

# The U.S. Army's Seizure and Administration of Enemy Records Up To World War II

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THE seizure and administration of enemy records in the World War II period involved many varied activities and a complex organization to carry them out. The activities entailed the seizure of records; their transmission to pertinent military offices; their handling and control while in those offices or in document centers; their exploitation, at first for purely military operational purposes and later for historical or other long-term research needs; their reproduction on microfilm with a view to the return of the originals to their owners; and, finally, their actual restitution.<sup>1</sup> Supervision of these activities was generally the responsibility of intelligence staffs of the War Department and of its military forces in the field. I propose in this paper to trace the evolution of this responsibility and thus to uncover the body of precedent as it existed at the outbreak of World War II.

## GENERAL BACKGROUND

For earlier wars, particularly before 1861, our knowledge about the seizure and control of enemy records is scanty when not completely lacking. We can only assume that seizure and control were part of so-called "intelligence" activities of the American military forces, although "intelligence" often meant simply gathering news or information with little evaluation or appraisal. We do know, however, that field commanders themselves often acted as intelli-

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<sup>1</sup> Enemy records constitute only one of several sources of military intelligence. Other sources are published materials available during peacetime; various individuals, including prisoners of war, defectors, refugees, and inhabitants of occupied territories; censored mail; captured equipment and installations; and materials gathered as a result of battlefield surveillance.

gence officers and seldom had qualified staff officers to assist them. Thus George Washington formed his own network of agents; Gen. Winfield Scott in the Mexican War had his unique "Mexican Spy Company"; and Gen. George B. McClellan, while he commanded the Army of the Potomac in the Civil War, employed Allan Pinkerton, founder of a detective agency, as his Chief of Intelligence.<sup>2</sup>

We also know that throughout the whole period before World War II there was conspicuous lack of coordination among field commanders or even between these commanders and the War Department. Whatever type of intelligence organization had been built up during a war faded away at the conclusion of hostilities. With the next call to arms, an organization had to start *de novo*.

During the Civil War, however, an important development took place. When Maj. Gen. Joseph Hooker succeeded McClellan as General in Chief of the Army of the Potomac in 1862, he appointed Col. George H. Sharpe as his Deputy Provost Marshal, and in that capacity Sharpe organized a headquarters intelligence staff that seems to have been especially efficient in collecting and evaluating information from many sources. Sharpe's field of activity was limited at first to the Army of the Potomac. When General Grant took command of all Union forces in 1864, however, he transferred Sharpe to his small General Headquarters as Assistant Deputy Marshal of the forces operating against Richmond.<sup>3</sup>

The next step in the evolution of the seizure and control of enemy records was taken at the turn of the present century. It resulted from American assumption of sovereignty over the Philippines at the conclusion of the brief war with Spain. In 1899 the Filipinos rose in insurrection against the United States. In 1900 the American military authorities conducting operations in the area reorganized their military intelligence staff and created the Insurgent Records Office as part of the Military Information Division, Headquarters, Division of the Philippines.<sup>4</sup> The establishment of this Office marked the first time, apparently, that a U. S. Army field headquarters, in the midst of military operations, provided for special handling and administration of enemy records for the benefit of the whole area of operations.

<sup>2</sup> See Bruce W. Bidwell, "History of the Military Intelligence Division, Department of the Army General Staff," pt. 1, chs. 1, 3, and 4 (3d draft, 1961). Colonel Bidwell's history traces military intelligence in the field from the Revolution through the Korean war.

<sup>3</sup> Bidwell, pt. 1, ch. 4.

<sup>4</sup> Bidwell, pt. 1, ch. 7. The Insurgent Records Office is discussed later in this paper.

The entrance of the United States into World War I brought further developments. These were occasioned mainly by the fact that never before had the U. S. Army conducted large-scale operations in a distant theater of operations. This distance demanded the establishment of a complete general staff organization for the American Expeditionary Forces.<sup>5</sup> In creating this organization, Gen. John J. Pershing, Commander in Chief of these Forces, reported that he drew largely from the French but in part from the British staff pattern. Within the AEF General Staff he assigned military intelligence to the G-2 Section, but the organizational element within G-2 having responsibility for enemy records, G-2-A, was modeled on British principles.<sup>6</sup> World War I also saw for the first time the compilation and publication (by General Headquarters, AEF) of U. S. Army intelligence regulations, which included precise instructions about handling and exploiting enemy records. There was again no American precedent for these regulations, and foreign practices were drawn upon—in this case, British.<sup>7</sup>

With respect to the War Department itself, no organizational element devoted solely and continuously to intelligence matters was set up until 1885, when the Military Intelligence Branch was created in the Adjutant General's Office. As intelligence organizations, however, this Branch and its successors were for some years relatively ineffective. Increased effectiveness came during World War I, when the Military Intelligence Division, General Staff, War Department, was established.<sup>8</sup> As for policies and procedures governing enemy records, the War Department seems to have exercised very little influence, either before or after 1885, while military operations were in progress. But on two occasions—at the end of the Civil War and again after the Philippine Insurrection—the Department directed disposition of captured records for special purposes.

<sup>5</sup> Bidwell, pt. 2, p. 1.

<sup>6</sup> General Pershing's Final Report to the Secretary of War, Sept. 1, 1919, p. 9, and Final Report, G-2-A, GHQ, AEF, to G-2, GHQ, AEF, June 8, 1919, p. 3, in C-in-C Report File, Folders 16 and 77, records of the American Expeditionary Forces, National Archives, Record Group 120. Hereafter records in the National Archives are indicated by the symbol NA, followed by the record group (RG) number.

<sup>7</sup> AEF, General Staff, *Intelligence Regulations*, Aug. 31, 1917. The 1918 revision of these regulations did not alter the earlier provisions respecting captured records. See AEF, General Staff, *Intelligence Regulations*, Oct. 21, 1918. See also AEF, G-2-A Report, p. 3, cited above.

<sup>8</sup> Maj. R. H. Deman, "Historical Sketch of the Steps Taken by the War Department for the Collection, Classification and Distribution of Military Information in the Army," Mar. 2, 1916, in AWC Doc. File 639-113, records of the War Department General Staff, NA, RG 165; Bidwell, "Military Intelligence Division," pt. 2.

One other development affecting the seizure and administration of enemy records was the preparation and promulgation of a code of rules of land warfare for U. S. military forces. The code was drawn up early in 1863 by a War Department special board, one of the members of which, Francis Lieber, was virtually the sole author.<sup>9</sup> In May 1863 the code was issued by the War Department as General Order No. 100. Lieber's Code, as it came to be known, was the first U. S. codification of the laws of land warfare.<sup>10</sup> Even though it made no direct reference to captured records, a number of its provisions were obviously applicable. The code declared that "military necessity" justified destruction of any kind of property, and it authorized the seizure of private property (if such seizure was undertaken for the "support or other benefit" of the U. S. Army or Government), on condition that receipt for the property be given to the owner. A belligerent had the right to use private property temporarily for military uses. Libraries (with which records and archives were presumably classed in 1863) should not be wantonly damaged, though their contents might be removed for the "benefit" of the invading state if no harm to the collection ensued. Final ownership of the contents would be determined by a treaty of peace.<sup>11</sup>

General Order No. 100 was published for the benefit of U. S. military forces. It was not a binding instrument—only a statement of general principles applicable in the absence of a special agreement. Anyone from the President of the United States to a field commander might disregard or alter it. The code therefore cannot be said to have exerted much influence during or immediately after the Civil War.<sup>12</sup> Nevertheless, it remained unchanged and valid for the U. S. Army until 1914, when a new manual stating essentially the same principles and even using some of the original wording replaced it.<sup>13</sup>

With this general background on the Army's policies and procedures concerning the seizure and administration of captured records before World War II, let us now consider those U. S.

<sup>9</sup> Frank Freidel, *Francis Lieber, Nineteenth Century Liberal*, p. 333, 334 (Baton Rouge, La., 1947).

<sup>10</sup> For the provisions of the code, see Francis Lieber, *Instructions for the Government of Armies of the United States in the Field* ([Washington], 1863). Elihu Root evaluated the code in "Francis Lieber," in *American Journal of International Law*, 7:453 (July 1913).

<sup>11</sup> Lieber, *Instructions*, pars. 15, 36, 37, and 38.

<sup>12</sup> Freidel, *Francis Lieber*, p. 334, 340.

<sup>13</sup> U. S. War Department, *Rules of Land Warfare* (Washington, 1914).



wars or armed conflicts between 1774 and 1938 for which there is evidence of U. S. Army seizure of enemy records.

#### THE PRE-CIVIL WAR PERIOD

For the period preceding the Civil War there is little evidence on the circumstances under which records were seized, how they were used in wartime, and what use—if any—was made of them after hostilities ceased.

The National Archives now has some 290 documents, dated 1774-81, that were captured during the Revolutionary War. It is reasonable to assume that some of these documents were seized during the actual fighting or shortly thereafter or that they were taken directly from couriers or packets. Some time after the war the State Department fell heir to the collection.<sup>14</sup> The papers comprise chiefly correspondence of British military personnel stationed in North America, including Sir William Howe and his brother the Admiral, Sir Henry Clinton, Lord Cornwallis, and Gen. Thomas Gage. There are also several letters of Lord George Germain, Colonial Secretary in the British Cabinet.

In October 1813, at the battle of the Thames River in Canada, Gen. William Henry Harrison, who was in charge of the Detroit campaign, seized the papers of his opponent, Gen. Henry Procter, commanding officer of the 41st Regiment. About two months later General Harrison forwarded the documents (some 70 items) to the Department of State. General Procter's papers consist mostly of letters he received, July 16, 1812, to September 10, 1813, from several persons including the British Generals John Vincent and Francis de Rothenburg and Sir George Prevost; there are also Procter's "Copy Book" of his outgoing letters and other items, 1805-13.<sup>15</sup>

There is in the National Archives still another group of papers apparently seized during the War of 1812. These, about 180 items, 1739-1814, include some 80 letters of Col. Alexander McKee, a loyalist and British agent to the Indians, and some correspondence of Sir Alexander Cochrane (Commander in Chief of

<sup>14</sup> The documents are in "The Papers of the Continental Congress, Intercepted Letters," 2 vols. bound as 3, in the records of the Continental Congress and the Constitutional Convention, NA, RG 360. Most of the documents are dated 1775. They have been microfilmed and are referred to in *Pamphlet Accompanying Microcopy No. 247, Papers of the Continental Congress, 1774-1789*, p. 23 (Washington, National Archives, 1961).

<sup>15</sup> Gen. W. H. Harrison to James Monroe, Secretary of State, Dec. 18, 1813, in "Miscellaneous Letters, November, December, 1813," in general records of the Department of State, NA, RG 59. For the Procter papers, see "Intercepted Correspondence, 1812" in the same record group.

Britain's Ships and Vessels in the North American Station), Lord Castlereagh, Lord Dorchester, Gen. I. Wilkinson, and others.<sup>16</sup>

In the course of the First Seminole War (1817-19), in Spanish Florida, Gen. Andrew Jackson seized and executed two British citizens, A. Arbuthnot and Robert C. Ambrister, whom he charged with inciting the Seminoles to war and arming them. Jackson had Arbuthnot's and Ambrister's papers confiscated, apparently in April 1818. These also are in the National Archives. Most of them are letters for the period February 1817-March 1818, and the majority of these were between Arbuthnot and his correspondents.<sup>17</sup>

On May 9, 1846, four days before war was declared between the United States and Mexico, an engagement took place between the forces of Gen. Zachary Taylor and Gen. Mariano Arista near Resaca de la Palma, Mexico, which resulted not only in a rout of the Mexican troops but also in General Arista's loss of his personal baggage. In this baggage a quantity of Arista's papers was found.<sup>18</sup> Some 231 of these items, dated April 4-May 9, 1846, are in the Adjutant General's records in the National Archives.<sup>19</sup> Another lot of them, consisting of general orders, orderly books, and other items (bound in two volumes), 1844-46, somehow came into the hands of Maj. Nathan S. Jarvis, Surgeon, who gave them—probably in January 1848—to the New-York Historical Society.<sup>20</sup>

In 1893 the Mexican Minister to the United States asked that

<sup>16</sup> NA, RG 59. Most of the materials are dated 1789. There are gaps for the years 1801, 1803-6.

<sup>17</sup> "Records relating to Arbuthnot and Ambrister and Jackson's Operations in Florida" (statement of the U. S. Captain of Engineers, Aug. 6, 1818), in records of the Adjutant General's Office, NA, RG 94. See also Jackson's letters on the seizure of the documents in John S. Bassett, ed., *Correspondence of Andrew Jackson* (Washington, 1927), 2: 364, 367, 396. The Arbuthnot-Ambrister documents consist of 24 items, excluding extra copies. Some of the documents have been published in *American State Papers—Military Affairs*, 1: 682 ff. (Washington, 1832).

<sup>18</sup> A statement about the capture of Arista's records is given on Record Card 398110, NA, RG 94.

<sup>19</sup> The Adjutant General's Office arranged the Arista documents in four groups: (1) papers relating to operations against the U. S. forces; (2) papers relating to Mexican military affairs; (3) papers, chiefly personal, written by or addressed to Mexican Army officers; and (4) miscellaneous papers. An item-by-item index was also prepared.

<sup>20</sup> Jarvis' gift of the documents is recorded in New-York Historical Society, *Proceedings for the Year 1848*, p. 41 (New York, 1848), and discussed in a letter of the society to the author, Sept. 14, 1961. Jarvis was a native New Yorker, had his medical education in New York City, and presumably resided there. See Medical Officers' File, N.S. Jarvis, NA, RG 94.

the Arista documents be restored to his government, but for reasons not clear his request was denied.<sup>21</sup>

Another group of Mexican documentary materials was seized by the troops of General Scott in Mexico City in 1847. The materials were manuscripts belonging to the Society of Jesus and were in the society's home, La Casa Profesa. The seized records were eventually sent to Washington. About eight years later (1855), the U. S. Government returned the manuscripts to the society; this was perhaps the first official U. S. restitution of captured records.<sup>22</sup>

### THE CIVIL WAR

The end of the Civil War saw a sizable collection of Confederate records in Federal hands, provision for systematic handling of them, and ambitious programs for their exploitation.

On April 7, 1865, two days before Lee's surrender, a War Department order was issued directing that: "Officers who come in command of places captured from the enemy will collect and forward to this place [Adjutant General's Office] any papers left behind by the rebels which may be of public use or interest."<sup>23</sup> No doubt this order would have been routinely executed but for the assassination of Abraham Lincoln on April 14. Stirred by this act, the War Department decided to have a search made in the "rebel records," once they were available, for evidence that Jefferson Davis and his associates had plotted to have Lincoln murdered. This decision hastened the collecting, transporting, arranging, and describing of the Confederate records. Bringing the seized records under archival control would otherwise have been a slower process and their uses might have been more circumscribed.

Pursuant to the general order of April 7, and to the repeated urgings of Secretary of War Edwin Stanton, Confederate records were quickly sent by elements of the Union armies in the South to the Adjutant General's Office in Washington. Other Confederate records were later seized by Federal officials administering the occupied South or were purchased by or donated to the U. S. Gov-

<sup>21</sup> The Mexican Minister's request for restitution is referred to in AGO letter to Chief Clerk, War Department, Mar. 18, 1893, in records of the Secretary of War, NA, RG 107.

<sup>22</sup> An account of the confiscation and return of the Jesuit papers is given in Roscoe R. Hill, "The Odyssey of Some Mexican Records," in *Hispanic American Review*, 24: 39-60 (Feb. 1944).

<sup>23</sup> WD, AGO General Order No. 60, art. 3.

ernment.<sup>24</sup> Eventually, more than 6,000 feet of such records came into the Government's custody. They constitute a heterogeneous collection of documents that originated in several departments or offices of the Confederate Government, the Confederate Army and Navy, and the Southern State governments. Military records predominate.<sup>25</sup>

To receive, arrange, classify, and otherwise handle in a systematic way the records received in the War Department, the Adjutant General's Office established the Archive Office of the War Department about the middle of August 1865, with Francis Lieber in charge.<sup>26</sup> About two years later, when Lieber resigned, the Confederate records were under control.<sup>27</sup> By then, too, it had become quite clear that these records did not contain sufficient information to incriminate Davis and other Southerners in Lincoln's assassination.<sup>28</sup>

<sup>24</sup> The standard account of the seizure and transmittal of Confederate records is Dallas D. Irvine's article, "The Fate of Confederate Archives," in *American Historical Review*, 44:823-841 (July 1939). See also his "The Archive Office of the War Department," in *Military Affairs*, 10:93-96, 101 (Spring 1946). Among documentary materials purchased were the misnamed "Pickett Papers," comprising Confederate diplomatic records; these, together with some other Confederate documents, are in the Library of Congress. See *Handbook of Manuscripts in the Library of Congress*, p. 70-76 (Washington, 1918).

<sup>25</sup> The Confederate records transferred by the War Department to the National Archives are described in Elizabeth Bethel, comp., *War Department Collection of Confederate Records* (Preliminary Inventory no. 101; Washington, National Archives, 1957). Other but smaller quantities of Confederate records are in NA, RG 45, Naval Records Collection of the Office of Naval Records and Library; RG 56, general records of the Department of the Treasury; and RG 76, records of Boundary and Claims Commissions and Arbitrations. The seized Confederate ordnance records are listed in Lester J. Cappon, "A Note on Confederate Ordnance Records," in *American Military Institute, Journal*, 4:94-102 (Summer 1940). The National Archives plans to publish in 1964 a Guide to the Archives of the Government of the Confederate States of America. See also the brochure, *Records in the National Archives Relating to Confederate Soldiers* (1959), and National Archives' microfilm publications of compiled Confederate service records.

<sup>26</sup> AGO Order No. 127, July 21, 1865, directed the establishment of the Office. Lieber's son was appointed Assistant Chief and actually carried the burden of the Office.

<sup>27</sup> Carl L. Lokke has made a favorable evaluation, from an archival viewpoint, of Lieber's handling of the Confederate records. See Lokke, "The Captured Confederate Records Under Francis Lieber," in *American Archivist*, 9:277-319 (Oct. 1946). A brief account of Lieber's work in the Archive Office is also in Freidel, *Francis Lieber*, p. 370-375. The Office remained under the Adjutant General's Office until 1881, when it was transferred to the Office of the Secretary of War. Irvine, in *Military Affairs*, 10:109; see also Kenneth W. Munden and Henry Putney Beers, *Guide to Federal Archives Relating to the Civil War*, p. 266 (Washington, National Archives, 1962).

<sup>28</sup> Irvine, in *Military Affairs*; Freidel, *Francis Lieber*, p. 372-374; Lokke, in *American Archivist*. The Archive Office came, in time, to perform a wide variety of reference activities, in addition to checking for evidence. Among these activities was the lending of the Confederate medical records to the Surgeon General's Office for use in the latter's preparation of *The Medical and Surgical History of the War of the Rebellion (1861-1865)* (Washington, 1870-88. 3 parts of 2 vols. each.).

One very important use was made by the Federal Government of the Confederate records—the publication of selected parts of them, along with comparable Union records, as the familiar and formidable *Official Records*.<sup>29</sup>

### THE SPANISH-AMERICAN WAR AND THE PHILIPPINE INSURRECTION

As a consequence of the Spanish-American War the U. S. Government obtained two collections of records, one in Puerto Rico and one in the Philippines.

The records taken from Puerto Rico were not seized by the military forces of the United States but were acquired incidentally by Herbert Friedenwald, Superintendent of the Manuscript Department of the Library of Congress, who was sent to Puerto Rico in January 1899 to purchase or receive as gifts whatever books, newspapers, periodicals, and maps might be needed by the Library.<sup>30</sup> Dr. Friedenwald obviously was also interested in manuscripts and archives. While he was carrying out his mission, the Puerto Rican historian Cayetano Coll y Toste, who as Civil Secretary under the U. S. Military Government of Puerto Rico had the archives of the former Spanish Governors of Puerto Rico under his jurisdiction, called Friedenwald's attention to them. With the permission of the War Department, these records were turned over to the Library of Congress.<sup>31</sup> In 1901 the Library returned most of them to Puerto Rico for use by the Civil Government. The rest (covering the period 1750-1898 and amounting to 134 feet), dealing with military, ecclesiastical, judicial,

<sup>29</sup> *The War of the Rebellion; a Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1881-1901. 130 "serials" comprising 70 vols., general index, and atlas.). The publication of Confederate records was rounded out with the Navy Department's *Official Records of the Union and Confederate Navies in the War of the Rebellion* (Washington, 1894-1922. 30 vols.). See also Munden and Beers, p. 379-382 and 449 ff., in the work cited in note 27.

<sup>30</sup> For an account of Friedenwald's archival activities in Puerto Rico, see *Report of the Librarian of Congress for the Fiscal Year Ended June 30, 1899*, p. 7 (Washington, 1899); Herman Kahn's report, Jan. 29, 1943, appraising these archives before they were accessioned by the National Archives (in folder for NA Accession Job No. 43-250); and a study, available at the National Archives, by Santiago Rivera Robles, "The Development of Archives in Puerto Rico," Apr. 28, 1960. For War Department approval, Dec. 28, 1898, of Friedenwald's mission to Puerto Rico, see General Correspondence Record Card 55, records of the Bureau of Insular Affairs, NA, RG 350.

<sup>31</sup> See Record Cards 224646 and 224647, NA, RG 94. Shipment of the archives to Washington began about June 1899 and was completed about March 1900. See also War Department, *Report of the Military Governor of Porto Rico on Civil Affairs*, p. 220 (Washington, 1902). Coll y Toste himself prepared an inventory of the records shipped. See NA Accession Job No. 448-117.

maritime, fiscal, and foreign affairs, were retained by the Library of Congress until 1943, when they were transferred to the National Archives.<sup>32</sup> By joint resolution of Congress, May 21, 1957, authority has been given to restore these records to the Commonwealth of Puerto Rico after specified conditions are met.<sup>33</sup> During the time the Puerto Rican archives have been in Washington—some 60 years—no particular use has been made of them. In fact, for more than 40 years they lay in shipping cases at the Library of Congress, unknown and unused.

In the course of the fighting between American and Spanish troops in the Philippines, native forces under Emilio Aguinaldo, who had already established a Filipino republic, assisted the Americans in the hope that this aid would lead to American recognition of the republic. Although the military partnership was continually strained by attitudes of arrogance and contempt on both sides, open warfare was avoided until February 4, 1899, the day before the U. S. Senate approved the treaty of peace with Spain ceding the Philippines to the United States with no provision for immediate or future independence for the Filipinos.<sup>34</sup> Thus began the so-called Philippine Insurrection under the leadership of Aguinaldo, an insurrection that dragged on until July 4, 1902.

Within a year after the revolt began, American military authorities created at Manila the Office of Insurgent Records, Headquarters, Division of the Philippines, as a central collecting point to receive, abstract, index, and translate documents seized during military operations against the rebels.<sup>35</sup> Then came the War Department order in July 1902 to ship the records to Washington for use in congressional investigations of the Army's Philippine

<sup>32</sup> The accession instruments are in NA Accession Job No. 43-250. In 1926 the Library of Congress made an offer to the Governor of Puerto Rico to restitute the records. Cf. Kahn's appraisal report.

<sup>33</sup> 71 Stat. 400. One of the conditions is that the Commonwealth provide "fireproof, air-conditioned storage space" for the records "under professional archival direction."

<sup>34</sup> Events leading up to the break in relations between the U. S. Government and Aguinaldo are described in Leon Wolff, *Little Brown Brother* (New York, 1961). Aguinaldo maintains in his latest book that Admiral Dewey promised in exchange for Filipino military assistance against Spain that the United States would recognize the Filipino Republic. See Emilio Aguinaldo with Vincente Albano Pacia, *A Second Look at America*, ch. 3 (New York, 1957).

<sup>35</sup> The Office of Insurgent Records was provided for by Special Order No. 1, Military Government of the Philippines, Jan. 13, 1900. The sole annual report of the Office is in *Annual Report of Major General Arthur MacArthur, Commanding, U.S. Volunteers, Division of the Philippines*, 2:387-390 (Manila, 1900. 2 vols.). In December 1900 the Office of Insurgent Records was transferred to the Military Information Division, Adjutant General's Office, Hq. Division of the Philippines, with Capt. J. R. M. Taylor in charge; Taylor had also headed the Office between Jan. 17 and July 10, 1900.



operations, in the War Department's current administration of the Islands, and in the Department's program for publication of insurgent documents and especially of a history of the insurrection.<sup>36</sup>

Possibly influenced by its handling of the Confederate records after the Civil War, the War Department again set up a special office to have custody of the seized records—the Division of Captured Philippine Records of the Bureau of Insular Affairs. In charge of the Division was Capt. J. R. M. Taylor, who had had custody of the rebel records during part of the first year when they were in Manila.<sup>37</sup> The seized records seem to have played little part either in the congressional investigations or in the War Department's administration of the Philippines. It is quite likely, however, that the proposed history of the insurgent movement was undertaken with the idea of using it to justify the Army's operations against the Filipinos. At any rate, all activities of the Division were directed towards completing the history.<sup>38</sup> Taylor, who had apparently been the first to suggest the history, was assigned the task of writing it.<sup>39</sup>

Taylor began his job in 1902. As planned by him and as finally approved, the history was to be published in five volumes under the title "The Philippines Insurrection Against the United States; a Compilation of Documents With Notes and Introduction," two volumes to be narrative and three volumes to comprise selected seized documents.<sup>40</sup> By the summer of 1906 the five volumes were ready for publication, but when William Howard Taft—then Secretary of War, formerly Civil Governor of the Philippines, and soon to be President of the United States—received the manuscript, he held up its publication on the grounds that the history was not objective, that it reflected too much Taylor's personal opinions.<sup>41</sup> A revision was contemplated but was never accom-

<sup>36</sup> Letter, Col. J. R. M. Taylor to a Colonel Hodges, Aug. 22, 1919, in File 2291-78, records of the Bureau of Insular Affairs, NA, RG 350. The insurgent records began arriving in October 1902 and there were intermittent shipments until 1908.

<sup>37</sup> See note 35 in reference to Taylor's work in Manila. The Division was created by order of the Chief of the Bureau of Insular Affairs, June 30, 1903.

<sup>38</sup> Annual reports about the work of the Division concern only the progress of the history. The Division ceased functioning after 1906.

<sup>39</sup> In his letter of Aug. 22, 1919, cited in note 36, Taylor declared: "In 1902 I suggested . . . it would be well to write a history of the relations of the United States with the Philippines . . ."

<sup>40</sup> Outline of the contents of the five volumes, File 2291-38, NA, RG 350.

<sup>41</sup> Taft also remarked that he did not want the Taylor compilation published as an "election document," doubtless referring to its possible use in the 1908 presidential campaign. Taft to Capt. Frank McIntyre, Actg. BIA Chief, Aug. 18, 1906, File 2291-46, NA, RG 350.



plished, and later efforts to get Taylor's work published were unsuccessful. The War Department's publication program, however, was not a complete failure, for the Bureau of Insular Affairs published two studies prepared by Taylor and his staff: *Compilation of Philippine Insurgent Records—Telegraphic Correspondence of Emilio Aguinaldo, July 15, 1898 to Feb. 28, 1899; Annotated* (Washington, 1903), and *Report on the Organization for the Administration of Civil Government Instituted by Emilio Aguinaldo and His Followers in the Philippine Archipelago* (Washington, 1903).

With the termination in 1906 of the proposed publishing program, the insurgent records lay practically unused for over 30 years. Then, in 1938, a seven-year project was started to "examine, classify, arrange, and index" the records, probably with a view to their restitution in 1945 when the Philippine Commonwealth (created in 1935) was to become an independent state.<sup>42</sup> But restitution was not seriously considered until 1956, and since the records were considered to be the property of the U. S. Government by virtue of the transfer of sovereignty over the Philippines from Spain to the United States an act of Congress was required to effect the transfer of the records to the Philippine Government. The act of July 3, 1957,<sup>43</sup> stipulated that the records be restored after selective microfilming, and in August 1958 the insurgent records were on their way to the Philippines.<sup>44</sup>

### WORLD WAR I

The United States entered World War I with little military planning and preparation. Once the war began, pressure of events made it extremely difficult to plan wisely and to carry out measures efficiently. But just as this difficulty was being overcome, the war abruptly ended. The War Department General Staff, when the hostilities began, was not ready with measures relating to enemy records, other than what already existed in general terms in Army field service regulations. In fact, for nearly the entire

<sup>42</sup> The project was initiated as a result of a 1936 request of the Philippine Resident Commissioner in Washington for the return of the records. The insurgent records became active for reference use in 1939, when Filipinos eligible for pensions offered by the Philippine Commonwealth applied to the War Department for required data. Memo, C. F. Fox, BIA Chief, to the Adjutant General, May 1, 1936, File 2291-103, NA, RG 350.

<sup>43</sup> 71 Stat. 276. All of the records have been microfilmed as National Archives Microfilm Publication M 254.

<sup>44</sup> See GSA Press Release 871, June 18, 1958, for a description of the ceremony of the formal presentation of a part of the records to President Carlos P. García of the Philippines on June 19, 1958.

war period the Military Intelligence Section, War College Division, and the successor Military Intelligence Division, General Staff, relinquished to the General Headquarters, American Expeditionary Forces, practically all responsibilities for seizing, administering, and exploiting enemy records and for training personnel in these matters.

Under Army field service regulations each field headquarters of any unit from a brigade up had been provided with an intelligence organization, designated as the G-2 Section, which dealt with the collection, administration, and distribution of military intelligence information, presumably including captured records.<sup>45</sup> As will be seen, the channels thus set up provided for a downward flow of directives and instructions about captured documents, an upward flow of these documents, and a movement in both directions of intelligence data gleaned from the seized materials.

Detailed procedures were laid down by General Headquarters, AEF, regarding the movement and exploitation of enemy records. Records found in the field by individuals or by persons specially selected to collect documents were to be forwarded to a division collecting point,<sup>46</sup> whence they were to be dispatched as quickly as possible through corps to army headquarters. The principal function of division and corps was that of collecting intelligence information, while army headquarters' basic responsibility was to "collate" or evaluate this information.<sup>47</sup> In line with this principle, the corps and divisions, while they had custody of captured documents, extracted from them data pertinent to their fronts concerning enemy defenses, the organization of enemy units, the movement of troops, etc. These data were incorporated in summaries of intelligence published daily for use by their organizational elements.<sup>48</sup>

Upon receipt of enemy records in army headquarters the G-2 Section classified them in five groups: (1) military maps; (2) letters and postal cards; (3) general, army, corps, divisional, and regimental orders; (4) technical manuals and other printed military matter; and (5) diaries, pay books, newspapers, and "worth-

<sup>45</sup> War Department, Office of Chief of Staff, *Field Service Regulations, United States Army, 1914, Corrected to April 15, 1917*, pars. 9, 260, 261 (Washington, 1917). These regulations do not refer directly to enemy records but rather to "information of the enemy."

<sup>46</sup> AEF, *Intelligence Regulations, 1917*, pars. 65, 69. Nothing seems to be known about the "specially selected persons" but a selection of some kind was made.

<sup>47</sup> *Ibid.*, par. 10. Despite instructions to the contrary, echelons below army tended to hold documents so long that they lost intelligence value by the time they arrived at army headquarters.

<sup>48</sup> AEF, *Intelligence Regulations, 1917*, pars. 15(g) and 38(g).

less" material. From these records G-2 prepared order-of-battle data, a prediction of the immediate intentions of enemy units, and histories of enemy divisions. The "histories" covered "complete itineraries, estimates on effectives, losses and replacements" and modifications of divisional organization. Certain records were dispatched to other elements of army headquarters—for instance, artillery pamphlets to the chief of artillery, records dealing with gas matters to the gas officer, and water system maps to the water supply officer. Eventually, the remnants of the five classes of records were forwarded to G-2, GHQ, AEF.<sup>49</sup>

Within G-2 of General Headquarters, the organizational element having major responsibilities for exploitation of the incoming enemy records was, as has already been pointed out, the subdivision "G-2-A, Information." These responsibilities devolved in large measure upon the subsection "G-2-A-1, Battle Order," which prepared the following materials:

Order-of-battle data showing the enemy's intentions, his capacity for battle, the time and place of planned operations, and the means available to carry out these operations.

Studies of enemy manpower in order to know exactly the strength of the enemy at any given time.

Histories of enemy corps and divisions, covering their composition, present strength, morale, tactics, armament, and officers and their previous service.

Yearbooks of the German Army, noting tactical and individual organizations of corps and divisions, localities from which recruited, names of commanders, etc.

Data on German heavy artillery batteries, giving organization, equipment, and strength.<sup>50</sup>

Much of the above information was issued by G-2, GHQ, in daily summaries of information and summaries of intelligence, which were distributed down to division headquarters. G-2-A-1 also kept current an order-of-battle map and prepared daily identifications of enemy units, daily statements of enemy divisions thought to be in reserve or rest, weekly lists of changes in the organization of enemy units and their commanders, rest charts, and strength books.

Other subsections of G-2-A engaged in using enemy documents were: G-2-A-2, responsible for information about enemy ordnance

<sup>49</sup> G-2 Report, First Army, AEF, Nov. 18, 1918, p. 22, 23, 29-30, in File 200.01, NA, RG 120.

<sup>50</sup> G-2-A Report cited in note 6, p. 9-24. Sources of information included not only incoming enemy documents but also summaries of intelligence furnished by American armies, corps, and divisions, and summaries of captured documents supplied by the British and French General Headquarters.

and matériel and economic conditions in enemy countries; G-2-A-3, concerned with discovering new battery emplacements and new roads, bridges, and railroads in enemy forward and rear areas; G-2-A-5, charged with keeping information on enemy artillery, including changes in artillery tactics, methods of laying and adjusting artillery, "echelonment in depth," and shortages of matériel and horses; G-2-A-6, involved in breaking enemy codes and ciphers; and G-2-A-7, devoted to air intelligence—collecting information on enemy air and balloon units, airdromes, organization of air service, and enemy air strategy and operations (including also the preparation of a daily summary of air information similar in scope to the summary of information). Within G-2-A-2 the subordinate organization G-2-A-2-e was designated to have custody of the enemy records received by G-2; to file, index, and catalog them; and to make them available to "any persons or departments interested in their contents." In practice, however, it seems that other G-2 organizational elements also kept whole bodies of records and performed independent activities with respect to them.<sup>51</sup>

Though it was started late, formal training of American military personnel for work with captured records was undertaken for the first time in World War I. Until GHQ, AEF, set up its own school, selected American intelligence officers were sent to the British Intelligence School at Harrow-on-the-Hill, England.<sup>52</sup> On July 25, 1918, the Army Intelligence School was established at Langres, France. In the short time the school existed it presented two six-week courses and one eight-week course. Among the subjects offered were the exploitation of documents, organization of the German Army, the German order of battle, and regimental and divisional intelligence. Lectures were supplemented by many hours of practical work examining captured records. French and British as well as American instructors were employed. The American instructors were chosen in part from the staff of G-2 of GHQ, AEF, and in part from officers who had had front-line experience. The school closed on January 12, 1919. By that time 138 officers had completed its courses.<sup>53</sup>

<sup>51</sup> *Ibid.*, p. 28-33, 44-49.

<sup>52</sup> *Ibid.*, p. 8.

<sup>53</sup> See GHQ, AEF, General Order No. 130, Aug. 6, 1918, par. vii; and J. H. Marsching, "History of the Army Intelligence School," Nov. 30, 1918, in Folder 227, C-in-C Report File, NA, RG 120. Extracts from this history have been published in *U.S. Army in the World War*, 14:373-378 (Washington, 1948. 16 vols.). Major Marsching was one of the instructors at the school. Copies of the school's lectures dealing with exploitation of documents, a list of subjects offered, class schedules, and samples of tests are in records of G-2, boxes 1737-1741.

There is no evidence to show that the Allies exchanged captured records among themselves<sup>54</sup> or that they maintained such joint custody of records or carried out such joint exploitation as were characteristic of the World War II period.

It appears that once military operations ended the seizure of records ceased. With the occupation of Germany there seems to have been no policy or plan to continue the acquisition of enemy records. This too differed from what took place in Germany and Japan upon the conclusion of World War II.

GHQ, AEF, at the war's end in 1918, had in its custody some 50 feet of captured records. These were shipped to the United States along with the AEF records.<sup>55</sup> No plans have yet been made to return them to Germany.<sup>56</sup>

Probably the only use to which the seized records were put after the war was in connection with the War Department's preparation of an account, based on both enemy and Allied source materials as well as American, of U. S. military operations in the war.<sup>57</sup> For this purpose, however, the seized records in AEF custody were so scanty in volume and coverage that they had to be supplemented by obtaining from the Reichsarchiv of Germany (the newly created depository in Berlin of German military archives) copies of German military operational records.<sup>58</sup>

### SUMMARY AND EVALUATION

The period before World War II was a formative one. From a situation in which there were no established policies or procedures we arrive at the end of the period with some measure of central control, in the field if not in the War Department itself. Starting without written policy or procedures, we have by the end of World War I: (1) an internationally accepted code, drawn

<sup>54</sup> However, see note 50.

<sup>55</sup> These captured records, covering the period 1914-18 generally, are in records of G-2-A-2, boxes 5365-5516, NA, RG 120. No description of them seems to be available. Examination of evidence found on the documents supports the belief that the records were seized on the battlefield.

<sup>56</sup> In 1923 the question of the restitution of some of the seized documents arose. At that time the Reichsarchiv of Germany submitted four lists of German documents missing from its holdings and requested their return. The writer has been unable to establish that the requested documents were found.

<sup>57</sup> For an account of the War Department program for the preparation of a history of American participation in World War I, see *U.S. Army in the World War*, 1:1.

<sup>58</sup> See War Plans Division, memo to Chief of Staff, July 1, 1921, in Chief of Staff file, "Histories 660 (201-259)," in records of the War Department General Staff, NA, RG 165. In exchange for the German documents, the Reichsarchiv was apparently given copies of AEF summaries of intelligence, summaries of information, summaries of operations, and the like.

up by the U. S. Government, on the conduct of warfare, including the treatment of enemy records (by inference, at any rate); and (2) published intelligence instructions comprehending seized records. During World War I a military intelligence organizational pattern was devised, as part of the newly established general staff system. In that war also specific training for work with captured records was conducted for the first time. From an archival viewpoint, the Government did a commendable job in its handling of the bodies of records seized during the Civil War and the Philippine Insurrection. Although no professional archivists were available to give assistance with these records, the historians in charge arranged, described, and indexed the records in adequate fashion. The Government's willingness to make the Confederate records available in published form also deserves recognition.

On the other side of the coin, however, it was typical of the Federal Government not to carry over into a conflict or war the experience it gained in a prior war with respect to the seizure and handling of enemy records. Consistently no planning for captured records had been done before the beginning of a war. Inevitably the Government again became actively involved in hostilities before its thoughts and actions were turned toward developing specific policies and plans. This resulted in confusion, lack of coordination, and other undesirable consequences.

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**“. . . feeling very strongly the inconvenience . . .”**

Attorney General's office. 13. Nov.<sup>r</sup> 1817.

Finding on my appointment, this day, no books, documents, or papers of any kind to inform me of what had been done by any one of my predecessors, since the establishment of the Federal government, and feeling very strongly the inconvenience, both to the Nation and myself, from this omission, I have determined to remedy it, so far as depends on myself, and to keep a regular record of every official opinion which I shall give while I hold this office, for the use of my successor.

To make the arrangement as perfect as I can I have prevailed on the heads of Departments to furnish me with copies of all the documents on which I shall be consulted and which will be found filed and numbered, to correspond with the numbers in the margin prefixed to each opinion. A copious index to this Book is also given, with reference; under various heads, to each case, for the greater facility of using the book.

—WILLIAM WIRT, holographic note on the flyleaf of Opinions Book “A” in General Records of the Department of Justice, Record Group 60, National Archives. For a photoreproduction of this document, see Homer Cummings and Carl McFarland, *Federal Justice: Chapters in the History of Justice and the Federal Executive*, facing p. 80 (New York, 1937).