when the fighting forces have moved beyond the district so that the area comes in what the military designates as "zone of communications." This is a period of developed military government. The officers in immediate contact with the civil population--those in control of conquered cities, for example--are the civil affairs officers assigned to duty within specified political boundaries by the commanding general of the zone of communications. This

⁵ Major A. Skorina, Instructor in the Military Government Department, Camp Gordon, Georgia, June 27, 1951. His discussion was comprehensive.

commander is, of course, subject to the authority of the commanding general of the theater of operations.

The third phase begins with the termination of fighting and ends at the will of the occupying power. This period is more elaborately developed than the second phase of military government and may have political as well as military objectives.

A description of what the Army now considers the normal situation does not give an adequate idea of military occupation and government as it has been used in the past by the United States. A survey of the varying purposes of American military occupations discloses more adequately than the official Manual the importance of this instrument.

The war between the United States and Mexico initiated substantial American experience with military government. In 1846, Secretary of War, William L. Marcy, acting for President James K. Polk, directed Colonel Stephen Kearney to advance upon the Mexican province of New Mexico, to take it, and to set up a military government therein, as a prelude to annexation. This is one of the first directives in American history relating to military government and, as such, is worth a partial quotation:

. . . Should you conquer and take possession of New Mexico and Upper California or a considerable part of either, you will establish temporary civil government therein abolishing all arbitrary restrictions that may exist, so far as it may be done with safety. In performing this duty it will

be wise and prudent to continue in their employment all such of the existing officers as are known to be friendly to the United States and will take the oath of allegiance to them. . . . You may assure the people of those provinces that it is the wish and design of the United States to provide for them a free government, with the least possible delay, similar to that which exists in our territorial legislature. It is foreseen that what relates to civil government will be a difficult and unpleasant part of your duty, and much must necessarily be left to your discretion.⁶

Secretary March was a statesman of some prescience when he remarked that what he called civil, meaning military, government would be difficult and unpleasant and that it would necessitate putting wide discretion in the hands of the military governor. Subsequent American experience has furnished a mass of illustrations to verify the accuracy of the forecast.

In a later campaign of the Mexican War another purpose of military occupation was suggested, when, in 1848 General Winfield Scott, victorious over the armies of Mexico, was directed to hold the national capital as a base from which, if necessary, to extend occupation over the entire country. Scott's mission was two-fold: He was to force the Mexicans to pay large sums of money to defray not only the expense of the occupation but some of the cost

⁶ 29th Congress, 2nd Session, Executive Document 19, pp. 5-6.

of the war; and he was to maintain American power until a treaty of peace brought an end to the conflict.⁷

The Civil War produced a large amount of experience in military occupation and government. For example, during the years from 1862 to 1865, New Orleans was occupied by Federal troops for the military purpose of denying the great Gulf port to the Confederacy and with the political objective of restoring southern Louisiana to the Union.⁸ There have been in military government experience of the United States a number of conflicts between military governors and certain other agencies of the executive department of the Federal government. The principle of unity of command for all the armed forces of the United States is established in the Constitution by making the President commander in chief. He is, at the same time, at the head of that vast agglomeration of departments and agencies known as the executive branch of the United States Government. War inevitably results in a great increase in the functions of the executive branch and the coordination of the civil and military activities under emergency conditions is extremely difficult. One episode in American experience when

⁷ Justin H. Smith, The War with Mexico (New York: The Macmillan Company, 1919), p. 138.

⁸ James Barton, General Butler in New Orleans (New York: D. Appleton and Company, 1893), p. 7.

a military governor had to deal directly with an administrative department other than the Department of the Army is illustrative of the problem.

During the Civil War Memphis, Tennessee, was captured by the Union Army under General Ulysses S. Grant. General Grant subsequently became the military governor of Memphis. When the city fell, the Treasury Department appointed treasury officials for Memphis and directed them to issue permits for trading in cotton. The Federal Government was anxious to get cotton to ship abroad for the purpose of reducing the danger of British and French recognition of the Confederacy.⁹ Ostensibly, the cotton was to be purchased only from loyal persons living behind the Confederate lines. Speculators poured into Memphis just before representatives of the Treasury Department arrived and trading with the enemy took place on a vast scale. Grant and his lieutenant, General W. T. Sherman, who also served for several weeks as military governor of Memphis, looked upon this growing and profitable trade in cotton as giving aid and comfort to the enemy. Great quantities of shoes, cloth, percussion caps, medical supplies, and other goods were passing through. It was estimated that between 1862 and 1864, \$20,000,000 to \$30,000,000 worth of supplies went to the Confederate armies

⁹ Samuel Flagg Bemis, A Diplomatic History of the United States (New York: Henry Holt and Company, 1947), pp. 372-373.

of the West. Much cotton, moreover, was bought with gold which the Confederates used to purchase arms and ammunition in the West Indies.¹⁰

General W. T. Sherman, as military governor, attempted to check this flow of trade. He stopped the sending of Federal gold into the Confederacy by declaring gold, silver, and treasury notes contraband of war.¹¹ Purchasers of cotton could not pay in Confederate notes because the United States refused to recognize them. Buyers were, however, by the Sherman order, permitted to pay with Tennessee and southern bank notes. To stop supplies going through the lines, Sherman organized a local board of trade to supervise all dealing in cotton. One of the more interesting documents to come out of this experience with military government is a letter written by W. T. Sherman to Salmon P. Chase under the date of August 11, 1862, in reply to a communication that came to the military governor direct from the Secretary of the Treasury.

I will write plainly and slowly because I know you have no time to listen to trifles. This is no trifle. . . . Before we in the interior could know of it, hundreds, yea, thousands of barrels of salt and millions of dollars had been disbursed; and I have no doubt that Bragg's army at Tupelo, and Van Dorn's at Vicksburg, received enough salt to make

¹⁰ Ibid., p. 309.

¹¹ W. T. Sherman, Memoirs (New York: Charles L. Webster and Company, 1891), pp. 285-289.

bacon, without which they could not have moved in mass . . . and, strange to say, this traffic was not only permitted, but encouraged.¹²

After a few weeks as military governor, Sherman was ordered back to the field. His successors allowed the restrictions set up by Sherman to be relaxed. This phase of the episode suggests the difficulties in military government arising from frequent changes in command. At least two evil results came out of the trade situation in Memphis. One historian, after careful weighing of the evidence, has reached the conclusion that the Federal Government prolonged the war by allowing illegal trade with the South.¹³ Charles A. Dana, a newspaperman serving as a special commissioner at Grant's headquarters, said that another evil result was that personnel of the army became corrupt and indulged in "black market" activities.¹⁴

Hindsight would suggest that the trouble might have been avoided by putting a competent military governor in Memphis, with complete authority, as long as hostilities existed, and a tenure long enough to get his policy established. This account is based largely upon Sherman's

¹² Ibid., pp. 294-295.

¹³ G. M. Capers, The Biography of a River Town (New York: The Macmillan Company, 1912), pp. 154-155.

¹⁴ Ibid., pp. 153-154.

interpretation of the problem in Memphis. Thus, the viewpoint is basically military and does not present the side of the State and Treasury Departments. The episode serves to raise the question of the status and role of the military governor in problems involving both political and military aspects.

The next important experience in military government occurred when Cuba was occupied after the conclusion of fighting in the Spanish-American War. Cuba was occupied for the purpose of maintaining order during the transition period in which the Cuban people, freed from colonial status, were organizing a government capable of maintaining national independence. One of the duties of the military government was to instruct the politically untutored Cubans in the art of self-government. A subordinate but important aspect of the mission given to the military governor was to clean up and provide sanitary regulations for a "pest-hole" that was a menace to the health of American ports. American experience in military government in Cuba was unique because the military governor of the island was aided and advised by secretaries appointed from among the Cubans. This was partly for instruction of the Cubans.¹⁵

Acting under the supreme military governor there were

¹⁵ E. F. Wood, Leonard Wood Conservator of Americanism (New York: George H. Doran Company, 1920), pp. 175-176.

generals in charge of affairs in the separate provinces.¹⁶ The old Spanish law was retained but there was some new legislation to adapt it to the new conditions of separation from Spanish control and the courts were reorganized and reformed. General John R. Brooke, the first military governor, established a hierarchy of civil courts consisting of a supreme court, one superior court, in each of the six provinces, courts of the first instance, and police courts, patterned after those in the United States.¹⁷ The military government attempted to stamp out the normal corruption of the old Spanish courts by abolishing fees and putting the judges on salary. An effort to introduce the jury system failed because widespread illiteracy made it necessary to draw juries from the professional class, which was for the most part exempt from such service; and deeply embedded in Spanish custom was the dislike of a citizen to pass judgment on his fellows. As a result tribunals of three, five, and seven judges were established to pass on both law and fact.¹⁸

A case of direct contact between a military governor

¹⁶ James H. Holme, The Life of Leonard Wood (New York: Doubleday, Page and Company, 1920), p. 154.

¹⁷ E. F. Wood, op. cit., p. 131.

¹⁸ Ibid., p. 133.

and an executive department at Washington, other than the War Department, occurred in Cuba. In setting up the military government under General John R. Brooke, the postal administration was in effect put under the control of the Postmaster General at Washington. E. G. Rathbone, who was Director General of Posts in Havana, was, as a consequence, virtually independent of the military governor.¹⁹ The first source of trouble to arise from this division of authority came from the fact that Rathbone, by extending mail routes and opening new offices, all of which required the employment of considerable personnel, created, in a way, a small government of his own, and one which came into contact with all lines of communication of the military governor. The second difficulty was perhaps even more serious. The independence of the Director General of Posts made it difficult for the military governor to audit and supervise the financial affairs of the post office.

In January, 1900, the War Department discovered enough irregularities in the accounts of the Cuban post office to cause Secretary of War Elihu Root to direct General Leonard Wood, at the time military governor of Cuba, to see to it that thereafter accurate monthly statements were sent

¹⁹ Ibid., p. 168.

to the War Department and the Post Office Department.²⁰ This particular case illustrates the problems which a military governor confronts when there is divided responsibility. It is also perhaps an example of a relatively minor inter-departmental contest rather than a case involving a major conflict between a military governor and another agency of the executive department of the Federal Government.

Moving from Cuba to the small islands of Tutuila and Manua in the Samoan group, it is noted that a naval officer has directed the government since 1899. The Navy has alleged that because the harbor of Pago Pago in American Samoa is an important naval station, it has been desirable to have the commandant of that station serve as the governor of the island. A naval governor also ruled Guam from 1899 to 1941. In these two cases, the purpose of the occupation was primarily strategic.²¹ In American Samoa for more than a third of a century government has been in the hands of the naval governor, with a small amount of advice from the chiefs who meet in council once a year. The governor, however, disregards their advice when, as in the case of hygienic regulation, it seems in the public interest to do so.²² During the

²⁰ Captain N. A. Holsten, Instructor in the Military Government Department, Camp Gordon, Georgia, June 23, 1951.

²¹ Ibid., June 21, 1951.

²² Ibid., June 23, 1951.

years between the Spanish-American War and World War I the United States was thus gaining some small experience with military government.

As a result of World War I there were three extended American occupations of foreign territory. The naval occupation of the Adriatic coast probably prevented Italian annexation of Dalmatia while the newly-created Yugo-Slav government grew strong enough to exercise sovereignty over the area. Participation in an Allied occupation of Siberia enabled the United States to frustrate Japanese annexation of the maritime provinces until the Russian government, torn by revolution, acquired the strength to control and defend that territory. These two minor occupations occurred at the time of the third occupation, that of the German Rhineland.

The objectives of the famous occupation of the Rhineland after November 11, 1918, were complex. French, British, and American troops established bridgeheads at strategically important cities "as a guarantee," in the words of the report of Colonel I. L. Hunt, "that Germany would refrain from further aggressions. The enemy further was to be so placed in irons that he must either sign the Allied peace terms, whatever they might be, or consent to

renew the war under conditions extremely disadvantageous."²³
 The occupying forces were responsible for enforcing the terms of the armistice, for maintaining order in the occupied zone, and for being prepared to resume hostilities at a moment's notice.

In view of such a mission, it seemed wise to the American General Headquarters to establish an "Advanced General Headquarters" in the zone of the American occupation. The instrument of this occupation was the Third Army. The American plan called for the use of the tactical organization of this force as the actual organization of the military government. Colonel Hunt said:

Actual supervision over the execution of American orders was performed in the first instance, by the commanders of towns and villages. These officers were in no sense members of any separate hierarchy of military government. They were primarily unit commanders, to whom their civil duties were incidental. For the security of their troops, and in all but civil matters, their channel of responsibilities converged in the person of the Army Commander. In practice, the Office of Civil Affairs at Advanced General Headquarters found that it could supervise the execution of its orders only through the Army Commander.²⁴

The possibility of the resumption of hostilities seems to

²³ I. L. Hunt, American Military Government of Occupied Germany, 1918-1920 (Washington: United States Government Printing Office, 1927), p. 279.

²⁴ Ibid., p. 62.

have been a factor in the decision to use a tactical organization for purposes of military government, a task to which such organization is not well adapted.²⁵ A more important reason for the decision was the fact that the Armistice found the American government unprepared to assume the responsibilities of a military occupation.²⁶ American General Headquarters, as a consequence, had suddenly to improvise a governmental organization for the vitally important Rhineland occupation.

Until the ratification of the peace treaty in 1920, the Rhineland occupation, under the command of the French General, Ferdinand Foch, was entirely military. After the peace treaty was signed the occupied territories were governed by the Inter-Allied Rhineland High Commission which was partly civilian and partly military.²⁷ The commander in chief of the American Expeditionary Forces, General John J. Pershing, in his "Proclamation to the Inhabitants," November, 1918, set forth the policies of the occupation:

Those who observe these regulations have nothing to fear. The American army is not bringing war against the civilian population. All that lawfully abide by the regulations laid down by the military

²⁵ Major A. Skorina, Instructor in the Military Government Department, Camp Gordon, Georgia, June 22, 1951.

²⁶ Ibid.

²⁷ Ibid.

authorities may count on protection for their persons, homes, property and belief. . . .²⁸

The American army acquired valuable experience in the operation of a pacific occupation. Colonel Hunt, the officer in charge of military government in the American zone, submitted an exhaustive report on the occupation which was used in training for military occupation during World War II. The School of Military Government at Charlottesville, Virginia, during World War II had an officer of Colonel Hunt's staff, Major T. H. Braber, who, drawing on his experience, advised student officers to be on guard against stupidity, injustice, and intolerance.²⁹

The American army ended its occupation in 1923 when French forces occupied the Ruhr. The British army remained until near the end of 1929, and the French and Belgians withdrew about the middle of 1930. The occupation ended without attaining one of its objectives, that of enforcing the payment of reparations.³⁰

The above brief survey has dealt with only small segments of the very large problem of military government.

²⁸ Department of the Army, Senior ROTC Manual (Washington: United States Government Printing Office, 1948), p. 435.

²⁹ Ibid.

³⁰ Major A. Skorina, Instructor in the Military Government Department, Camp Gordon, Georgia, June 22, 1951.

Nevertheless, out of these experiences certain generalizations seem to arise and may be stated briefly as follows:

In military government the mission, task to be accomplished, is paramount and controls the form. Form must be adjusted to the peculiarities of the culture and of the political and strategic situation in which a particular military government is set up. In the last analysis, mission governs.

Though military government is primarily an instrument for carrying out the policy of the President, there are times when the military governor becomes, of necessity, a policy-maker in a limited sense. The military governor must deal, at first hand, with a concrete situation the complexity of whose details he is not able to communicate to the normal policy-makers. He may confront a fluid situation requiring immediate action and find that the general policy-makers are so involved in a multiplicity of other problems as to be unprepared with a formula for the particular situation facing him. Time may be as much of the essence in military government as in military operations.

Unity of command within a particular military government is an absolute necessity. The military governor must have both full power and full responsibility under the Department of the Army or Navy and the President. Any attempt, during the period of active conflict, on the part

of other administrative departments in the executive branch to set up in an occupied area agencies independent of the military governor is filled with peril.

The vital importance of the function of civil affairs must be recognized alike by the government and by the general public. In these days, when the United States has set forth on a road that leads into a future that can be but dimly foreseen, it is worthwhile to recall the words addressed by Secretary of War March to Colonel Stephen Kearney as Kearney began his march toward New Mexico: "It is foreseen that what relates to civil government will be a difficult and unpleasant part of your duty, and much must necessarily be left to your discretion."³¹

³¹ 29th Congress, 2nd Session, Executive Document 19, pp. 5-6.

CHAPTER II

THE DEVELOPMENT OF MILITARY GOVERNMENT POLICY IN GERMANY DURING WORLD WAR II

The first official statement of American policy on military government during World War II is to be found in the original edition of the War Department, now the Department of the Army, Basic Field Manual on Military Government, FM 27-5.¹ It was released on June 30, 1940, almost simultaneously with the completion of the Nazi blitzkrieg in the West and the surrender of France. The criteria for military government set forth in FM 27-5(1) for the guidance of the War Department were as follows: military necessity, welfare of the governed, flexibility, economy of effort, and permanence.²

The appearance of the original edition of FM 27-5(1) antedated the attack on Pearl Harbor by nearly a year and a half. In the intervening period interest in military government was quiescent. With the outbreak of hostilities the whole atmosphere changed. Early in May, 1942, the War

¹ United States War Department, Field Manual on Military Government, FM 27-5 (Washington: United States Government Printing Office, June, 1940). This publication hereafter referred to as FM 27-5(1).

² Ibid., p. 3.

Department established the School of Military Government at the University of Virginia in Charlottesville.³ The curriculum of the School of Military Government consisted of instruction in such fields as the history of military government, the mission of military government, and public administration. The people, language, geography and institutions of certain areas as Germany, Italy, France and other countries were also studied. The Military Government School at Charlottesville rapidly became overcrowded. Finally, arrangements were made to send several hundred officers to Fort Custer, Michigan, for a month's training in military government. At the end of this period these officers were distributed among Civil Affairs Training Schools at various colleges and universities including Harvard, Yale, Michigan, Northwestern, Wisconsin, and Stanford. For two months these officers were given courses comparable to those being taught at Charlottesville. At the conclusion of these courses the military government officers were eligible to be sent abroad.⁴

When, in November, 1942, American and British troops landed in French North Africa, it was hoped that the French would be able to carry the burden of civilian administration.

³ C. S. Hyneman, "The Army's Civil Affairs Training Program," American Political Science Review, 38:342, April, 1944.

⁴ Ibid., p. 344.

This hope was realized, though it finally entailed recognition of the Vichy Government representative, Admiral Jean Francois Darlan.⁵ Even with the French running the internal affairs of North Africa, General Dwight D. Eisenhower, Allied commander in chief,⁶ was faced with a host of civilian problems. The North African territories, already suffering from scarcities, were suddenly cut off from all supplies while serving as a base for large masses of troops. They needed Allied assistance which the Army by itself was not equipped to administer. The military commander, Eisenhower, who was preparing the Tunisian and Sicilian campaigns, was forced to turn much of his energy toward unifying the aims of the local civilian agencies and harmonizing them with the interests of the Allied Expeditionary Force. This proved a heavy burden because a full integration of many policies could have been reached only in Washington and London, and they were beyond the reach of the theater of operations.⁷ In the Mediterranean Theater General Eisenhower created a Military Government Section for the Sicilian operation, which proved so successful that it became a

⁵ Hajo Holborn, American Military Government (Washington: Infantry Journal Press, 1949), p. 7.

⁶ Dwight D. Eisenhower, Crusade in Europe (Garden City, New York: Doubleday and Company, Inc., 1948), pp. 71-72.

⁷ Hajo Holborn, op. cit., pp. 7-8.

full-fledged general staff division (G-5).⁸

The amphibious assault on Sicily was launched on July 10, 1943. For the first time, American military governors faced the test of applying their policies on Axis territory in Europe. One of the primary sources from which the plan for military government in Sicily was derived was FM 27-5(1). Two important problems stand out in the experience of the military government of Sicily. The first was the Allied attitude toward Fascism and the other was the concept of nonpolitical administration.⁹ General Administrative Instruction No. 2, stated "The Fascist Party will be immediately dissolved. . . . The Fascist Party machine will be broken up and its leadership . . . should be removed from any posts of authority in the civil administration . . ." The problem of non-political administration proved to be unworkable. In General Administrative Instruction No. 1,¹⁰ military government officers were told: "Your job is to administer and not to frame policy or talk politics. You are not to discuss political matters

⁸ Ibid., p. 10.

⁹ C. J. Friedrich, American Military Government in World War II (New York: Rinehart and Company, Inc., 1948), p. 28.

¹⁰ United States War Department, Army Service Forces Manual, M-353-2, Supplement (Washington: United States Government Printing Office, 1943), p. 60

with local Italians. . . ." Before this negativistic concept of military government was abandoned, it was included in the revised edition of FM 27-5 as an official expression of American military government policy.

In terms of the limited objectives for the first military government in Sicily, military government in Italy was an unqualified success.¹¹ It was especially useful in helping to safeguard military lines of communication.¹² The docility of the Italians, and their predisposition to the Allied cause after the armistice made this a relatively easy task. With the progressive advance up the Italian peninsula the objective of American military government changed. Even after the idea of reconstruction had replaced the idea of merely safeguarding military lines of communication, grave difficulties hindered the higher levels of military government. The planners of military government in Washington were men who did not manifest a thorough understanding of public administration in the United States; moreover, their information concerning Italy was unreliable.¹³ Because of this poor situation in Washington unrealistic

¹¹ C. S. Benson and Maurice Neufeld, American Military Government in Italy (New York: Prentice-Hall, Inc., 1948), p. 147.

¹² Ibid.

¹³ Ibid., p. 149.

administrative plans were evolved. The relatively low quality of military government personnel in Italy, and the complicated organizational structure of military government headquarters of the American forces made it impossible to work out immediate improvements in Washington's vague and often unworkable policies.¹⁴

On December 22, 1943, a revised edition of FM 27-5(1) appeared.¹⁵ The United States now had been at war more than two years. In the interim, American and Allied military government was beginning to make the transition from theory to practice. North Africa, Sicily, and Italy had served as laboratories in which policy could be tested. Perhaps the most striking characteristic of the revised Manual was the triumph of the military point of view. As section 9a stated:

The first consideration at all times is the prosecution of the military operation to a successful conclusion. Military necessity is the primary underlying principle for the conduct of military government . . . The theater commander must always have full responsibility for military government. . .¹⁶

¹⁴ Ibid., p. 151.

¹⁵ United States War Department, United States Army and Navy Manual of Civil Affairs and Military Government, FM 27-5, OP NAV 50E-3 (Washington: United States Government Printing Office, December 22, 1943). This publication hereafter referred to as FM 27-5(2).

¹⁶ Ibid., p. 5.

The provisions of the revised Manual with respect to the retention of local government departments and officials, as well as of existing laws, customs, and political subdivisions, mark a step forward in terms of the awareness shown of the problems created in imposing military government in areas formerly dominated by Fascist regimes. The authors of the revised Manual said that it would "usually . . . be necessary to remove high-ranking political officials from office." The underlying thesis found in the revised edition of FM 27-5(2) was that the objective of military government was winning the war and not taking care of enemy civilians in occupied areas. The revised edition of FM 27-5(2), like its predecessor, was important as a statement of general principles of military government as they were interpreted by the armed forces at the time of publication. It should be stressed that the doctrine there elaborated was in no sense mandatory. The Manual clearly stated that, "it is intended to serve as a general guide and it is explicitly recognized that departures may be required where special circumstances dictate otherwise."¹⁷

With the invasion of Normandy impending, the necessity for agreement on a German policy became more urgent. While the top planning groups in the United States argued,

¹⁷ Ibid., p. 3.

the Supreme Headquarters Allied Expeditionary Force (SHAEP) military government planners could not wait, and were compelled to elaborate their plans without high-level political guidance. A draft of these plans came to the attention of Secretary of the Treasury Henry Morgenthau, Jr. After consideration of these plans Secretary Morgenthau declared in a book, Germany Is Our Problem:

During a visit to the European theater at that time [June of 1944] I had an opportunity to look into the plans for occupation of Germany which were then being prepared at SHAEP. This planning was being carried on by English and American officers . . . concerned with military government. . . . not enough emphasis was being placed on the task of destroying Nazi influence and eliminating Germany's industrial potential for war. In any event, it was clear that these were important issues of national policy which ought not to be decided at a technical military level.¹⁸

The Second Quebec Conference in September, 1944, furnished the background for the next act in the development of a German policy. Secretary Morgenthau submitted a memorandum that called for a partitioning of Germany, the deindustrialization of the Ruhr, reparations in kind, political decentralization, and the division of large estates.¹⁹ This document was influential as seen in a memorandum

¹⁸ Henry Morgenthau, Jr., Germany Is Our Problem (New York: Rinehart and Company, Inc., 1945), pp. 125-126.

¹⁹ Ibid., pp. iv-vi.

signed by both Roosevelt and Churchill at Quebec September 15, 1944:

The industries in the Ruhr and the Saar would . . . be put out of action and closed down . . . the two districts should be put under some body under the world organization which would supervise the dismantling of these industries. This programme . . . is looking forward to converting Germany into a country primarily agricultural and pastoral in its character.²⁰

On September 11, 1944, the First United States Army had entered Germany.²¹ Military government officers in Germany operated on the basis of SHAEF directives, which were in turn based on policies contained in directives issued by the Combined Chiefs of Staff for application in the period prior to the defeat or surrender of Germany.²²

During the winter of 1944-1945, while the first efforts to apply these SHAEF directives were being made in Germany, a comprehensive Allied program for the occupation of the Reich was still lacking. At Yalta in February, 1945, the Big Three--Roosevelt, Churchill, and Stalin--made an effort to break the impasse. The Yalta communique (February 11, 1945) announced a number of important decisions, immediately relevant to the problem of the occupation of

²⁰ Henry Morgenthau, Jr., "Postwar Treatment of Germany," The Annals of the American Academy of Political and Social Science, 233:126, July, 1946.

²¹ C. J. Friedrich, op. cit., p. 38.

²² Ibid.

Germany.²³ In the first place, it was decided that Germany would be partitioned into separate zones of occupation for military government purposes.²⁴ The Big Three agreed to invite France to take over a zone of occupation and the limits of the zones were to be fixed by the four powers through their representatives on the European Advisory Commission.²⁵ In another plank the Yalta Agreement set forth such general principles as denazification, demilitarization, and disarmament to guide occupation policy.²⁶

On its face the Yalta communique expressed the unity of Big Three policy. But the surface unity concealed deep and disturbing differences in fundamental outlook.²⁷ The decision to compensate Poland with a slice of eastern Germany was made under Soviet pressure and involved Roosevelt and Churchill in an embarrassing repudiation of the principles to which they had subscribed in the Atlantic Charter.

²³ Department of State Bulletin, General Foreign Policy Series 9, Yalta Communique (Washington: United States Government Printing Office, October, 1951), pp. 4-37.

²⁴ Ibid., p. 5.

²⁵ James K. Pollock, Occupation of Germany (Ann Arbor, Michigan: George Wahr Publishing Company, 1949), p. 2.

²⁶ Ibid.

²⁷ Department of State Bulletin, op. cit., p. 14.

The decision to partition Germany into separate zones of occupation was an expression of disunity rather than unity.²⁸ Under the zonal system of occupation projected at Yalta, it was desirable that military government policy in all zones be coordinated if confusion was to be avoided. As the Allied armies pressed deeper into Germany the need became urgent. Since no agreement could be reached on a joint directive, each of the four powers destined to share in the occupation elaborated its own plan.²⁹

The Joint Chiefs of Staff Directive 1067 (JCS 1067), which was issued to General Eisenhower in April, 1945, was designed to guide him in his role as military governor of that portion of Germany occupied by the United States forces.³⁰ JCS 1067, like the Yalta Declaration, placed emphasis on what was to be destroyed, rather than on what was to be built and rebuilt. Decentralization of the German political, administrative, and economic structure and the encouragement of trends toward local autonomy were included as among the basic objectives of the occupation. A stern and far-reaching policy of denazification was

²⁸ Ibid., pp. 18-19.

²⁹ Ibid., pp. 20-23.

³⁰ Hajo Holborn, op. cit., pp. 157-172. This directive hereafter referred to as JCS 1067.

ordered.³¹

Military Government was cautioned to avoid becoming committed to any political group.³² Not all occupational responsibilities were entirely negative. One of the objectives proclaimed "preparation for an eventual reconstruction of German political life on a democratic basis." Another said, "free collective bargaining between employees and employers regarding wage, hour and working conditions . . . [was] . . . to be permitted."³³ The primary economic objectives were proclaimed as the industrial disarmament and the demilitarization of Germany. To secure industrial disarmament, the production and development of all arms, ammunition, and implements and facilities of war were to be prohibited. German industries that could be utilized for war production as well as excess capacity in certain other specified industries were to be subjected to regulation and made available for reparations.³⁴

JCS 1067 was subjected to criticism from several

³¹ Department of State Publication 2423, European Series 17, The Axis in Defeat (Washington: United States Government Printing Office, 1950), p. 58.

³² Ibid., pp. 64-65.

³³ Ibid., p. 66.

³⁴ C. J. Friedrich, op. cit., p. 42.

groups. For those of the Morgenthau school it did not go far enough in insuring the impotence of Germany. Others have said that it was "chiefly concerned with tearing things down rather than building things up."³⁵ In its final form, JCS 1067 represented a compromise; it contained its telltale uncertainties and contradictions. It assumed that military government would inherit a going concern with a reasonable amount of economic virility and strength rather than a disrupted and paralyzed economy.

Efforts to coordinate interzonal military government policy in the months after the issuance of JCS 1067 did not prove effective.³⁶ The organization of the quadripartite Allied Control Council in Berlin was announced on June 5, 1945.³⁷ Its purpose in general was "to insure appropriate uniformity of action in the chief questions affecting Germany as a whole." The statement on control machinery made clear that members would act "on instruction from their governments." Decisions in the Control Council would have

³⁵ Harold Zink, "A Political Scientist Looks at Military Government in the European Theater of Operations," American Political Science Review, 40:1097-1113, December, 1946.

³⁶ Hajo Holborn, op. cit., pp. 58-59.

³⁷ James K. Pollock, op. cit., p. 12.

to be unanimous in order to have binding effect.³⁸ Germany was divided for purposes of occupation into four zones--an eastern zone to the Soviet Union, a northwestern zone to the United Kingdom, a southern zone to the United States, and a western zone to France.³⁹ Greater Berlin in turn was split into four zones and made subject to a quadripartite Governing Authority (Kommandatura) consisting of four commandants, each of whom was to serve in rotation as chief commandant. The Kommandatura was to operate under the general direction of the Control Council.⁴⁰ It was made clear that coordination of interzonal military government policy depended on agreement on the fundamental objectives to be pursued. Experience in the various zones in the first months after surrender revealed serious differences in national policies.⁴¹

The Big Three Conference at Potsdam (July, 1945) represented another effort to reconcile these divergent

³⁸ Ibid., Section 2.

³⁹ Department of State Bulletin, European Series 32, Occupation of Germany (Washington: United States Government Printing Office, 1947), p. 44.

⁴⁰ Ibid., p. 46.

⁴¹ Ibid., p. 91.

views.⁴² A superficial reading of the Potsdam Declaration gives the impression that considerable progress was achieved in reaching agreement on occupational policy. Many of the principles laid down in JCS 1067 were incorporated almost verbatim in the Potsdam Report.⁴³ It permitted and encouraged the establishment of democratic political parties; it promised the restoration of local self-government and the introduction of representative and elective principles into regional, provincial, and state (Land) administration as rapidly as possible, subject to the consideration of military necessity; it promised freedom of speech, press, and religion would be permitted; it proposed the reorganization of the judicial system "in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality or religion."⁴⁴ The Potsdam Declaration broke new ground in its treatment of the reparation problem. No attempt was made to fix a monetary value on property to be removed from Germany in the way of reparations. Instead, a determination was to be made of the amount and character of the industrial

⁴² Department of State Publication No. 11, General Foreign Policy Series 41, Potsdam Declaration (Washington: United States Government Printing Office, 1945).

⁴³ Ibid., p. 1.

⁴⁴ James K. Pollock, op. cit., pp. 17-24.

capital equipment thought to be unnecessary for the German peacetime economy and therefore available for reparations.⁴⁵

The Potsdam Agreement of August 2, 1945, signed by President Harry S. Truman, Prime Minister Clement Attlee, and Marshal Joseph Stalin, reiterated the Allied principle of political decentralization and provided for the restoration of local self-government in Germany. It also stipulated that, during the period of occupation, Germany should be treated as a single economic unit.⁴⁶

During the first year of the occupation, German administrative organs on the local level were in large measure reactivated, emerging eventually at the state (Land) level.⁴⁷ But the Potsdam commitment to treat Germany as a single economic unit failed to bear fruit. Consequently, on July 20, 1946, the American Supreme Commander formally indicated a willingness to the other members of the Allied Control Council to merge the economy of the United States Zone with that of any other occupying power on a provisional basis,

⁴⁵ Ibid., pp. 20-21.

⁴⁶ Office of Military Government for Germany (OMGUS), A Year of Potsdam, 1946, p. 10.

⁴⁷ Elmer Plischke, History of the Allied High Commission for Germany (Washington: United States Government Printing Office, 1951), p. 1.

pending eventual quadripartite agreement regarding all of Germany.⁴⁸ The United Kingdom accepted the invitation, and joint United States-United Kingdom negotiations culminated in the Washington Bizonal Fusion Agreement of December 2, 1946, known as the "Byrnes-Bevin Agreement."⁴⁹

The question of economic fusion and the establishment of a provisional German government were raised on the quadripartite level on a number of occasions, especially at the meetings of the Council of Foreign Ministers at Moscow in the spring of 1947, and in London late in the same year.⁵⁰ No agreement could be reached because of Soviet and French opposition. Secretary of State George C. Marshall's disappointment with this lack of progress was clearly reflected in his report covering the London session of the Council of Foreign Ministers. The second best solution was tripartite integration in Western Germany.⁵¹ The first tripartite conference of Deputy Foreign Ministers was held in London

⁴⁸ Department of State Publication 2630, European Series 15, United States Economic Policy Toward Germany (Washington: United States Government Printing Office, 1947), p. 35.

⁴⁹ Ibid.

⁵⁰ Elmer Plischke, op. cit., p. 1.

⁵¹ Karl Loewenstein and James K. Pollock, Change and Crisis in European Government (New York: Rinehart and Company, 1947), pp. 39-40.

in the spring of 1948, and it was able to record substantial agreement concerning a number of important German questions. This tripartite conference was basic in the implementation of the drafting of Western Germany's Basic Law and the Occupation Statute.⁵² In May, 1949, the Basic Law, the Bonn constitution of the West German Republic, was accepted by the Military Governors. During this period the Occupation Statute placing limitations on Allied military government was also put into effect.⁵³ Military government as such lasted until September 21, 1949, when the Allied High Commission assumed the supervision of the Federal Republic of Germany.⁵⁴

⁵² Arnold Brecht, "The New German Constitution," Social Research, 16:14, December, 1949.

⁵³ Ibid., pp. 44-45. Also see James K. Pollock, Germany Under Occupation (Ann Arbor, Michigan: George Wahr Publishing Company, 1949), pp. 294-296. The Basic Law and the Occupation Statute are elaborated upon in this thesis in Chapter VI, pp. 104-109.

⁵⁴ Elmer Plischke, op. cit., pp. 36-38.

CHAPTER III

MILITARY GOVERNMENT STAFF AND PLANNING ORGANIZATION

Inasmuch as this study deals basically with military government in Germany, it is not necessary to consider the Washington level in detail, though the chain of command obviously begins there. In passing, however, it may be noted that the Civil Affairs Division of the Department of the Army served as the central agency for military government affairs of the army throughout the world and that the Joint Chiefs of Staff furnished the basic directives to the theater commanders.¹ Mention should also be made of the State, Army, Navy, and Air Force Coordinating Committee (SANACC).² This was made up of representatives of the State, Army, and Navy Departments, plus the Air Force, and an Assistant Secretary of State who gave his time to occupied areas. Finally, there was the President of the United States in his capacity as commander in chief.

Perhaps the most serious weakness in military gov-

¹ Major R. A. Eicher, Instructor on Military Government, April 17, 1951, University of Texas, ROTC.

² Department of the Army, United States Army and Navy Manual of Civil Affairs and Military Government, FM 27-5, OPNAV P22-1115 (Washington: United States Government Printing Office, 1947), p. 31.

ernment planning during World War II, at the Washington level, was the lack of any single center of responsibility.³ The War Department had the general operating responsibility, while the State Department formulated the basic policy in large measure.⁴ It was almost impossible to draw anything like a clear-cut line between the two spheres, with the result that adequate handling of the overall problem was difficult.

In the European Theater the general responsibility for military government in Germany was entrusted to the commanding general of American forces.⁵ The specific responsibility for drafting plans and policies for military government in Germany was divided between Washington and the European Theater of Operations. Early in 1944 the German Country Unit, a joint Anglo-American agency, was set up in England to deal with matters of policy.⁶ This unit proceeded on the assumption that policy determination and

³ Major R. A. Eicher, Instructor on Military Government, April 17, 1951,

⁴ Ibid.

⁵ SHAEF, Directive for the Military Government of Germany Prior to Defeat or Surrender, 9 November 1944, p. 14. This document read at the 4th Army library, Fort Sam Houston, Texas.

⁶ The Provost Marshal General's School, Military Government Department, Civil Affairs Occupation Forces in Europe Series, 1947, p. 8.

military government planning would be handled on an Anglo-American rather than on a purely national basis.⁷ The German Country Unit occupied both a position as a special staff of the Supreme Headquarters and as a military government unit under European Civil Affairs Division (ECAD). It was organized to parallel the German governmental organization and drafted plans for the control of the various Reich ministries.⁸ With almost no policies at the time available from Washington or London, it had the task of making plans without any substantial guidance. The German Country Unit prepared three editions of the Handbook for Military Government in Germany and various functional manuals during the spring and summer of 1944. During the summer of 1944 it was decided by the Civil Affairs Division and the Joint Chiefs of Staff that military government planning should be handled on a national rather than on an Allied basis.⁹ The German Country Unit consequently came to an end in the late summer and the United States Group Control Council for Germany was organized to take its

⁷ Ibid.

⁸ Ibid.

⁹ ETOUSA, United States Group Control Council, November 1944-April 1945, p. 2. This document read at the 4th Army library, Fort Sam Houston, Texas.

place.¹⁰

SHAEP recommended that the United States Group Control Council for Germany should have the same organization as the former German Country Unit. But the Joint Chiefs of Staff did not see fit to follow SHAEP's recommendation. Consequently the organization plan for the United States Group Control Council did not parallel the structure of the German government.¹¹ No provision was made for regional and local government in Germany, and even after a small section charged with planning for German local government was authorized in the winter of 1944, the general organization of the United States Group Control Council remained unsatisfactory.¹² It is probably fair to state that the greatest weakness of the United States Group Control Council's planning was the failure to base the organization on the German system of local administration. After V-E Day the growth in personnel of the United States Group Control Council for Germany was rapid. Even before the move of the United States Group Control Council Headquarters was made from Bushey Park, near London, to Hochst, near Frankfort, Germany, numerous high ranking surplus officers from the

¹⁰ Ibid., pp. 3-5.

¹¹ Ibid., pp. 7-10.

¹² Ibid., p. 11.

United States were sent to join the staff.¹³ Many of the surplus officers in the European Theater were also added. Large numbers of civilians from the United States came to join the United States Group Control Council in such departments as trade and industry, food and agriculture.¹⁴

During the early days of the United States Group Control Council it was assumed that this agency would not only do the planning for military government in Germany but also serve as the top American military government headquarters after Germany had been occupied.¹⁵ But with the formation of G-5 United States Forces, European Theater (USFET), it appeared that that staff considered itself as the top agency for military government control.¹⁶ Despite the impressive beginning made by G-5 of USFET it was decided by the Civil Affairs Division to concentrate general responsibility for both planning and control in the older unit.¹⁷ However, this was not done until the United States

¹³ USFET, CA/MG Weekly Field Report, No. 1, 14 July 1945, p. 7. This document read at the 4th Army library, Fort Sam Houston, Texas.

¹⁴ Ibid., pp. 8-9.

¹⁵ The Provost Marshal General's School, Military Government Department, United States Military Government in Germany, 1950, p. 14.

¹⁶ Ibid., pp. 23-24.

¹⁷ USFET, G-5 Division, 1 April-30 June 1945, p. 5. This document read at the Provost Marshal General's School library, Camp Gordon, Georgia.

Group Control Council for Germany had become the Office of Military Government, United States Zone (OMGUS). In the fall of 1945 the United States Group Control Council for Germany ceased to exist and the Office of Military Government, United States Zone, came into being.¹⁸ The commanding officer of the United States Group Control Council for Germany became the commanding officer of the Office of Military Government, United States Zone. In other words this change involved little more than a change in name.

In order to obtain anything like a clear picture of military government in Germany, it is necessary to differentiate the period prior to July, 1945, from the later period. A further subdivision of the period following the midsummer of 1945 into two phases should also be helpful. During the period of the combined Anglo-American headquarters known as SHAEF, which covered all of the combat phase and some two months of transition following V-E Day, G-5 of SHAEF had the general responsibility for military government operations as delegated by the Supreme Commander.¹⁹

¹⁸ Major R. A. Eicher, Instructor on Military Government, April 28, 1951, University of Texas, ROTC.

¹⁹ SHAEF, Directive of G-5 Division to Deputy Chief, Civil Affairs, Special Staff, 19 February 1944, p. 29. This document read at the Provost Marshal General's School library, Camp Gordon, Georgia.

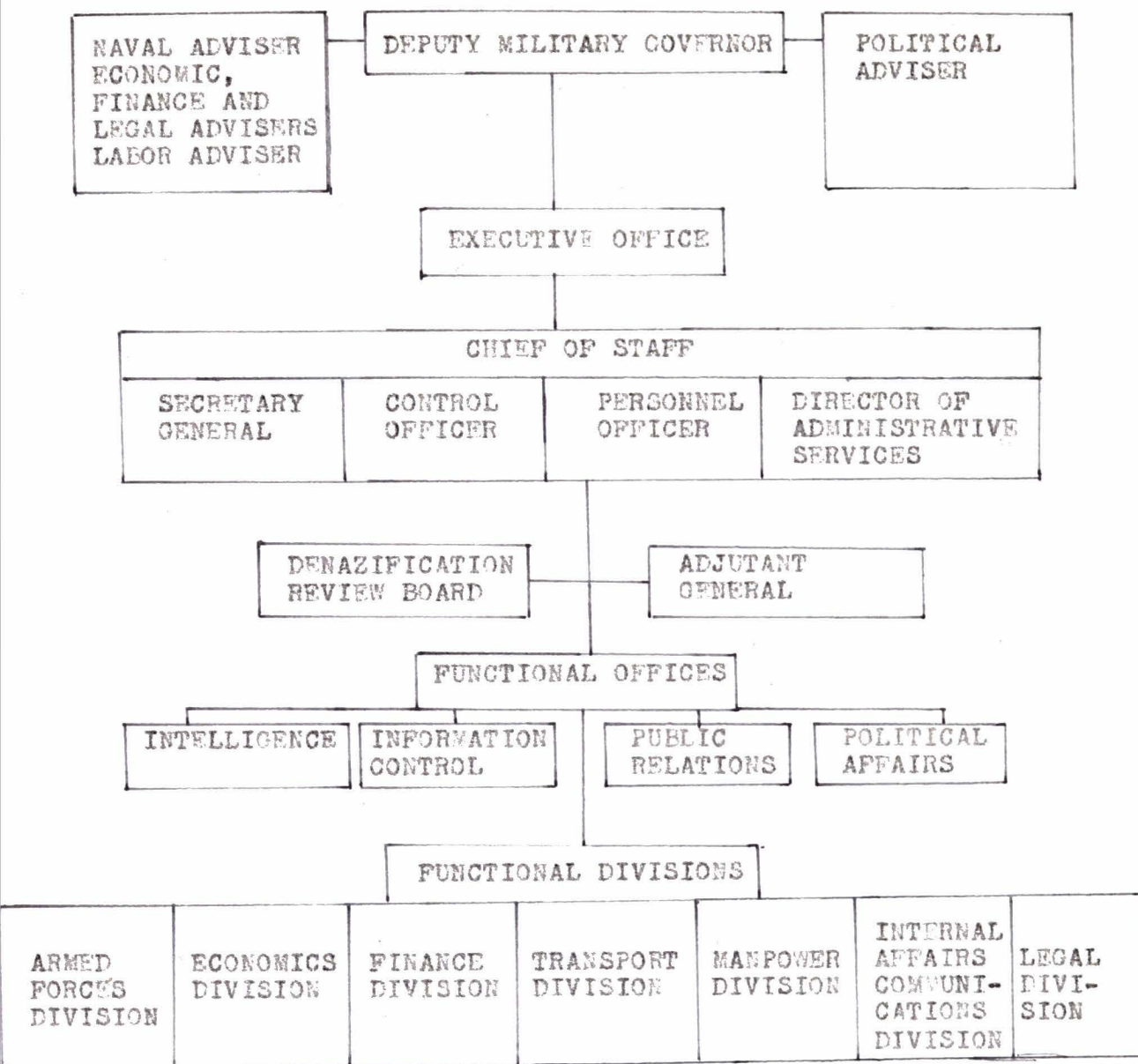


Figure 1

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (OMGUS)

AS OF MARCH, 1946

Although G-5 of SHAEF had both planning and operations staffs, operations took precedence. The difficulty of securing specialist personnel and the failure of those in authority to perfect a well-rounded organization led to serious weaknesses in G-5, SHAEF. Even more serious in limiting the effectiveness of G-5, SHAEF, must be placed the old problem of military jealousy. Though closely related in purpose to the German Country Unit and the United States Group Control Council for Germany, G-5 of SHAEF was not anxious to maintain effective working relations with these agencies.²⁰

Immediately below G-5, SHAEF, in the military government organization were the G-5 staffs of the Army Groups--the Twelfth and Sixth Army Groups holding the center of the scene in American military government operations.²¹ Under the strict rule that military government must follow the command channel, the relations between G-5, SHAEF, and the G-5 staffs of the Twelfth and Sixth Army Groups, instead of being direct, followed a route through the chief of staff of SHAEF to the commanding generals of the two Army groups

²⁰ Major R. A. Eicher, Instructor on Military Government, April 28, 1951, University of Texas, ROTC.

²¹ The Provost Marshal General's School, Military Government Department, Civil Affairs Occupation Forces in Europe Series, 1947, pp. 12-14.

and thence through their chiefs of staff to the G-5 staffs of the Army Groups.²² All G-5, SHAEF, supervision of the military government organization in the field had to be done through the Army Groups under the strict army insistence on following the lines of army organization.²³ G-5 staffs of Army Groups varied somewhat from Army Group to Army Group, depending upon the desire of the commanding generals, but, by and large, they followed the pattern of G-5, SHAEF.²⁴ These staffs were headed by an assistant chief of staff, usually a full colonel, and in addition an executive officer and various administrative officers.²⁵

Below the G-5 staffs of the Army Groups came the G-5 staffs of the Armies. Again, under the command channel requirement, the relationship between the two was indirect rather than direct. G-5 staffs of the Armies followed the same general lines as G-5, SHAEF, and G-5, Army Groups, with an assistant chief of staff at the head, and various functional officers in addition to executive and administrative

²² ETOUSA, General Order No. 74, 16 October 1943, p. 8. This document read at the Provost Marshal General's School library, Camp Gordon, Georgia.

²³ The Provost Marshal General's School, Military Government Department, Civil Affairs Occupation Forces in Europe Series, 1947, pp. 10-14.

²⁴ Ibid., p. 12.

²⁵ Ibid., p. 14.

officers.²⁶ In so far as the military government operations headed up in the Army, the G-5 staffs of the latter might have been as large, or even larger in certain cases, than those of the G-5, Army Groups.²⁷

The next echelon below the Army was the Corps. The military government staff provided at Corps headquarters ordinarily had a small number of officers, but it performed rather important functions in locating the military government detachments in the field.²⁸ Below the Corps was the Division. The army Divisions maintained contact with the military government detachments in their territories through field telephone installations and courier service. Their primary job was to call conferences of the senior military government officers of the detachments within their territories to consider the overall situation.²⁹ Even at this level military government orders had to follow the chain of command and go through the division commander, but the contact, in comparison with those contacts existing at

²⁶ Ibid., pp. 16-20.

²⁷ Ibid., p. 16.

²⁸ Ibid., p. 19. See also ETOUSA, Table of Distribution and Allowances for the Civil Affairs Staff Section, Corps, 15 April 1944. This document read at the Provost Marshal General's School library, Camp Gordon, Georgia.

²⁹ The Provost Marshal General's School, Military Government Department, Civil Affairs Occupation Forces in Europe Series, 1947, pp. 21-23.

higher levels, was quite direct.³⁰

A brief consideration should be given to the European Civil Affairs Division (ECAD) and its three regiments. During the training period prior to D-Day most of the military government officers in the European Theater of Operations were directly under the ECAD.³¹ However, as detachments came into a state of preparedness and were assigned to the Armies, they pulled away from ECAD and from that time on had their most direct contacts with the Armies or their divisions.³² Despite the fact that military government officers in general became integral parts of Armies and received their orders from such a source, they looked to ECAD and its regiments for their pay and allowances, their promotions, and their supplies.³³

With the dissolution of SHAEF, July 14, 1945, the military government organization underwent certain changes; G-5, USFET, was designated the Office of Military Government, United States Zone.³⁴ The Army Groups ceased to

³⁰ Ibid., pp. 38-40.

³¹ Ibid., p. 40.

³² USFET, G-5 Division, ECAD, An Historical Account, 1950, pp. 1-3. This document read at the Provost Marshal General's School library, Camp Gordon, Georgia.

³³ The Provost Marshal General's School, Military Government Department, Civil Affairs Occupation Forces in Europe Series, 1947, pp. 38-39.

³⁴ Ibid., p. 40.

exercise military government functions.³⁵ This probably served to reduce the distance which had formerly separated military government higher headquarters from the detachments which carried on field operations. The American zone was placed under a military governor who also served as the commanding general of the American forces in the European Theater of Operations as well as the American representative on the Allied Control Council for Germany.³⁶ Even before the dissolution of SHAEF a paper went out to the commanding generals of the Armies stating that military government experience had indicated the necessity for some measure of direct communication between military government units.³⁷ By the end of 1945 progress had been made in drawing military government planning and staff sections into a more cohesive organization. G-5 of USFET, which had become the Office of Military Government in the American zone, was for the most part moved to Berlin and combined with the Office of Military Government for Germany of the United

³⁵ USFET, Assumption of Certain Military Government Responsibilities of the 12th Army Group, 5 July 1945, p. 3. This document read at the Provost Marshal General's School library, Camp Gordon, Georgia.

³⁶ The Provost Marshal General's School, Military Government Department, Civil Affairs Occupation Forces in Europe Series, 1947, p. 71.

³⁷ USFET, Administration of Military Government in the United States Zone in Germany, 7 July 1945, p. 32. This document read at the 4th Army library, Fort Sam Houston, Texas.

States.³⁸ By this move the old jealousy which had existed from the early days at the top level and which had seriously interfered with effective efforts came to an end.

After V-E Day the G-5 staffs increasingly gave way to Offices of Military Government at the various levels of Government.³⁹ The Land (state) military government detachments became the basic military government headquarters for the control of the entire system of German government from the Land down through the Regierungsbezirke (districts) and including the Kreis (county) and Gemeinde (municipality).⁴⁰ Another significant development within the general organization of military government was the influx of civilians into the military government staff. By mid-summer of 1946, Lieutenant General Lucius D. Clay, the Deputy Military Governor of the United States Zone of Germany, reported that two-thirds of the military government staff in Germany was civilian.⁴¹

³⁸ USFET, General Orders 283, 8 October 1945, pp. 4-5. This document read at the Provost Marshal General's School, Camp Gordon, Georgia.

³⁹ The Provost Marshal General's School, Military Government Department, Civil Affairs Occupation Forces in Europe Series, 1947, pp. 82-85.

⁴⁰ Ibid.

⁴¹ Commentary in New York Times, November 26, 1946.

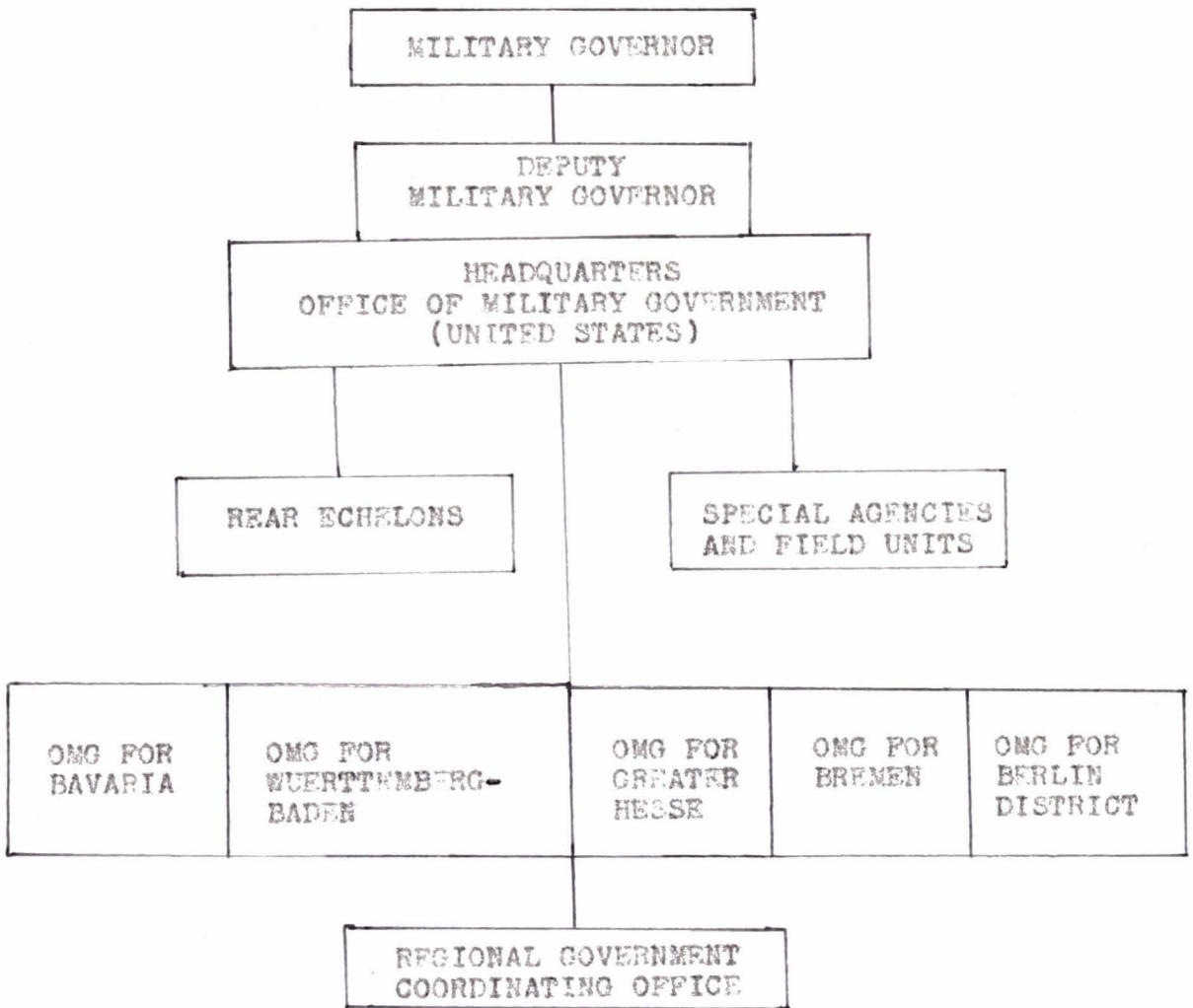


Figure 2
MILITARY GOVERNMENT RELATIONSHIPS
EFFECTIVE 1 APRIL 1946

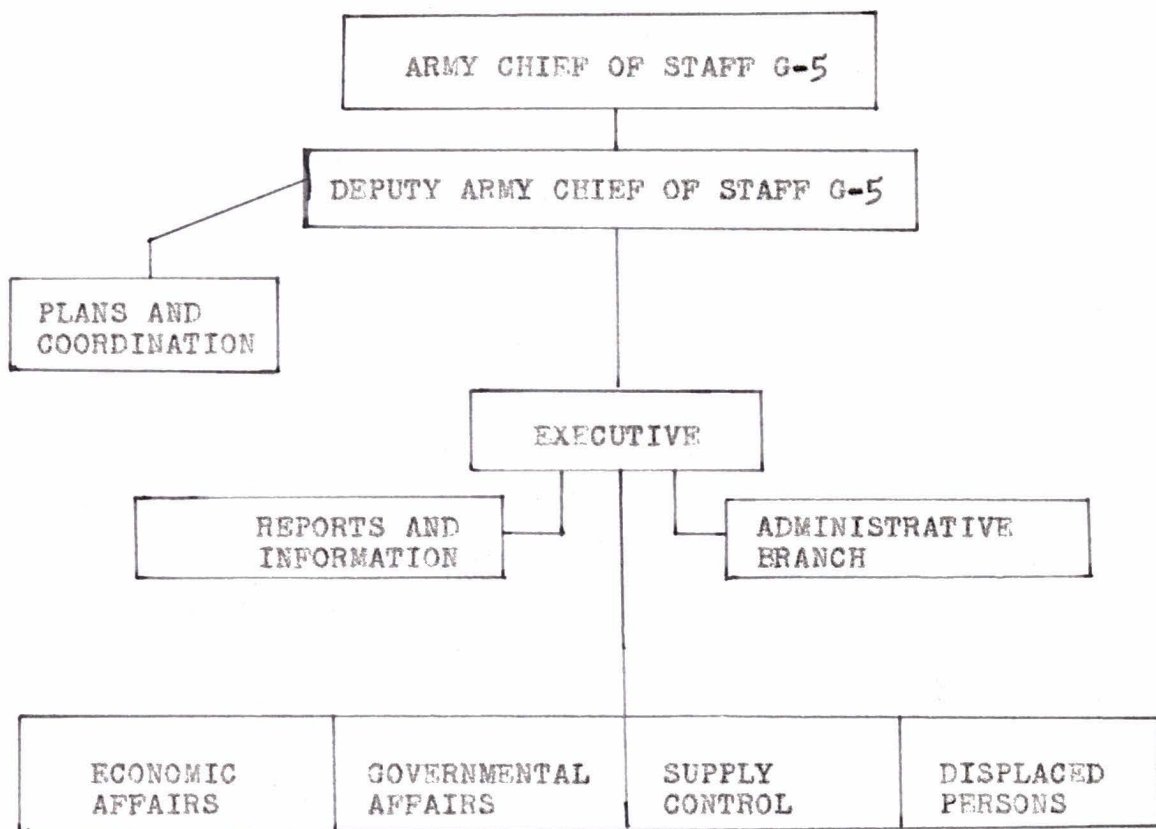


Figure 3
G-5 DIVISION USFET

CHAPTER IV

MILITARY GOVERNMENT IN THE FIELD

During the SHAEF period, from June, 1942, to July 14, 1945, military government organization below the army division level depended to a considerable extent upon the particular division and especially upon the territory which it occupied. During the period before V-E Day divisions engaged in combat had military government officers whose functions were mainly related to the tactical operations of the division.¹ These military government officers accompanied the division and its constituent regiments, battalions, and companies wherever they went and did emergency work aimed at making the civilian and displaced persons population less of a burden on the fighting forces.² Not far behind the tactical units during the combat phase were the military government detachments provided to take over the administration of the various German government units as the invasion proceeded.³ When these detachments arrived

¹ ETOUSA, Table of Distribution and Allowances for the Civil Affairs Staff Section, Division, 15 April 1944. This document read at the Provost Marshal General's School, Camp Gordon, Georgia.

² The Provost Marshal General's School, Military Government Department, Civil Affairs Occupation Forces in Europe Series, 1947, p. 22.

³ Ibid., p. 21.

at the place which they had been ordered to take over, they dropped behind the tactical unit that they had been following and remained in charge of military government aspects of the situation until otherwise ordered.

Several types of military government detachments were planned and organized during the early days of 1944 in England.⁴ Identified by a letter they underwent certain changes in designation and size as time proceeded. Originally designated A, B, C, and D detachments or teams, they were later broken down into five types and labeled E, F, G, H, and I detachments.⁵

The A (later E) military government detachments were the largest in size and the most specialized in character.⁶ The A detachments were not numerous since they were intended to take over Laender (states), Provinzen (provinces), and in a few instances very large Stadtkreise (cities). Although some of these finally had more than one hundred officers and numerous enlisted men assigned or attached to them, they were originally organized on the basis of approximately

⁴ Lieutenant Colonel Robert H. Slover, a military government officer who gave a lecture on Military Government Units, March 7, 1952, Exercise Long Horn, Fort Hood, Texas.

⁵ Ibid.

⁶ The Provost Marshal General's School, Military Government Department, op. cit., pp. 53-54.

thirty officers and fifty enlisted men.⁷ A senior military government officer commanded each of these detachments. Each detachment had a deputy to the commanding officer, an executive officer, administrative officers, and functional officers to deal with the various administrative agencies of the German government to be supervised.⁸

Depending upon the area to be taken over, these large detachments included experts in mining, forestry, oil refining, fisheries, and various other technical fields, along with specialists in public safety, public health, government, administration, food, agriculture, public finance, banking, insurance, public works, public utilities, courts and legal system, education, religious affairs, intelligence, transportation, communications, fine arts and archives, and trade and industry.⁹ Although the expertness of the specialist officers naturally varied, many of the original assignees displayed a very high degree of competence.¹⁰ As the detachments doubled and tripled in size

⁷ Ibid.

⁸ Ibid.

⁹ Department of the Army and Navy, United States Army and Navy Manual of Civil Affairs and Military Government, FM 27-5, OPNAV P22-1115 (Washington: United States Government Printing Office, 1947), pp. 17-27.

¹⁰ Lieutenant Colonel Robert H. Slover, Lecture on Military Government Units, March 7, 1952, Fort Hood, Texas.

after V-E Day, the general level of proficiency deteriorated because of the use of tactical officers and others with little or no specialized training in military government; even so, professional expertness remained at a reasonably high level.¹¹

The B (later F) detachment did not differ materially from the A (E) detachments in size.¹² Originally consisting of approximately twenty-five officers and something less than twice as many enlisted men, they increased rapidly in strength after V-E Day and at their peak frequently had from fifty to seventy-five officers assigned or attached.¹³ These detachments, designed to take over Regierungsbezirke (districts) or corresponding governmental units and large Stadtkreise (cities), permitted a considerable amount of specialization on the part of their officers, though not quite the degree provided in the A (E) detachments.¹⁴ These detachments had a commander who was a senior military government officer, a deputy, an executive, and administrative officers similar to those noted in the

¹¹ Ibid.

¹² The Provost Marshal General's School, Military Government Department, op. cit., p. 54.

¹³ Ibid.

¹⁴ Lieutenant Colonel Robert H. Slover, Lecture on Military Government Units, March 7, 1952, Fort Hood, Texas.

largest teams, and numerous functional specialists.¹⁵

The C (later G) detachments were marked by a considerable drop in strength and specialization over the A (E) and B (F) teams.¹⁶ They originally had approximately a dozen officers and corresponding enlisted men and increased to thirty or more officers during the summer of 1945.¹⁷ Intended to be used for medium sized Stadtkreise, smaller Regierungsbezirke, and a few of the largest Landkreise, they had the same type of general organization as the larger detachments but fewer specialist officers.

The D (later H and I) detachments far exceeded the other detachments in number, but they were distinctly smaller in size and much more general in character.¹⁸ They were assigned four and six officers respectively together with complements of enlisted personnel, but the rapid expansion in size which was seen in the case of the larger detachments also took place at this level.¹⁹ At

¹⁵ The Provost Marshal General's School, Military Government Department, op. cit.

¹⁶ USFET, G-5 Section, Report of General Board, Civil Affairs and Military Government Organizations and Operations, January, 1946, p. 96. This document read at the Provost Marshal General's School, Camp Gordon, Georgia.

¹⁷ Ibid., p. 97.

¹⁸ Ibid., pp. 97-99.

¹⁹ Ibid.

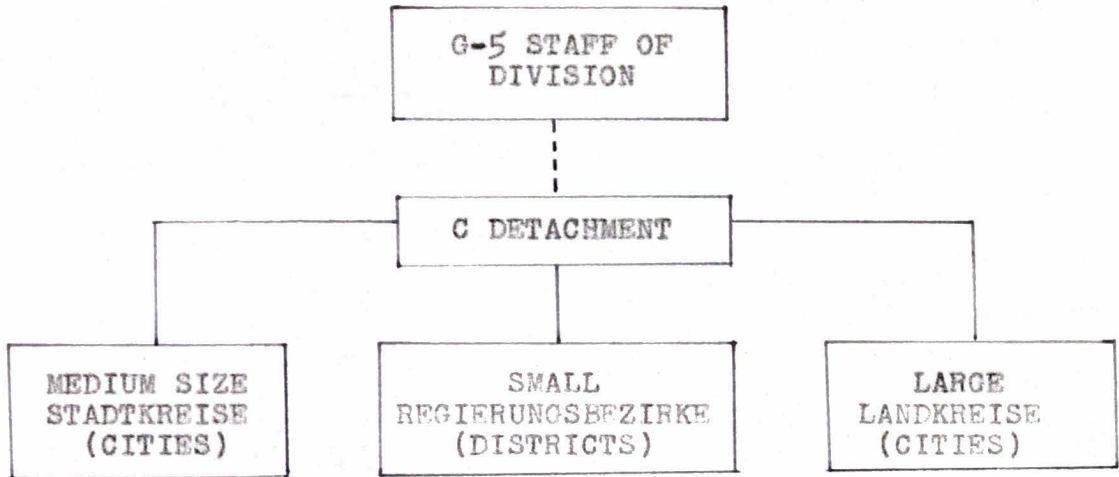


Figure 4
"C" DETACHMENTS DURING SHAEF PERIOD

the peak of their operations in the late summer of 1945 they had at least doubled in size. Obviously detachments of the D (H and I) strengths could not have been based on any considerable degree of specialization, since a single officer had to give attention to three or four or even more functions.²⁰ One officer commanded the unit, while a second acted as the executive officer. The executive officer performed administrative duties and was charged with the general responsibility for German government organization. The remaining two or more officers had to take care of the administrative agencies of the unit of German government being supervised.²¹ In most cases one concentrated largely on public safety, together with denazification. As the detachments increased in size it was not uncommon to find one or more officers devoting themselves entirely to denazification. These detachments were assigned to the many Landkreise and at times to small Stedtkreise.²²

The early plans did not provide military government

²⁰ Lieutenant Colonel Robert H. Slover, Lecture on Military Government Units, March 7, 1952, Fort Hood, Texas.

²¹ Ibid.

²² The Provost Marshal General's School, Military Government Department, op. cit., p. 55.

detachments to control every German political unit. It was believed that a single detachment could give adequate direction to two or three rural Landkreise and that a detachment located in a city where there might be German Stadtkreis, Regierungsbezirk, and Landkreis offices could supervise all of them.²³ In the case of the latter it was argued that one detachment would be able to coordinate the efforts of several German governments while the presence of two or more detachments in one city would lead to rivalry and duplication. The experience during the SHAEF period convinced the higher authorities that one military government detachment should be given responsibility for only a single German political unit.²⁴ If two or more German units were assigned to a single military government detachment, there seemed to be a distinct tendency to concentrate on one government and more or less ignore the others. Therefore, additional detachments were organized or transferred from France, Belgium, and Holland and by August of 1945 all or nearly all of the approximately three hundred American military government detachments in Germany

²³ Ibid., pp. 54-57.

²⁴ A good discussion on military government detachments is found in, The Military Police School, Military Government Staff Sections and Units, April, 1950, pp. 10-12. This document read at the Provost Marshal General's School, Camp Gordon, Georgia.

had responsibility for only one German governmental unit each.²⁵ This of course meant that in large cities there might be three or even more detachments.

The increase in the size of the military government detachments which took place during the summer of 1945 also had significance. Almost all detachments doubled in size during this period.²⁶ To the extent that the officers who were added had adequate background, this increase permitted more specialization, particularly in the three smaller-size detachments. Actually many of those who were added lacked substantial professional background.²⁷ Thus, although these officers could be used for general purposes and to assist the overworked specialist in routine duties, they could not be given direct responsibilities for functional work. It is probably unfortunate that the additional personnel could not have been furnished earlier, when the detachments were engaged in the initial problem of taking

²⁵ The Provost Marshal General's School, Military Government Department, United States Military Government in Germany, 1950, pp. 5-14.

²⁶ Ibid., p. 11.

²⁷ SHAEF, Balance of Survey of Detachments in Regierungsbezirk Status, 6 July 1945, p. 22. This document read at the Provost Marshal General's School, Camp Gordon, Georgia.

over German political units. At that time the detachments were seriously undermanned and much handicapped by the lack of officers and men.²⁸ By the time the great increase came, the job had been fairly well organized and the pressure had been reduced. That is not to say that the new personnel did not serve a useful purpose, for in many detachments there remained a definite need for additional men who knew how to cope with denazification, the food problem, displaced persons, and various other matters.²⁹ At the same time it should be pointed out that many of the detachments found it difficult to absorb the new officers and men, who were often assigned without much attention to the needs of that particular detachment. This happened not infrequently, with the result that specialists in one field had to be used for an entirely different function.³⁰

By the fall of 1945 military government had arrived at the point where it could begin to turn responsibility

²⁸ Lieutenant Colonel Robert H. Slover, Lecture on Military Government Units, March 7, 1952, Fort Hood, Texas.

²⁹ SHAEF, G-5 Division, Minutes of 3d Military Government Conference, 5 April 1945, p. 8. This document read at the Provost Marshal General's School, Camp Gordon, Georgia.

³⁰ Lieutenant Colonel Robert H. Slover, Lecture on Military Government Units, March 7, 1952, Fort Hood, Texas.

back to the Germans.³¹ When the detachments arrived on the scene virtually no German governments were functioning. By late May of 1945 German governments had been set up in almost every place and at every level below the central government.³² Initially many of these governments were organized on a skeletal basis, and it required many weeks to get them to a point where they could be regarded as full-fledged and effective. By the end of 1945 the local German governments, including the Landkreise and Stadtkreise, had made a good deal of progress in taking responsibility for government functions in their respective areas.³³

During this same period the demobilization program involved many military government officers, despite the attempt to exclude them by the point system. The influx of Regular Army officers to positions where they could counteract much of what was done by the military government specialists, the indecisive and wavering policy which was coming from Washington, caused many military government

³¹ OMCUS, Quarterly Report of Operations, 1 October to 31 December 1945, p. 10. This document read at the Provost Marshal General's School library, Camp Gordon, Georgia.

³² The Provost Marshal General's School, Military Government Department, United States Military Government in Germany, 1950, pp. 10-12.

³³ Seventh United States Army, Final Report, Part V, 25 March 1946. This document read at the 4th Army library, Fort Sam Houston, Texas.

officers to go back to the United States as soon as possible.³⁴

There had never been any intention of having American military government detachments operate German government directly, since that would have required personnel far beyond the numbers that could possibly be supplied by the United States.³⁵ Actually it would probably have been a most unsound policy for the United States to take over direct administrative responsibility for German problems. Endless expense and mistakes would probably have resulted and the psychological effect on the Germans themselves would perhaps have been the reverse of what was desired. It is true that American military government personnel did not always find it easy to follow the fundamental directive that their role was to supervise and control, not to be direct administrators.³⁶ As the German governments demonstrated their ability to manage their own affairs and military government personnel was drained off as a result of the demobilization program, detachments were reduced

³⁴ Lieutenant Colonel Robert H. Slover, Lecture on Military Government Units, March 7, 1952, Fort Hood, Texas.

³⁵ Ibid.

³⁶ USFET, Administration of Military Government in the United States Zone of Germany, 14 January 1946, pp. 9-12. This document read at the Provost Marshal General's School, Camp Gordon, Georgia.

in size and finally withdrawn from the Landkreise and the Stadtkreise.³⁷ To take their place small Liaison and Security teams were installed at the key localities.³⁸

This does not mean that the Germans were given complete responsibility; it does indicate that supervision increasingly came to be exercised at a higher level. Instead of having military government detachments in every Landkreise and Stadtkreise to give orders to the local German officials, this control was exercised from the regional level through German officials over the local governments.³⁹

Whether the process of contracting the American military government machinery in the field was unduly rushed through depends in large measure upon personal judgment. Under an ideal set of circumstances it is possible that more time should have been allowed to accomplish the transition in the American Zone. Had large numbers of military government specialists been available in the Regular Army, there would probably have been less reason to speed the process along. Considering the situation as it actually

³⁷ Interview with Major G. C. Sola, Commanding Officer of L and S detachments in Frankfort, Germany, May 4, 1952, Austin, Texas.

³⁸ Major R. A. Eicher, Instructor on Military Government, April 24, 1951, University of Texas, ROTC.

³⁹ Interview with Major G. C. Sola, May 4, 1952, Austin, Texas.

existed, it is difficult to accept at face value many of the statements made by correspondents and others both in the European Theater of Operations and in the United States.⁴⁰ Very often these articles expressed or implied that the United States was losing interest in Germany and was on the verge of leaving her to the whims of France, Britain, and Russia. These statements frequently seemed to be based on superficial knowledge and certainly displayed little understanding of the complex factors that had to be considered in deciding what should be done.

⁴⁰ Commentaries in the New York Times, September 10, 1945; an article on Germany by A. Krock, October 4, 1945; October 9, 1945; October 13, 21, 1945; November 11, 30, 1945; April 12, 1946.

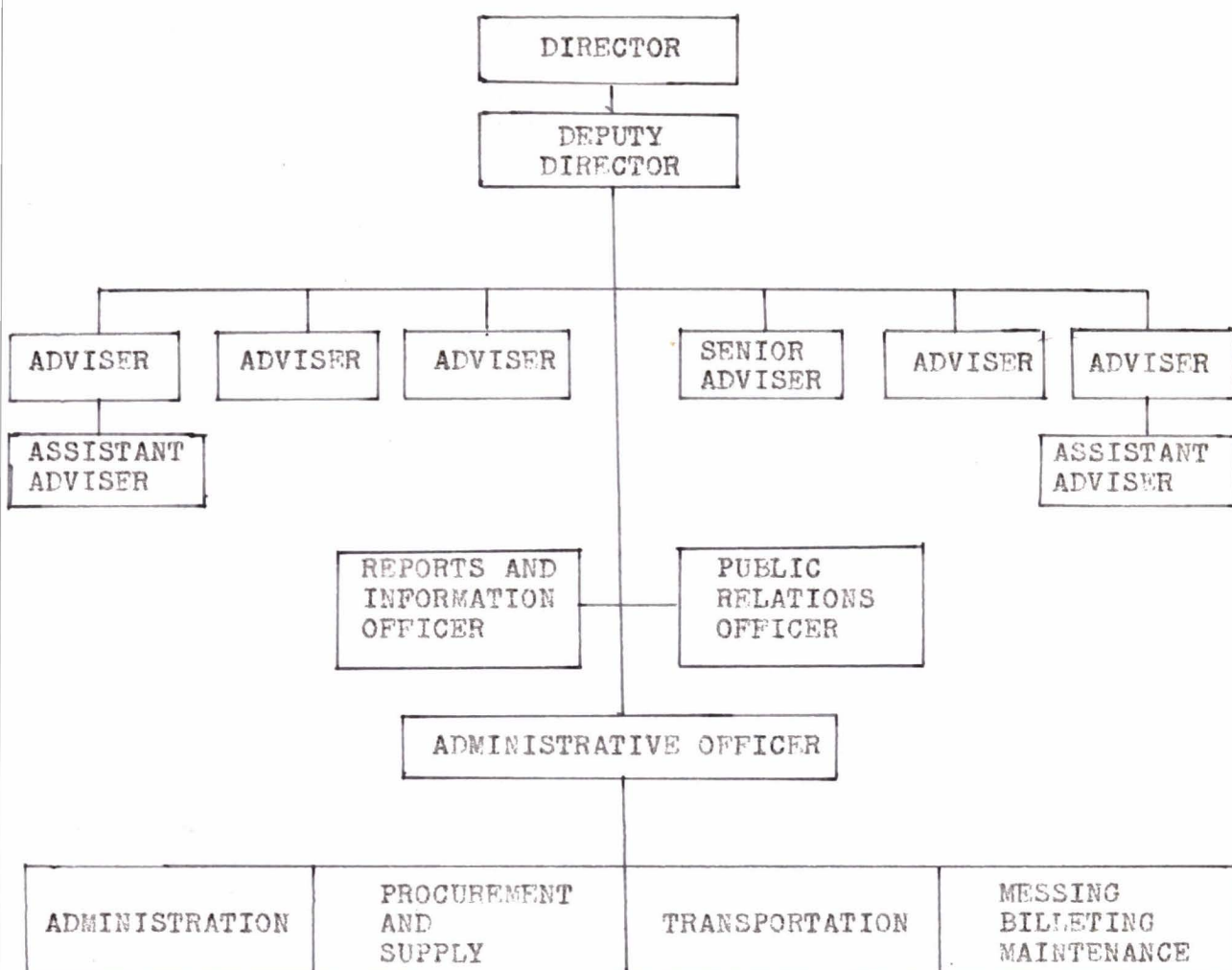


Figure 5

REGIONAL GOVERNMENT COORDINATING OFFICE
 OFFICE OF MILITARY GOVERNMENT FOR GERMANY
 (UNITED STATES)

CHAPTER V

DENAZIFICATION AND MILITARY GOVERNMENT COURTS

If one were to select the single item which received the most attention from military government officers of the United States in Germany, stirred up the widest controversy, occasioned the greatest perplexity among British, Russian, and French Allies and gave rise to the most widespread publicity in the United States, it would without much question be the American denazification program. With public opinion in the United States at so high a pitch American military personnel, whether they approved or not of what was being done, had to give detailed consideration to the problem of denazification.¹

Like the rest of military government, denazification planning suffered from indecision. However, based on experience in purging Fascists in Italy, the Public Safety Branch of SHAEF drew up a plan for immediate removal of top-level Nazis and militarists and for retention and later screening of the others, through questionnaires (fragebogen), mandatory removal categories, and an elaborate "Special

¹ The first two paragraphs are taken from an interview with Lieutenant Colonel R. L. Hicks, a Military Government Officer in Germany during World War II, October 21, 1952, San Antonio, Texas.

Branch" organization which dealt solely with denazification. SHAEF assumed that the Third Reich had been controlled by a four-group coalition consisting of the Nazis plus the three traditional authoritarian groups, militarists, industrialists, and bureaucrats. The Public Safety Branch expressed a policy of replacing them by anti-Nazi, anti-authoritarian, and prodemocratic elements. Military government was committed to an experiment new to history: revolution by decree.

This original program was, in retrospect, moderate and, temporarily, workable.² But the impact of the Morgenthau plan, the increased American anti-German feeling as the war reached its conclusion, and United States public and press criticism of undue laxity in removing Nazis in Aachen led to intensification of the program. Most United States field military government personnel were not sufficiently trained. When forced to make political decisions these officers most naturally favored "stable" political elements (the Catholic Church, etc.) and too often failed to appoint actively anti-Nazi officials.³ These officers were temperamentally interested in "getting things done,"

² Saul K. Padover, Experiment in Germany (New York: Houghton Mifflin Company, 1946), p. 124.

³ Interview with Lieutenant Colonel R. L. Hicks, October 21, 1952, San Antonio, Texas.

not in tearing down; but it was just this tearing down that the first United States postoccupation basic directive, Joint Chiefs of Staff 1067, required.⁴ Joint Chiefs of Staff 1067 ordered the removal of all "more than nominal" Nazis from all offices and positions of importance, and provided that no such persons "shall be retained because of administrative necessity, convenience or expediency" It also contained sweeping provisions for the arrest and internment of top Nazis. This directive was probably the best obtainable at the time. Its post combat implementation of July 7, 1945, at least replaced the previous patchwork of regulations with uniform denazification procedures.

But in spite of the efforts of Special Branch, directly under the Public Safety Branch of SHAEF, many active Nazis remained in office, a fact which United States press correspondents reported with much enthusiasm.⁵ The crisis finally broke in Munich in the summer and autumn of 1945. There military government had been instrumental in forming a Bavarian People's Party (an ultra-conservative party), who like the majority of Germans, admitted their opposition

⁴ A copy of the complete text of Joint Chiefs of Staff 1067 is in Department of State Bulletin No. 2423, European Series 17, The Axis in Defeat (Washington: United States Government Printing Office, 1950).

⁵ Commentary in New York Times, April 1, 1945.

to the large-scale purge of Nazi and authoritarian elements and the transfer of power to a prodemocratic ruling group.⁶ At first these men were not discouraged by military government. But the pressure of the United States press and the removal by Eisenhower of General George S. Patton, Commander of the Third United States Army, brought the matter to a head. The hurriedly drafted and extremely harsh Military Government Law No. 8 extended denazification in its most severe form (limitation to ordinary labor) to all Nazi Party members in business and industry.⁷ The Office of Military Government, United States Zone, has attributed the downfall of the program to: the far too wide scope of the program, the lack of any workable scheme for remedying the individual injustices of the mandatory removal categories, the failure to use anti-Nazi German personnel sufficiently, and the necessity of some final solution permitting eventual reintegration of most lesser Nazis into German society.⁸

⁶ The Provost Marshal General's School, Military Government Department, United States Military Government in Germany, 1950, pp. 92-93.

⁷ Interview with Lieutenant Colonel R. L. Hicks, October 21, 1952, San Antonio, Texas. He referred to the following publication, OMGUS, Special Branch Office, German Denazification and All Implementations and American Directives, 1947.

⁸ OMGUS, Military Government and Civil Affairs, Weekly Field Report, 28 November 1945, p. 4. This is a personal copy of Lieutenant Colonel R. L. Hicks.

In late 1945 General Lucius D. Clay established a Denazification Policy Board to investigate the program and recommend a permanent solution.⁹ Its Report, submitted on January 15, 1946, stated as the three basic objectives of denazification:

- (1) The removal of political and economic authority from those who dominated Nazi Germany as a means of assisting in changing the governing element;
- (2) The rapid punishment of those responsible for Nazi wrongs and injustices, while
- (3) avoiding the future social instability arising from a large mass of permanent outcasts.¹⁰

The last two objectives were new and of great significance. The Report went on to state that German public opinion must be taken into account, that "substantial elements" in Germany must support the program, and that active German participation was essential. These principles, opposed by most Special Branch personnel, became official United States policy. The Report proposed individual trials by local German tribunals, "with sentences ranging from confinement to fines" and "from permanent to temporary reduction to ordinary labor."¹¹ The local German government officials

⁹ OMGUS, Public Safety Branch, Monthly Denazification Report, 1945-1949, p. 58. This publication was cited by Lieutenant Colonel R. L. Hicks in the interview of October 21, 1952, San Antonio, Texas.

¹⁰ Ibid.

¹¹ Ibid., pp. 60-61.

had also framed denazification laws, stressing the judicial rather than the political aspect (punishment for crimes instead of exclusion from influence), with no trials for "nominal" Nazis.¹² But they were forced by the Special Branch to include in the final Law the registration and processing of questionnaires for all adults, a great widening of persons subject to trial, and hearings before local lay tribunals.¹³

Resulting from this was the Law of Liberation from National Socialism and Militarism. It was promulgated for the United States Zone on March 5, 1946.¹⁴ Special Branch personnel, from the first opposed to the Law, had insisted upon closely supervising its operations. They were far more interested in its removal and exclusion aspects than its punishment aspects.¹⁵ Determined to try the most important Nazis first and to assure that they were barred from influential positions, they were seriously concerned when the first trials were almost exclusively of minor

¹² The Provost Marshal General's School, Military Government Department, United States Military Government in Germany, 1950, p. 93.

¹³ James K. Pollock, Germany Under Occupation (Ann Arbor, Michigan: George Wahr Publishing Company, 1949), pp. 153-172.

¹⁴ Ibid., pp. 152-170.

¹⁵ Interview with Lieutenant Colonel R. L. Hicks, October 22, 1952, San Antonio, Texas.

Nazis. Denazification was now headed by political ministers, responsible to the Landtage, to their parties, and to public pressure.¹⁶ The severity of the pretrial employment restrictions made minor Nazis press for rapid clearance; major Nazis had every interest in postponing their trials. The first tribunal decisions were very lenient. Special Branch personnel saw no reason why a former Nazi should be reinstated in an influential position because a local German tribunal had "cleared" him. But the Denazification Policy Board Plan that military government would retain approval power over key positions in German government was abandoned in the tide of turning over responsibility to the Germans.¹⁷

A system of supervision of tribunals and of Special Branch objections to their decisions was established, culminating in the power of Land Special Branches to order decisions vacated and new trials held.¹⁸ But tribunal

¹⁶ OMGUS, General Directive Number 74, 23 August 1946; Lieutenant Colonel R. L. Hicks cited this document.

¹⁷ Lieutenant Colonel R. L. Hicks in the interview of October 22, 1952, San Antonio, Texas.

¹⁸ OMGUS, Bavaria Directive, 20 September 1946, cited by Lieutenant Colonel R. L. Hicks and read at the 4th Army library, Fort Sam Houston, Texas.

leniency continued and in November, 1946, General Clay threatened to resume direct military government denazification operations, gave the German authorities sixty days to improve tribunal decisions, and announced that "clearing" decisions of persons previously removed by Special Branch to which military government objected would not become effective until these objections were settled.¹⁹ Case processing was still too slow. German sympathy was becoming solidified in favor of the "persecuted Nazis," because of the delays, the harsh punishment of the minor Nazis, and the failure to bring the more influential Nazis to trial. German agitation for substantial revisions in the Law became more insistent.²⁰ Military government faced two alternatives: large-scale amnesties or basic changes in the Law. The denazification staff agreed that the accent must be shifted to trials of top cases plus exclusion of active Nazis from influential positions, instead of confinement to ordinary labor. General Clay chose amnesties; he did not want to admit that his denazification policy

¹⁹ Speech by General Clay to the Landerrat, Stuttgart, Germany, 5 November 1946. The text of this speech is found in the OMGUS, CA/MC Information Bulletin, 11 November 1946, pp. 32-34.

²⁰ Lieutenant Colonel R. L. Hicks in the interview of October 22, 1952, San Antonio, Texas.

had been mistaken.²¹

During this period a change in United States public opinion began to take effect. American hatred of a conquered Reich had given way to a growing fear of the Soviet Union. The New Deal had been replaced by a Republican Eightieth Congress. For economy-minded members of Congress denazification in the economic recovery program looked like a deliberate drain on the United States taxpayer.²² In the summer of 1947, for the first time, a large group of members of Congress visited Germany. They saw the delays and injustices of the Law and the politics and favoritism which too often characterized its operations. Most of them became convinced that denazification was unwisely planned and administered and an impediment to German recovery, and should be concluded as soon as possible.²³ General Clay's hopes for quadripartite denazification agreement, strengthened in April, 1947, by the Moscow Conference decisions, were shattered on August 17 by the Soviet action stressing German responsibility and leniency and rapidity of proced-

²¹ Ibid.

²² OMGUS, Public Safety Branch, Monthly Denazification Report, 1945-1949, p. 173. Lieutenant Colonel R. L. Hicks had a personal copy of this document.

²³ Lewis H. Black, The Report from Germany (New York: Henry Holt and Company, 1946), pp. 245-249. This is a good discussion on the problem as seen by Congress.

ures for nominal Nazis. Amendments to the Law were now inevitable.²⁴

Promulgated in October, the amendments permitted the declaration as Followers, which was the most lenient classification of Nazis, of the more nominally incriminated presumptive offenders.²⁵ The Germans were relatively well satisfied, especially after certain government restrictions were removed by order of OMGUS, which made it clear that only very rapid disposition of the remaining cases could prevent complete abandonment of the program.²⁶ Congress was not satisfied, and cancellation of the whole program was narrowly averted in March, 1948.²⁷ The House Appropriations Committee refused to approve an army deficiency appropriation bill unless denazification was stopped. The Secretary of the Army agreed, but General Clay insisted that cancellation just at the time when only the most severely incriminated cases remained for trial would be a serious error. He succeeded in retaining only the most

²⁴ Interview with Lieutenant Colonel R. L. Hicks, October 21, 1952, San Antonio, Texas.

²⁵ James K. Pollock, op. cit., p. 170.

²⁶ Interview with Lieutenant Colonel R. L. Hicks, October 21, 1952, San Antonio, Texas.

²⁷ Ibid.

highly incriminated for trial, which he defined as thirty thousand cases, about one-tenth of those pending. The other nine-tenths were declared to be Followers.²⁸

On May 28, 1948, OMGUS withdrew almost all military government supervision over the denazification program, and the Germans attained their desired independence in this field. Three years had passed since the Nazi collapse. With military government psychological pressure removed, tribunal sentences became ever more lenient; and in the autumn of 1948 only a strong resistance by German denazification authorities frustrated further military government attempts to close down the program.²⁹ In 1949 the last trials and appeals dragged out to their dreary and disillusioning conclusion. Some nine hundred fifty thousand trials had been held; one thousand six hundred had been judged Major Offenders or Class I, and twenty-one thousand six hundred were still ineligible to hold public office.³⁰ The very top Nazis were temporarily immobilized, but

²⁸ OMGUS, Public Safety Branch, Monthly Denazification Report, 1945-1949, pp. 151-153, as cited by Lieutenant Colonel R. L. Hicks, October 21, 1952, San Antonio, Texas.

²⁹ OMGUS, A Summary of Denazification: The Year 1948--1 January to 30 June 1949, August, 1949, pp. 61-68, as cited by Lieutenant Colonel R. L. Hicks, October 22, 1952, San Antonio, Texas.

³⁰ Ibid., p. 64.

otherwise Nazis, militarists, and industrialists were free to re-enter society.³¹ Abandoned by the Americans and universally denounced by the disgusted Germans, denazification had failed to come near achieving any objective ever set forth for it by either Americans or the Germans. The effort to construct democratic foundations for German society, and thus prevent a recrystallization of its traditional authoritarian social structure, had probably failed with it.³²

In close relation with the enigma of denazification was the question of military government courts. American military government courts began functioning in the United States Zone of Germany in September, 1944.³³ Although originally established, in accordance with international law, for the protection of the Allied forces and the punishment of offenders against military government and German

³¹ For a good discussion on denazification see Joseph F. Napoli, "Denazification from an American's Viewpoint," The Annals of the American Academy of Political and Social Science, 264:115-123, July, 1949.

³² The German aspect of denazification is discussed in the article by Carl E. Schorske, "The Dilemma in Germany," Virginia Quarterly Review, 24:29-42, No. 1 (Winter), 1948.

³³ United States Forces, European Theater, The General Board, Legal Phases of Civil Affairs and Military Government, Study No. 85, p. 25.

law, probably no other military government operation has had as important an effect on the so-called "democratization" of Germany.³⁴ To those who have been brought up in Anglo-American legal traditions, this phenomenon is not quite so astonishing as it might appear to be, since it has long been recognized that basic civil rights, privileges, and immunities become meaningless and of no avail in the absence of an independent judiciary, dispensing impartial justice in accordance with law.

During World War II a major development occurred with respect to American military occupation courts. Eleven years of National Socialism and five years of war had reduced the German judiciary to such a feeble and corrupt state that it could not be trusted, at the outset, to resume operations.³⁵ Furthermore, it was apparent that the reconstruction of a denazified German judicial system, based on democratic principles, would require a considerable period of time. Therefore a system of military courts was required which would be able not only to perform traditional functions, but also to replace the German system, for the

³⁴ Interview with Lieutenant Colonel J. R. Fraser, a military court officer in Germany during World War II, July 12, 1951, San Antonio, Texas.

³⁵ Ibid.

time being, in maintaining law and order in general.³⁶ As the first American troops entered Germany a new system of tribunals was established. Appointed by Army Commanders during combat and designated military government courts, they were of three types: General courts, empowered to impose any lawful sentence, including the death penalty; Intermediate courts, with authority to impose any lawful sentence up to and including imprisonment for ten years and/or fines not to exceed ten thousand dollars; and Summary courts, authorized to impose any lawful sentence up to and including imprisonment for one year and/or fines not to exceed one thousand dollars.³⁷

General courts were composed of three members, one of whom was required to be a lawyer; Intermediate courts were composed of one or more members, one of whom was required to be a lawyer; and Summary courts were composed of one member. Established by Military Government Ordinance No. 2, military government courts were given jurisdiction over all offenses committed by persons in the occupied area with the exception of members of the armed forces of the

³⁶ United States Forces European Theater, op. cit., p. 19.

³⁷ Ibid., p. 28.

Allied Nations and the enemy.³⁸ All German courts had been suspended indefinitely upon the arrival of the Allied forces, and the jurisdiction of the Allied military courts extended not only to all violations of military government legislation, but to all offenses against German law as well.³⁹ The procedures followed by these courts were a combination of the courts-martial, German and Anglo-American systems.⁴⁰ This innovation, which constituted a complete departure from the practice followed in previous occupations, was necessary in order that the personnel staffing the courts, as well as persons appearing before them, would be able to understand the nature of the proceedings.

Ordinance No. 2 provided further that certain fundamental rights were to be afforded to all persons appearing before military government courts. These rights included the right of every accused to have, in advance of trial, a

³⁸ Interview with Lieutenant Colonel J. R. Fraser, July 12, 1951, San Antonio, Texas. He cited OMCUS, "Ordinance No. 2," Military Government Gazette, 1 June 1946.

³⁹ For a comprehensive discussion of military government courts see, Eli Nobleman, "The Administration of Justice in the United States Zone of Germany," Federal Bar Journal, 8:70-97, 1946.

⁴⁰ A good description of the operation of military government courts is found in the article, Eli Nobleman, "Procedure and Evidence in American Military Government Courts in the United States Zone of Germany," Federal Bar Journal, 8:212-248, 1947.

copy of the charges upon which he was to be tried; to be present at his trial, to give evidence, and to examine or cross-examine any witness; to consult a lawyer before trial and to conduct his own defense or to be represented by a lawyer of his own choice.⁴¹

These rights are merely the basic safeguards which every American citizen has come to take for granted when he is brought before a court of law. However, they are a far cry from what the average German had to expect when he appeared before a German court during the Nazi period. Rights guaranteed by the Weimar Constitution and the various Land constitutions were rendered meaningless by the inability of the citizens to enforce them before the Nazified tribunals.⁴² This probably accounts for the complete bewilderment of the average German during legal proceedings before United States military government courts, which was observed from the outset by legal officers staffing them. The two ideas which appeared to be most startling to the defendants were the opportunity afforded them to be heard and to say what they wished, without fear or compulsion, and the right accorded

⁴¹ Interview with Lieutenant Colonel J. R. Fraser, July 13, 1951, San Antonio, Texas. He referred to OMGUS, "Ordinance No. 2," op. cit.

⁴² Interview with Lieutenant Colonel J. R. Fraser, July 13, 1951, San Antonio, Texas.

them to present witnesses and evidence on their own behalf.⁴³

Three hundred forty-three military government courts tried in excess of sixteen thousand cases, involving about twenty thousand persons between the fall of 1944, when they began to function, and July, 1945, when the combat phase ended and the permanent occupation phase began.⁴⁴ More than ninety-nine per cent of these trials were in Summary courts. About seventy per cent were upon curfew and circulation charges. Nearly one-eighth of all cases arose under Sections 1 to 20 of Ordinance No. 1, where the death penalty might have been imposed. Actually there were eight death sentences by military government courts, and only four executed. Approximately one-half the cases under Sections 1 to 20 were filed under Section 16 forbidding plunder, pillage or looting. About twenty per cent more were under Section 19, relating to theft of property of Allied forces. Thirteen cases involved espionage and communication with or direct aid to the enemy, and six unauthorized possession or communication of information dangerous to security of Allied forces. There were thirteen cases of sabotage and

⁴³ Ibid.

⁴⁴ United States Forces European Theater, op. cit., pp. 32-33. This document is very good for detailed information on the types and nature of the cases tried in the military government courts.

thirty-nine of harboring enemy soldiers.

The most common offense which could be considered grave was unlawful possession or use of firearms. In few cases did it appear probable that the firearms were intended to be used against Allied forces. Some were retained for protection against marauding displaced persons, some for hunting. Next in frequency of commission among the serious offenses was the making of false statements to the military government. One hundred fifty-six such cases were reported to the 12th Army Group.⁴⁵

Although these courts functioned effectively from the standpoint of protecting the security of the occupying forces, some excesses were committed.⁴⁶ Persons were constantly arrested without being advised of the charges; they were often imprisoned awaiting trial for periods far in excess of the term of any sentence they might have received after trial and conviction; and in many instances rights guaranteed by military government law were disregarded and convictions were based upon evidence which was clearly insufficient. It is difficult to criticize these excesses, since during combat and immediately thereafter the security

⁴⁵ Ibid.

⁴⁶ Interview with Lieutenant Colonel J. R. Fraser, July 13, 1951, San Antonio, Texas.

of the occupying forces and the occupant's duty of maintaining law and order are always paramount and there is little time for the observance of legal niceties. Nevertheless, this situation was bad in view of the fact that one of the fundamental war aims and occupation objectives was the preparation of Germany for a democratic way of life. Many of the officers staffing military government courts realized quite early that the proceedings of these courts could be used as a powerful propaganda medium in demonstrating to the German people the advantages of a democratic way of life.⁴⁷

With the beginning of the permanent occupation phase in July, 1945, and the period which followed, the importance of fair treatment of all German defendants appearing before military government courts became apparent to intermediate echelon legal officials and they began to stress the value of setting an example.⁴⁸ Court personnel was required to maintain more complete and more accurate case records. Later they were required to make certain that

⁴⁷ Ibid.

⁴⁸ OMGUS, Directive for Reduction of Case Load of, Preparation of Cases for Trial Before, and Legal Principles To Be Followed by, Military Government Courts, 16 July 1947, p. 3. This document was cited by Lieutenant Colonel J. R. Fraser, July 12, 1951, San Antonio, Texas.

every defendant was afforded those rights to which he was entitled. Many convictions were set aside by reviewing authorities, and a large number of sentences were reduced. On July 16, 1947, the Office of Military Government for Germany, United States Zone, issued a directive setting forth the fundamental principles to be adhered to in the trial of cases by military government courts. The directive states:

It is desired that Military Government Court proceedings in all essential points conform to the traditional procedures of American law which apply whenever the life, liberty, or property of an individual are subjected to penal procedure. Likewise every effort must be made, within the objectives of the Occupation, to respect the guaranties of personal rights provided by German Constitutions . . . The sole function of every Military Government Court is to give justice in every case before it according to the law and the evidence . . .⁴⁹

Among the fundamental principles laid down were the necessity for the independence of the courts, the requirement of due process of law and a speedy and public trial, and a prohibition against double jeopardy. The directive concluded with the statement:

. . . American Military Government must exercise its governing powers according to democratic principles and procedures. Military Government Courts are in constant and close contact with the German people. Their actions are considered by the German people as the standard of American justice. Therefore the proceedings and judgments of Military Government must conform to the principles of due process, protect and enforce the rights as well as the

⁴⁹ Ibid., p. 5.

responsibilities of the individual, and prove to the German people the essential fairness and soundness of the democratic judicial process.⁵⁰

Finally, on January 7, 1948, OMGUS issued Military Government Ordinance No. 23 which afforded to Germans detained by military government for all crimes other than war crimes an additional safeguard in the nature of a habeas corpus proceeding.⁵¹

During the summer of 1948 plans were made by the Legal Division of OMGUS to convert the military government courts in the United States Zone into an integrated, completely civil system. Accordingly, on August 18, 1948, OMGUS issued General Order No. 33 announcing the reorganization of the military government court system, with the expressed purpose of bringing it into closer conformity with the judicial system of the United States.⁵² To complete this new system, designated United States Military Government Courts for Germany, OMGUS promulgated Military Government Ordinances Numbers 31, 32, 33, which set up, for the first time, an integrated zone-wide court system

⁵⁰ Ibid., p. 6.

⁵¹ Interview with Lieutenant Colonel J. R. Fraser, July 13, 1951, San Antonio, Texas.

⁵² Ibid. Lieutenant Colonel J. R. Fraser cited OMGUS, Military Government Gazette, Issue K, 1 September 1948. This publication deals in its entirety with Ordinances 31, 32, and 33.

as a separate unit of OMGUS, entirely divorced from the Land Offices of Military Government. In addition, the prosecution function was separated from the judicial function by the creation, within the Legal Division of OMGUS, of the Office of the Chief Attorney, consisting of a chief attorney and district attorneys.

Ordinance No. 31 divided the United States Zone into eleven judicial districts, with district courts, district judges, and magistrates in each district.⁵³ The Chief Judge of the Court of Appeals, who was the highest judicial authority in the United States Zone, was the administrative chief of the entire system. District courts consisted of three district judges. The authority of the district judges was similar to that formerly held by the intermediate courts. Thus, district courts had jurisdiction to impose sentences up to ten years imprisonment and/or ten thousand dollars fine. Where a death sentence was imposed by a district court, the decision had to be unanimous. A complete system of judicial review was established, replacing the practice of administrative review. The Court of Appeals had original jurisdiction to act upon applications for release from confinement when the person confined had been sentenced by a

⁵³ *Ibid.*, pp. 1-6, treats Ordinance No. 31, as cited by Lieutenant Colonel J. R. Fraser, July 13, 1951, San Antonio, Texas.

district court. Its appellate jurisdiction included both questions of law and questions of fact, except that in criminal cases the court could set aside the decision of a district only if the evidence did not support a finding of guilt beyond a reasonable doubt.

Ordinance No. 32 established a code of Criminal Procedure which was substantially similar to United States practice and contained all the fundamental safeguards which are found in the Anglo-American legal system.⁵⁴ Ordinance No. 33 established a Code of Civil Procedure which was also in conformity with the American system. The Chief Attorney represented the military government before the Court of Appeals, and was responsible for the supervision and direction of all district attorneys. Provision was made for a district attorney and one or more assistant district attorneys to be stationed in each judicial district. The Chief Judge of the Court of Appeals, the associate judges, and the Chief Attorney were appointed by the Military Governor upon the advice of his legal adviser and the Chief Judge of the Court of Appeals. The prosecution staff was appointed by the Military Governor upon the advice of his legal adviser and the Chief Attorney. All judicial appointments were for the duration

⁵⁴ Ibid., pp. 7-14, treats Ordinance No. 32, as cited by Lieutenant Colonel J. R. Fraser, July 13, 1951, San Antonio, Texas.

of the occupation, subject to removal only upon formal charges and for cause.⁵⁵

The courts were required to write opinions which were published, and a regular system of stare decisis was followed. As a result an interesting and important body of law was built up. Furthermore, the Court of Appeals began writing decisions which finally settled many complicated points of law which had faced the judges of the old courts and to which no satisfactory answers could be found.⁵⁶

Three general factors were involved in military government courts in the advancement of democracy in the United States Area of Control in Germany. First, military government courtrooms were the only places in Germany where large numbers of German people were able to watch Americans at work; second, military government courts were the only agencies of military government with which Germans of all classes and strata of society came into direct contact; and third, they constituted, at the beginning, the only graphic means whereby the people of Germany were able to test the manner in which their newly acquired democratic rights and safeguards afforded

⁵⁵ Lieutenant Colonel J. R. Fraser cited OMGUS, Military Government Gazette, Issue K, 1 September 1948, pp. 5-6.

⁵⁶ Interview with Lieutenant Colonel J. R. Fraser, July 13, 1951, San Antonio, Texas.

them actual protection in the course of their lives.⁵⁷

57 Ibid.

CHAPTER VI

MOVEMENT TOWARD GERMAN SELF-GOVERNMENT

Only a few months after the collapse of the Nazi dictatorship in May, 1945, political parties were being formed locally in all zones of Germany under an article of the Potsdam Agreement which provided that, "all democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany." The agreement also stated "that representative and elective principles were to be introduced into regional and Land administration as rapidly as might be justified by the application of these principles in local self-government."¹ A licensing procedure was practiced in all zones so as to exclude neo-Nazi parties and personalities from political life. In the American zone the licensing of parties at all levels was governed by a set of military government regulations, Title 3 Political Activities, which was prepared and kept up to date by the Political Activities Branch of the Civil Administration Division of OMGUS in cooperation with the Office of Political Affairs represent-

¹ Potsdam Declaration, III, Political Principles, 9 (11), as cited in James K. Pollock, Germany Under Occupation (Ann Arbor, Michigan: George Wahr Publishing Company, 1949), p. 19.

ing the State Department.² Under the direction of General Lucius D. Clay, who became the American Military Governor, a directive outlining the new relationships which would come into force between American military government and German public authorities following the election of Land governments and the adoption of Land constitutions, scheduled to occur during the last two months of 1946, was drawn up. The directive set forth the basic tenets of representative government, among them the principle that "political parties must be democratic in character and must be recognized as voluntary associations of citizens . . ." It also provided that

. . . in the future military government would attain its objectives by means of observation, inspection, reporting, and advising, and by disapproving only such economic, social, political, and governmental measures as were found to be clearly violating its objectives.³

Although it was ambiguous and subject to broad interpretation, the directive created a new atmosphere for military government-German relations in the field of political

² OMGUS, Monthly Report of the Military Governor, October, 1945, pp. 16-18, as cited by Major D. L. Goodwin, a Military Government Officer in Germany during World War II, in the interview of October 8, 1952, San Antonio, Texas.

³ OMGUS, Relationships between Military and Civil Government (United States Zone) Subsequent to Adoption of Land Constitutions, 30 September 1946, p. 2. Personal copy of Major D. L. Goodwin.

activities. The role of occupation officials was gradually changed from the mechanical one of licensing and supervision to the more subtle and difficult one of observer-adviser to the parties.⁴ On the whole the American approach toward political activities made possible a healthy flexibility adaptable to changing situations. The official American attitude was perhaps best expressed by the following quotation, "Democracy cannot be imposed by a foreign power but must be rooted in the convictions of the people themselves and must be learned by experience and practice."⁵

A revision of the military government regulations dealing with political activities was completed in the spring of 1947. Impartiality toward all authorized parties was stressed, and military government officers were cautioned against indicating personal preferences as among parties or personalities. Military government officers were requested to aid authorized political parties, impartially and within the limits of policy, in the performance of their functions. Another regulation ordered that internal party disputes were not to be considered a basis for military

⁴ Interview with Major D. L. Goodwin, October 8, 1952, San Antonio, Texas.

⁵ OMGUS, Military Government Regulations, General Provisions, Change No. 1, 25 April 1947, p. 1, as cited by Major D. L. Goodwin in the interview of October 9, 1952, San Antonio, Texas.

government intervention. The determination as to which of several conflicting party factions was to be considered as representing the party was to be left to German authorities and the courts if necessary.⁶

In July, 1947, General Clay received from Washington a new directive setting forth the American objectives and basic policies for Germany.⁷ For the most part it reiterated the policies already in force at that time. Yet it served the function of bestowing high governmental support upon the military government program. Impartiality toward authorized political parties was again stressed, and curtailment of the rights of parties to state their views and present candidates to the electorate was forbidden. The directive instructed the Military Governor to refrain from interfering in the question of public ownership of enterprises except to ensure that, "any choice for or against public ownership is made freely through normal processes of democratic government." This statement probably served

⁶ OMGUS, Military Government Regulations, Title 3, Political Activities, Change No. 1, 1 April 1947, pp. 1-8, as cited by Major D. L. Goodwin, October 9, 1952, San Antonio, Texas.

⁷ Department of State Publication No. 2913, European Series 27, Directive Regarding the Military Government of Germany (Washington: United States Government Printing Office, 1947), pp. 2-23. This paragraph based on this publication.

to assure elements in the left and center parties who believed in the nationalization of the basic industries that American occupation would not block a decision on this issue.

The extent and level of military government contact with the parties varied with the parties' relative strength in the political sphere. The Christian Democratic Union (CDU) and the Social Democratic Party (SPD), because of their size and mass appeal, received most of the attention.⁸ The CDU, advocating a Christian basis for politics by the cooperation of Protestants and Catholics, drew its strength from farmers, town and city conservative elements, and many Catholic workers. It was loosely organized as a federation of independent Land parties, with only nominal national leadership. The SPD was the traditional moderate evolutionary socialist party based on the industrial working class with a seasoning of professionals, intellectuals, and socialist-minded converts from the middle class. It was well organized and effectively directed from the central headquarters.⁹ The democratic parties of the Laender, generally referred to

⁸ The discussion of the German political parties is based on OMCUS, Political Activities Branch of Civil Affairs Division, Political Parties in Western Germany, 1 August 1949, p. 3. This publication was cited by Major D. L. Goodwin, October 9, 1952, San Antonio, Texas.

⁹ Richard M. Scammon, "Political Parties," CA/MG Information Bulletin, 23 June 1947, pp. 4-15. These pages discuss the SPD, FDP, and the KPD political parties.

nationally as the FDP, stressed the sanctity of private property and private enterprise and appealed to middle-class and urban non-socialists who did not wish to be associated with the church and cultural policies of the CDU. The Free Democratic Party (FDP) was even more loosely organized than the CDU, and its degree of conservatism varied considerably from Land to Land. The Communist Party (KPD) was most active in the large industrial areas and was geared to the Communist machine in the Soviet zone. The Communists were little more than objects of curiosity for military government, since there was never any doubt as to the KPD position on a given issue.¹⁰

In addition to these major parties there were a number of minor ones with which military government maintained sporadic and less intensive contact. Of the major parties the CDU presented the most difficult problem for liaison purposes because it had no national organization or uniform program. Wings and cliques were constantly competing for power within the existing structure. To follow CDU affairs it was necessary to maintain close contact with a number of leading personalities. Liaison with the SPD was relatively simple because of its well-disciplined

¹⁰ Interview with Major D. L. Goodwin, October 12, 1952, San Antonio, Texas

organization controlled from the national party headquarters in Hanover.¹¹

Special reference to the treatment of the Communist Party is of interest in discussing military government relations with the licensed parties. When General Clay, in the fall of 1947, announced an anti-Communist campaign at a press conference, rumors to the effect that the KPD would be banned and its leaders jailed were current.¹² But as the program developed, it confined itself to a propaganda campaign to expose to the German people the totalitarian and brutal nature of Communist regimes. Frequent radio broadcasts and public speeches were made on this subject by leading military government officials.¹³ Relations with the party remained formal and distant except for delaying tactics on the part of military government in allowing speakers from the Soviet zone to address meetings in the American zone. Attempts of the Communist Party in April, 1948, to change its name to the Socialist Unity Party were

¹¹ OMGUS, Political Activities Branch of Civil Affairs Division, Political Parties in Western Germany, 1 August 1949, p. 16. Major D. L. Goodwin's copy used here.

¹² Interview with Major D. L. Goodwin, October 12, 1952, San Antonio, Texas.

¹³ Richard M. Scammon, "Freedom versus Totalitarianism," CA/MG Information Bulletin, 29 December 1948, pp. 51-53.

rejected by OMGUS as a fraud upon the German electorate, intended to disguise the unpopular KPD. Military government proposed to reconsider its decision if the same conditions were met as those which allegedly led to the Communist merger with the SPD in the Soviet zone. This involved the impossible task of merging with the strongly anti-Communist SPD in western Germany.¹⁴

A communique on June 7, 1948, announcing the results of the western powers' London conference on Germany, brought forth an unexpected group of attacks from the party leaders. Konrad Adenauer, leading CDU spokesman in western Germany, directed his blasts against the proposals for international control of the Ruhr industries. Eric Ollenhauer of the SPD, speaking for the ailing chairman Kurt Schumacher, singled out the plans for western Germany's future political organization for his sharpest abuse. In retrospect, these attacks may be seen as the first major efforts, since the occupation, of the organized parties to represent German public opinion to the outside world.¹⁵

Acting upon the decisions of the London conference, the Military Governors of the three western zones began

¹⁴ Ibid., pp. 53-54.

¹⁵ Interview with Major D. L. Goodwin, October 9, 1952, San Antonio, Texas.

meetings in July, and soon thereafter called in the Ministers-President of the eleven west German Laender in order to issue instructions for the formation of the new German republic. To the surprise of military government officials participating in the conference, the German Ministers-President, under the influence of the parties they represented, rejected several of the major occupation proposals. Only after informal conferences with the major party representatives who originally had not been invited to participate was a compromise reached. It became apparent that the parties soon outgrew the benevolent paternalism which characterized the military government attitude during the early occupation period. The official efforts of the western occupation powers were largely confined to licensing, supervision, encouragement, and limited aid. Military government wisely did not concern itself with the political issues, but with inculcating the methodology of the democratic process.¹⁶

On September 19, 1945, the American military government formally recognized, or established, the Laender Bavaria, Württemberg-Baden, and Greater Hesse in the American

¹⁶ OMGUS, The Civil Administration of the United States Zone of Germany, August, 1949, pp. 2-3, as cited by Major D. L. Goodwin.

zone.¹⁷ Bremen was added later as a fourth Land. The other occupying powers followed suit with the establishment of twelve similar units in their zones. Berlin remained a separate unit under quadripartite rule until that rule broke down in June, 1948. The creation of these sixteen German Laender constituted a constructive action because it eliminated Prussia as a separate unit and did away with the smallest German Laender that had lingered from the time of the Holy Roman Empire to the end of the Hitler regime. These new units corresponded reasonably to proposals that had often been made by German experts and reformers in the past.¹⁸

German governments in all sixteen Laender were originally appointed by the various occupying powers. Before the end of 1945, however, the United States took the initiative in bringing German democratic governments on the local and Land levels into existence through general elections. Gradually the other military governments, too, replaced appointed cabinets and councils by elected ones and, with the exception of the British, saw that each Land

¹⁷ Interview with Major D. L. Goodwin, October 12, 1952, San Antonio, Texas. He referred to an overall discussion of the re-establishing of German government: Karl Loewenstein, and James K. Pollock, Change and Crisis in European Government (New York: Rinehart and Company, Inc., 1947).

¹⁸ Ibid.

laid down a written constitution.¹⁹ Above the Land level the British and Soviet military governments maintained, on a zone-wide basis, many of the former national and Prussian centralized services to which these chiefly Prussian territories had been accustomed for long historical periods. Centralization in the Soviet zone went even farther than it had done in Prussia prior to Hitler.²⁰ In contrast, the Laender in the American zone were completely independent of one another, with no continuance of former national institutions on a zone-wide basis. Instead, as early as October, 1945, a coordinating committee of the Ministers-President was established in Stuttgart under the name of Council of States (Laenderrat).

Agreement on parallel action in the Laender was achieved in numerous instances. Railroads, postal service, and tele-communication came to be administered on a zonal basis, and eventually a zonal commissioner for food and agriculture was appointed. After several attempts to establish the economic unity of Germany, General Joseph T.

¹⁹ Two good sources to read for information on Laender constitutions are: Robert G. Neumann, "New Constitutions in Germany," American Political Science Review, 42:448-469, June, 1948; Harold O. Lewis, New Constitutions in Occupied Germany (Washington: Foundation for Foreign Affairs, 1948).

²⁰ Interview with Major D. L. Goodwin, October 13, 1952, San Antonio, Texas.

McNarney, then Commander of United States Forces in Europe, on instructions from Secretary of State James Byrnes, formally invited the representatives of Great Britain, France, and the Soviet Union to take the necessary steps. Only Great Britain, however, replied that it was ready to join its zone with the American zone for that purpose.²¹ Pursuant to this decision, a German Bizonal Administration came into being in September, 1946. By the end of 1947 a number of important agencies of bizonal jurisdiction had come into being. There were departments of economics, finance, transport, communication, food and agriculture, and manpower.²²

All in all, there were the beginnings of a federal government. But it was a government limited to economic affairs and to only eight of the German Laender. The three western powers, having failed in two conferences held in 1947 in Moscow and London to achieve agreement with the Soviet Union, finally succeeded in at least reaching consent among themselves on principles for the establishment of a German federal government in their three zones. The

²¹ Department of State Publication No. 2630, European Series 15, United States Economic Policy Toward Germany (Washington: United States Government Printing Office, n. d.), p. 35.

²² OMGUS, The Evolution of Bizonal Organization, 2nd Edition, 1948, pp. 6-8, as cited by Major D. L. Goodwin, October 12, 1952, San Antonio, Texas.

principles agreed upon were of the middle-of-the-road type. The German Laender were to obtain state rights, to be guaranteed by the constitution; but there was to be a central federal government with "adequate" powers. The path was now clear for a German constituent assembly to draft a constitution.²³ After some hectic negotiating with the three Military Governors and among themselves, the eleven Ministers-President of the three zones invited their Laender to select delegates, either through the legislatures or through general elections, whichever method the individual Land preferred, to meet in Bonn on September 1, 1948. The Parliamentary Council convened on the appointed date. It was composed of only sixty-five delegates, chosen in all eleven Laender by the legislatures, because time had appeared too short for a thorough discussion of the issues in general elections. The Laender quotas had been determined according to population and the delegates selected with due regard to the parties' proportional strength. As a result the two main parties, Social Democratic and Christian Democratic, received twenty-seven seats each.

It was only natural that frequent discussions occurred between the Parliamentary Council and the western

²³ Interview with Major D. L. Goodwin, October 12, 1952, San Antonio, Texas.

Allies. These discussions gained in intensity and formality after the second reading of the Basic Law in February, 1949. As a whole, however, the negotiations were conducted in a spirit of compromise and good will on all sides. On May 8, 1949, the Basic Law was passed with fifty-three votes for and twelve votes against. Four days later it was approved by the Military Governors and within two weeks it was ratified by the eleven Laender legislatures. The Military Governors' "Letter of Approval" of May 12, began with the commendation that, "In our opinion, it [the Basic Law] happily combines German democratic tradition with the concepts of representative government and a rule of law" and ended with a compliment paid to the members of the Parliamentary Council.²⁴

Four specific reservations, however, were made by the Governors. One of these reservations referred to the Laender boundaries, saying that "unless the High Commissioners agree to change this position the boundaries shall remain as now fixed until the time of the peace treaty." The other three reservations bore on the federal powers, the limited use of which would be supervised by the occupation

²⁴ For the negotiations and discussions on the Basic Law, see Arnold Brecht, "The New German Constitution," Social Research, 16:3-51, December, 1949.

authorities in three areas where a broader use had been technically permitted in the Basic Law. These three areas were federal field administration, federal police action, and concurrent federal legislation.²⁵ Originally the occupying powers had either run German administration themselves or freely interfered with it on all levels whenever they saw fit to do so.

After the local elections of 1946 the American military government had refrained from direct interferences at the local level, making it a deliberate practice to direct orders to the Land governments only.²⁶ But there still was no formal limit as to subject and extent of such orders, and the other occupying powers continued to interfere at the local levels also. The Germans urged the Allies to formalize occupation by putting into formal rules limitations on their own activities. They wanted an Occupation Statute, as they called it, adopted as a legal document to give them rights that could be claimed before some joint arbitration tribunal. The three western powers finally defined the powers which they reserved to themselves,

²⁵ Interview with Major D. L. Goodwin, October 13, 1952, San Antonio, Texas.

²⁶ OMGUS, Organization for Military Government of the United States Zone Forces in Which United States Forces Are Deployed, 1947, pp. 1-4, as cited by Major D. L. Goodwin in the interview of October 13, 1952, San Antonio, Texas.

in an Occupation Statute issued April 10, 1949, shortly before the passing of the Basic Law. This Occupation Statute was to become effective on the day the first federal cabinet was formed.²⁷

The Occupation Statute is difficult to appraise. It seems at the same time to give and to withhold. Expressly reserving "supreme authority" in the three zones to the governments of the United States, Great Britain, and France, it proclaimed that the German people shall enjoy self-government to the "maximum possible degree" consistent with the occupation. The German governments, federal and state, shall have, "subject only to the limitations in this instrument, full legislative, executive and judicial powers in accordance with the Basic Law and their respective constitutions." Legally speaking, therefore, there was nothing the Allies could not do even though the Basic Law went into force. The Occupation Statute was sure to lead to a considerable increase in German self-government. All legislation would automatically become effective twenty-one days after notification of the occupation authorities unless previously disapproved by them. With democratic governments established

²⁷ The discussion on the Occupation Statute is based on James K. Pollock, op. cit., pp. 275-277, 290-291, 294-296, and the interview with Major D. L. Goodwin on October 13, 1952, San Antonio, Texas.

on three levels in the western zones, it was natural for the new federal government to negotiate with the centralized eastern German government, more recently constituted in the Soviet zone, in regard to the establishment of a federal government for the whole of Germany.

Unification is probably the greatest question in Germany up to the present time. Can Germany unify? Up to now this question remains unanswered. As long as the east is kept under governments that are not democratically elected, the overall government might be limited to certain affairs, such as trade, customs, currency, transportation, and tele-communication.

At the present time it is apparent that Russia intends to absorb eastern Germany and has her eye on Germany as a whole, in the capacity of a Russian satellite. France is so gripped by future apprehensions and so preoccupied with her past sufferings at the hands of the Germans that she finds it difficult to react in an objective manner. If the Soviet Union does not eventually see fit to join in a program of unification, the record of the United States will at least be clear and there is some chance that the program in the western part of Germany may accomplish substantial results.

CHAPTER VII

LATER DEVELOPMENTS AND CONCLUSIONS

Both the Allies and the Germans have come a long way since the fateful day of surrender in May, 1945. Building on the ruins of a destroyed German government, a shattered economy, and dwindling morale, a quadripartite military government regime was established intent upon apprehending and punishing those responsible for the war and preventing its recurrence. The situation today is far different from what was predicted in the days of fresh Allied victory. The experience gained during the military government of Germany from 1944 to 1949 taught many valuable lessons. Probably the most significant is a very obvious one, namely, that wherever success was achieved it was founded on a willingness to cooperate and to compromise. Retrogression, on the other hand, was due to selfishness and unbending insistence on unilateral self-interest.

Even the quadripartite Allied Control Council during its early phase was able to achieve a modicum of progress. But when the Soviet Union decided that compromise was tantamount to concession only by her three colleagues, the effectiveness of the Control Council rapidly deteriorated. Although other serious issues also were involved, basically the Allied Control Council broke up over Soviet refusal to

participate in carrying out her clearly accepted responsibilities for economic fusion of the four occupation zones in Germany, and for the revival of limited central administrative agencies.

Reasonable compromise proved to be the essence of success in these multipartite relations. Positive evidence of this is to be found in the creation and activities of the bizonal arrangement, as well as in the deliberations of the tripartite London Deputy Foreign Ministers' Conference and ultimately in the establishment and activities of the Allied High Commission. In order to make these adjustments all those concerned had to make concessions: the Germans, the tripartite Military Governors and their staffs, and the Occupying Governments. German political factions originally assumed extreme positions on the nature of the future Germany economy, the compositions and functions of their legislative chambers, and the powers of their chief executive, but particularly on the fundamental question of federalism versus centralization. Months of trying negotiations between all parties concerned were necessary before differences were finally compromised.

In the relations of the Occupying Powers and the German leaders equally crucial problems had to be worked out. The Allies were prone to give serious consideration to reasonable German claims, such as the arguments raised

concerning various aspects of the Parliamentary Council and the Basic Law. The Germans, in turn, found it advisable to accept an Occupation Statute continuing serious impingements on German sovereign jurisdiction in return for the acquisition of broad central governmental powers. Those Germans who favored a centralized, if not a unitary, regime for Western Germany were obliged to accept the Allied requirement of a federal system. On the other hand, the Occupying Powers were willing to accept the German concept of legislative disallowance rather than require positive Allied approval of German legislation. The Allies even went so far as to authorize German legislation in fields which had originally been reserved to themselves in the Occupation Statute.

Had either the Occupying Powers or the German leaders assumed an unbending or extremist attitude, it appears that the deliberations culminating in the creation of the German Federal Republic and the High Commission would have been abortive. The history of Allied-German relations in the negotiation of the Basic Law and the Occupation Statute is interlaced with compromise and adjustment. Inter-Allied relations also bear testimony of forbearance and accommodation. Major adjustments were necessary primarily between the United States and the United Kingdom, on the one hand, and France, on the other. The nature of the federal system

to be established in Germany was one of the most controversial issues. This was reflected in the tortuous negotiations concerning the reserved powers of the Laender, representation in the Parliamentary Council and the German legislative chambers, and the taxing power of the federal government. Other crucial disagreements were concerned with the substance, detail, and method of specifying Allied reserved authority, and the nature of trizonal fusion. It took many months to work these out.

American military government in the United States Zone, while attempting to democratize Germany, had to assume tasks of social and economic reform which it was originally hoped would be accomplished by domestic forces. Initiative by American military government in legislation was, in many instances, preferable to the one-sided support of individual local political parties. Military government need not be objective in the distorted sense of being equally considerate to both democratic and undemocratic groups. But if American military government should have thrown its support behind a single party, it would have stigmatized that party as an "American" group. The United States presumably did not intend to Americanize but only to democratize Germany. American policy took the lead in suggesting, and even in imposing, by the Occupation Statute, legislative measures. But it shunned full identification with distinct

political organizations in Germany.

With the conversion of the occupation government to a semi-peace basis, bringing with it the problems of redeployment and reduction of forces, it appeared for a time that the knowledge of combat military government gained through experience in Germany and elsewhere might slip away and be forgotten. Through the earnest endeavors of a few military government officers and students of public affairs, this did not happen. With the realization that the Regular Army must continue to be on the alert and prepared to give adequate protection to the country and its interests, the problems of combat military government have been seriously reconsidered by the General and Special Staffs of the Department of the Army since World War II.¹

Today military government has an important place in planning and training. It is realized that commanders in theaters of operations must have, as an integral part of their staffs and forces, military government personnel and units if they are to be successful in accomplishing their mission. Control, use, and care of civilians and civilian economy during and immediately after combat is an essential

¹ This chapter is drawn from the previous chapters and interviews with Lieutenant Colonel V. Hammonds, October 10, 1952, Austin, Texas, and Lieutenant Colonel Robert H. Slover, March 4, 1952, Fort Hood, Texas, plus other sources and secondary material.

principle of modern warfare that all elements of the armed forces must continue to accept and understand. The modern concept of war demands that everything and everyone involved come directly within the scope of operations. Campaigns may very well be directed toward the citizens of a nation as well as at that nation's armies. Inhabitants of a city or area and all civilian facilities play a strategic role in any war.

In the light of present studies it may be seen that the German occupation policies in many of the countries overrun and occupied by her helped to bring about the Reich's defeat. The policy of exploiting a country for the Fatherland reacted against the Germans. For example, although the Germans were initially able to use Ukrainian nationalism, they ultimately failed in this region of Russia because of (1) Nazi theories which denied the Ukraine national or cultural autonomy, (2) bad treatment of civil population, and (3) hindrance of cultural, educational, and religious activities.

On the other hand, examples may be cited of how control of civilians and the use of civilian resources have been used to aid in accomplishing the military mission. During the Ardennes breakthrough, on the United States First Army front military government staffs and units took immediate steps to control civilian circulation, traffic, and security, and

to handle civilian casualties and evacuees.² One report stated:

During the first hectic and confused days when chaos was the normal order of the day, security became the number one priority of business--keeping main supply roads from becoming hopelessly clogged with frantic civilians moving to the rear, establishing check points and military blocks for interrogation of civilians who might have been enemy agents, quieting the feeling of terror and despair possessed by the civilian population of the Ardennes, panic stricken by the speed and surprise of the German breakthrough. From the outset of the campaign the purpose of the G-5 (Mil. Gov.) section was to take the civilian burden from the military and exploit its possibilities to the possible aid of the campaign.³

As has been noted, during the combat period strategic considerations of the role of military government received first consideration. However, there is another consideration which is always present and assumes importance in the wake of combat; that is the obligation imposed upon the armed forces by international law. International law pertaining to warfare is set forth in part for the members of the armed forces in Rules of Land Warfare, Army Field Manual 27-10.⁴ International law prescribes that "the commander occupying belligerent territory must assume

² United States First Army, After Action Report, 15 January 1945, pp. 14-15.

³ Ibid., p. 14.

⁴ Lecture by Lieutenant Colonel Robert H. Slover, March 4, 1952, Fort Hood, Texas.

responsibility for the care and control of civilians of the area." The recent (1949) sixty-nation Geneva Convention on the rules of war prepared and adopted a new agreement on the treatment of civilians in occupied territory. The principal provisions of the new convention will outlaw many of the occupation methods used by the Axis powers during the last war. The taking of hostages, reprisals, torture, and mass deportations are all expressly forbidden, and the occupation power is made directly responsible for feeding the civilian population.⁵

The need for continuing study and training in military government by the armed forces agencies is obvious. Since the brunt of military government falls directly on the Army, for military government is primarily a ground forces job, it may be well to consider what the Army has been doing about its military government responsibilities since World War II. Early in 1946 there was established at Carlisle Barracks, Pennsylvania, the School for the Government of Occupied Areas. While the objective of this school was to train replacements for military government officers being redeployed, it was hoped that it could be developed into a permanent center for military government

⁵ I. S. Kerno, "Provisions of the Geneva Conventions," United Nations Bulletin, 9:205, September 1, 1950.

training and research. An experienced faculty of former military government officers was assembled, and training was given in the organization, principles, history and doctrine of military government. Special attention was given to specific countries in which the officers might be called upon to serve.⁶ These courses ran from three to six weeks. The classes were too large and the instruction period too short, a condition which was the result of the pressure brought about by the demobilization program and the need to send large numbers of trained replacements. In nine months the European and Far East Army Commands were saturated with military government officers, and the school was closed. A few of the faculty personnel were sent to the Civil Affairs Division of the Department of the Army to continue planning and direction of training.⁷

Until recently all Department of the Army military government functions centered in the Civil Affairs Division, a special staff section created during the war and continued

⁶ The detailed study of a specific political unit, geographical region, language, people, etc., is called "area or areal study," by the Army. The purpose of these studies is to solve problems that have arisen or will probably arise within a particular country. These area studies are made in the light of how the problems will affect the overall strategic and tactical military plan.

⁷ Interview with Lieutenant Colonel Robert H. Slover, March 4, 1952, Fort Hood, Texas.

afterwards primarily to deal with the occupied territories. The nonoccupational military government activities assumed a branch office status within the Civil Affairs Division before the Division was abolished and its functions redistributed. When this occurred, during the spring and summer of 1949, the duties pertaining to military government operations and training were given to the Office of the Provost Marshal General, where a Military Government Division was created. This is not an entirely new activity for the Provost Marshal General, inasmuch as this office was charged during the war with all the Zone of Interior, continental United States, military government training.⁸

Within the Provost Marshal General's Office the Military Government Division functions are (1) preparation of civil affairs/military government aspects of mobilization plans; (2) preparation of tables of organization, equipment, and distribution for civil affairs/military government units; and (3) preparation of training doctrine and literature. In order to perform these functions, the Military Government Division is divided into a Training Branch and a Requirements Branch.

Military government is receiving increasing

⁸ Lecture by Lieutenant Colonel V. Hammonds, April 25, 1952, University of Texas, ROTC.

attention in the mobilization planning of the Army. The doctrines of employment of military government staffs and units in the planning and operational phases are continuously being considered by the top Army planners and written into the Department of the Army plans. Troop basis tables include military government staffs and units on a large enough scale effectively to control, care for, and use the civilian economy of any area of possible operations. On the logistical side, plans take into account the supplies that must be secured and delivered in order to care properly for the civilians and especially to see that they are given the necessary minimum ration to prevent hunger riots. The Plans and Operations Division (G-3) of the General Staff of the Department of the Army has on its staff highly trained and experienced military government officers whose primary function is preparation and coordination of all military government strategic planning and general supervision over the execution of military government policies at all levels.

For the first time, other than during actual combat periods, there are Regular Army military government training units and staff sections. In addition to being the laboratory for military government, these units are able to furnish military government troops for maneuvers and missions. Besides having officers with sufficient back-

ground and training to function in military government positions, it is important that every officer in the Army understand the integration of military government with all other phases of planning and operation. Every branch school of the Arms and of the Technical and Administrative Services now includes in its advanced courses five to ten hours of orientation instruction on military government. The Command and General Staff College has recognized the need for its resident students to understand military government staff operations; consequently, a course of instruction in military government has been developed. One feature of this course is the inclusion of a number of hours of instruction on comparative government and an attempt to insure that the officer knows how his own government works.⁹

The interest in military government and related fields at the civilian universities has developed rapidly since the end of World War II. Such schools as Syracuse, Georgetown, and Harvard universities have incorporated military government courses or seminars in their curricula. This training, Army and civilian, stresses the fact that no Army officer's education is complete until he knows how to employ military government units and individuals and understands what military government can do in assisting

⁹ Interview with Lieutenant Colonel Robert H. Slover, March 4, 1952, Fort Hood, Texas.

the tactical commander in reaching the military objective and fulfilling his responsibilities under an international code.¹⁰

Experience in military government during World War II demonstrated the confusion caused by the lack of adequate and necessary tables of organization and equipment for military government staffs and units. There was confusion as to where a military government officer could be assigned, how he could be promoted, and how organizations could be standardized. Recognizing these weaknesses, a basic document, Table of Organization and Equipment 41-500 (T/O&E 41-500), for the military government service organizations was prepared, approved, and issued on June, 1948, by the Department of the Army.¹¹ This cellular type T/O&E permits the organization of military government groups, companies, and platoons of various sizes or compositions desired. A standard composition for groups and companies is prescribed, but this can be varied to fit different situations.

With the acceptance of a standardized organization

¹⁰ Ibid.

¹¹ Department of the Army, Table of Organization and Equipment 41-500 for Military Government Service Organizations, 1 June 1948, as cited by Lieutenant Colonel Robert H. Slover, March 4, 1952, Fort Hood, Texas.

as exemplified in T/O&E 41-500, the Department of the Army was ready to move into what is probably the most important part of the military government program during peacetime, the organization of military government units in the Organized Reserve Corps program.

It is possible in the Regular Army to maintain only a bare nucleus of officers who will function as military government officers in case of mobilization. As is true in all other services, the Reserve program must furnish the bulk of military government officers and enlisted men that would be needed for operation in time of war. Especially is it true that the functional specialists needed by military government must come from the Reserve Corps. Former military government officers and other Reserve Officers interested in military government work are available for membership in Organized Reserve Corps (ORC) military government units. At the present time a large number of such units based on T/O&E 41-500 have been authorized for organization and operation in the six Army areas. Over three-fourths of these units have been organized and are now carrying out regularly scheduled training programs.¹² National Guard divisions and the ORC divisions have been

¹² Department of the Army, The ORC Bulletin, April, 1952, pp. 2-3.

authorized to include a military government section in their headquarters.

To supplement the unit and individual training, the civilian component officers are provided with extension courses on military government or closely related subjects. In the 40 series, an extension course, every branch of the service now includes a common subcourse on military government. The Command and General Staff College includes military government problems in the 50 and 60 series extension courses. The Military Police School administers a Special Series of Extension Courses on Military Government available to officers of all branches of all services. Such is the status of military government today in the Army. The Air Force and the Navy look to the Army to be responsible for military government, and so are not engaged in any military government activities other than a few hours' instruction at some of the schools and some planning by the Marine Corps for use of military government in the assault phases of operations. It can be said that military government has been established as an integral part of Army planning and operation, yet there is much that remains to be accomplished.

Within the framework of the Army there is no separate military government career pattern for the officer to follow; so it appears that there is no way to build up

a corps of Regular Army officers whose efforts will continuously be directed in those fields useful to or allied with military government. Perhaps the need is broader than military government, and the answer might be found in the establishment of a career pattern for officers in the general field of the social sciences. Certainly there are enough needs in the Army for officers so qualified, and the need has in part been recognized by sending Army officers to civilian universities for graduate study in the social science fields.

As pointed out previously, with the close of the School for the Government of Occupied Areas there was no established resident course in military government, no military government school. With the transfer of training back to the Office of the Provost Marshal General, a plan was considered and adopted for the establishment at the Military Police School of a resident course in military government for Regular, Reserve, and National Guard officers. The establishment of a resident course and a military government department in this school helped to solve another pressing need, that of a research center for military government. The literature on military government is fairly extensive, but it needs to be carefully analyzed and put into a form usable for training purposes. There is need to examine and analyze more carefully the lessons

that the United States learned about civil affairs and military government operations in all theaters during both combat and occupation phases, and then to translate those lessons into practical training material. Not only training materials, but methods as well, need to be studied. The Army is in need of new and better ways of training its military government personnel.¹³

The Military Government Association, composed of all those interested in military government, has been organized with the stated purposes:

. . . to maintain a bond among the men who have interest in military government; to maintain a continuous review of the policies, plans, and programs of the United States Government in foreign affairs and military government; to insure that an effective military government organization the importance of which is understood by all elements of the services, will be available to the United States.¹⁴

A close-knit live-wire organization such as this can, through its activities and publications, probably serve the country well. The military government activities in the Reserve program throughout the country are proving to be popular, and with the time and enthusiastic effort put in by a large number of officers, the results should be reflected in better military government practices.

¹³ Interview with Lieutenant Colonel Robert H. Slover, March 4, 1952, Fort Hood, Texas.

¹⁴ Military Government Association, The Constitution of the Military Government Association, 1947.

The activities and training programs of these units will be of interest to all those interested in the general field of military government, because what they do will be a reflection of what can be expected in the way of military government operations in the future.

A typical military government group in the Reserve will have Administrative (S-1), Intelligence (S-2), Plans, Operations, and Training (S-3), Supply and Procurement (S-4), and Governmental Affairs (S-5) sections. The Governmental Affairs Section will supervise the various functional offices which will be charged with the control of civilian facilities. These functional offices will normally be for economics, commerce, and industry; finance; public safety; public welfare; education; monuments, fine arts, and archives; food and agriculture; public health; legal system; transportation; public works and utilities; property control; labor; public communications; displaced persons; and public information. Normally these functions will be grouped into these broad fields, economics, governmental controls, public facilities, and special functions.¹⁵

The military government group will normally have from four to six companies in it, and the companies will

¹⁵ A discussion of military government structure is found in The Military Police School, Staff Sections and Units, 1950.

in turn have platoons. The size and complexity of an area will determine the type of unit which may be employed.

One of the points learned in the war was that the sooner a unit is organized and functions as a unit, the better. Only bulk military government personnel was sent to the theaters before, and all unit organization was performed there. Now the policy is to start with units and organize and train them as such from the very beginning. Of course this will not preclude the necessity for individual training, especially for staff positions, and schools as well as unit training centers will be a necessity. But in both the objective will be training to function as a part of a team.

The same training objectives are applicable to both the groups and the companies, varying only in internal application. The primary objective is for each unit to prepare itself to perform military government operations during the period of combat and immediate postcombat. The objectives of training for any long period of occupation will necessarily differ from those for the period up to the end of hostilities. The objectives of the occupation period will hinge on the national policies to be established; these will of course affect the combat period as well. It is recognized that during World War II lack of military experience and training resulted many times in friction

when military government personnel came in contact with combat troops and staffs. Likewise, because military government had been such a neglected Army subject, military commanders found themselves with military government facilities which they did not always know how to use effectively.

Recognizing that military government officers and enlisted men must be soldiers as well as government officials, the training program includes such things as tactics and staff procedure; school of the soldier; military courtesy; use and care of weapons, especially the pistol, the rifle, and the carbine; Army administration; map reading; leadership; supply; and numerous other essential and basic Army subjects. A great deal of this training can be accomplished in annual summer training camps. The primary training job for all military government units is, of course, to make the administrative and functional sections proficient in the military government aspects of their functions. This is accomplished by means of lectures, conference type problems, discussion groups, and wherever possible, exercises for practical application of duties. Each functional team is given the responsibility of preparing and presenting to the group as a whole a careful explanation and resume of its more important duties, to include principles, policies, and procedures; integration with other military government functions; operation in the field; and plans for such

operation.¹⁶

Area studies have assumed an important place in planning and training for military government activities. It is essential that both units and staff sections understand the elements making up sound area study. One way to achieve this understanding is first to learn the techniques of area training and then to select sample areas for study in order to know how to apply these techniques. Area studies involve more training time than the average Reserve officer is able to devote in his inactive duty time, but at least the techniques and the necessity for them can be learned. In addition, several Reserve military government units have been organized, mostly composed of former military government staff officers who have held key positions and experts in area study, whose training objective is the perfection of area study techniques and actual area study.

In the past the problems of military government were attacked more often from the legal point of view than from any other. The experiences of World War II and studies since then have brought the realization that these problems are too complex for that approach, and include not only legal but also anthropological, sociological,

¹⁶ Lecture by Lieutenant Colonel Robert H. Slover, March 4, 1952, Fort Hood, Texas.

economic, administrative, and other aspects. All these aspects must be considered in sound planning and training if military government activities are to be successful. The United States is at present further advanced in the study of military government than at any other time. It has become a science, and as such, will require continuous study and thought.

As far as the Armed forces are concerned, the goal is threefold: (1) to indoctrinate every Army officer with the knowledge of what military government is, its principles, how it is employed, and the necessity for it; (2) to have a number of officers in the Regular Army trained in military government operations to form the nucleus of military government staffs and units; and (3) to have in the Organized Reserve Corps individuals and units in such a state of organization and training that they will be capable of employment to fill the military government needs adequately on mobilization.¹⁷

Outside the Armed forces, more of the colleges and universities must recognize military government as a subject of extreme importance to the United States and give it consideration in their courses on public administration, foreign affairs, international law and relations, history,

¹⁷ Ibid.

and government. Achievement of these goals will assure that the United States shall intelligently carry out her obligations in areas occupied in time of and following conflicts, and that the military mission will be more successfully accomplished through the proper control, use, and care of civilians and civilian economy.

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