

**A WAR OF NERVES: SOLDIERS AND PSYCHIATRISTS IN  
THE TWENTIETH CENTURY<sup>1</sup>**

REVIEWED BY MAJOR SUSAN L. TURLEY<sup>2</sup>

*I was confronted by cases of combat neurosis who told me that they saw nothing in what they were doing that justified the risks they were being asked to take. In effect, they had seen enough of death to know that they preferred life. What was I to do with deviant behavior like that?<sup>3</sup>*

*[I]s it better to be crazy, or is it better to be dead?<sup>4</sup>*

In Arizona, Claude Maturana sits on death row, condemned for murdering a teenage boy in 1990. Maturana's guilt is not in doubt, but whether he'll ever be executed is. State prison doctors have diagnosed Maturana as too mentally ill to be executed.<sup>5</sup> They have treated his delusions—but not so that he understands his crimes and his sentence, the standard for competence to be executed. In fact, Arizona couldn't find an in-state doctor willing to make Maturana well enough to die. All who declined cited ethical prohibitions against participating in executions, including restoring competency.<sup>6</sup>

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1. BEN SHEPHARD, *A WAR OF NERVES: SOLDIERS AND PSYCHIATRISTS IN THE TWENTIETH CENTURY* (2001).

2. United States Air Force. Written while assigned as a student, 50th Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. SHEPHARD, *supra* note 1, at 345 (quoting Major (MAJ) Gordon S. Livingston, regimental surgeon in Vietnam to the 11th Armored Cavalry Regiment, commanded by then Colonel (COL) George S. Patton, Jr.).

4. Nightline, *Insanity in the Courtroom*, Jan. 24, 2001 (quoting lawyer Ron Kuby on medicating criminals to restore competence for execution), available at [http://abcnews.go.com/sections/nightline/nightline/nl010123\\_weston\\_feature.html](http://abcnews.go.com/sections/nightline/nightline/nl010123_weston_feature.html).

5. Alfred M. Freedman, M.D., *The Doctor's Dilemma: A Conflict of Loyalties*, 18 *PSYCHIATRIC TIMES*, Jan. 2001, at <http://www.mhsource.com/pt/p010101b.html>.

6. *Id.* Dr. Freedman, a past president of the American Psychiatric Association (APA), points to a 1995 American Medical Association report proscribing treatment aimed at restoring competence for execution and the APA's ethical pronouncement that psychiatrists should not assist with executions. Arizona finally located a Georgia prison doctor who said Maturana was competent enough to be executed even without treatment. *Id.*

Maturana's case illustrates how doctors and lawyers in the new millennium still wrestle with one of the ethical dilemmas at the heart of *A War of Nerves: Soldiers and Psychiatrists in the Twentieth Century*, Ben Shephard's history of military psychiatry. As the title suggests, the skirmishes involved are not necessarily traditional military battles (although combat and its impact on those who fight are central to the book). Instead, Shephard examines moral and medical conflicts like the one underlying the Maturana controversy—the clash between therapy to restore a mentally wounded soldier to something approaching normal functioning and treatment to return that same soldier to his military role as “potential cannon fodder.”<sup>7</sup>

Early on, Shephard describes how the British Army castigated a World War I doctor who classified a number of troops as unfit for battle due to shell-shock and exhaustion. In the eyes of British officers, steeped in the “stiff upper lip” tradition, a doctor might rightly sympathize with his patients—but he far overstepped his bounds if he tried to prevent the commander from sending those same men out to fight.<sup>8</sup> Shephard then traces how each succeeding generation of military psychiatrists grappled with this conflict, up through Vietnam and the Gulf War.<sup>9</sup>

A doctor in Normandy bluntly admitted that military psychiatrists had to forego the traditional therapeutic goal of restoring the patient to a life worth living and instead had to learn “to extend an *invitation to death*.”<sup>10</sup> In contrast, a Vietnam doctor questioned:

Is the military psychiatrist justified in rapidly treating combat fatigue? Is the physician ethical in using his patient's guilt about deserting his comrades and his identification with his unit in order to have him quickly returned to combat, where he might soon be killed? . . . Should not the psychiatrist affirm . . . that the

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7. SHEPHARD, *supra* note 1, at 259. Military lawyers should understand the conflict: the competing needs of the individual and the institution, the dilemma of “Who's my patient (or client), and where do I owe my allegiance?”

8. *Id.* at 43.

9. For example, MAJ Livingston eventually could no longer reconcile his medical ethics with his disgust at a war in which COL Patton “received numerous decorations while pursuing unrelentingly the one major criterion by which commanders' performance is judged: the body count.” *Id.* at 345. After a public protest during Patton's change-of-command ceremony, the West Point graduate and 82d Airborne Division veteran was sent home as an “embarrassment to the command” and allowed to resign in lieu of being court-martialed. *Id.* at 346.

10. *Id.* at 227 (quoting Dr. Philip S. Wagner).

patient's own self-interest lay in expunging all sense of guilt or obligation to others and in seeing, in a clear-eyed way, what is best for him?<sup>11</sup>

Shephard chronicles this and other battles of the mind for two reasons—to dispel many of the entrenched misconceptions about military psychiatry,<sup>12</sup> and to emphasize the failure to understand and grasp the lessons of past wars—especially the warning that *meaning* well does not always equate to *doing* well when it comes to treating combat's mental ravages.<sup>13</sup> He largely succeeds on both counts.

For the lay person, psychiatry's stereotypes conjure up Sigmund Freud asking questions about one's mother and showing inkblot pictures. Adding the military to the picture evokes Klinger bucking for a Section 8 discharge and sessions with Dr. Sydney Friedman on *M\*A\*S\*H* or Joseph Heller's infamous *Catch-22*. For military lawyers and commanders, mental-health experiences are often limited to fitness-for-duty evaluations, discharges, and perhaps the occasional court-martial sanity board. But even for the military psychiatry neophyte, Shephard's meticulously researched and documented book is both fascinating and accessible—mainly because he emphasizes anecdotal rather than clinical evidence and people rather than case files.

Admittedly, as Shephard recognizes, reading about war's horrors cannot compare to enduring them. Still, he has a storyteller's grasp of the immense power of personal experiences in helping the reader understand and accept his contentions. His deft use of compelling vignettes ensures that neither the book's length (473 pages) nor its occasional dry exposition of competing psychological theories becomes an obstacle. Additionally, Shephard comes much closer to vanquishing the misconceptions about military psychiatry by relying on first-hand accounts rather than using only official bureaucratic documentation. Through the eyes of individual soldiers and doctors, he covers the history of war neuroses and their treat-

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11. *Id.* at 345 (quoting Navy physician Ransom J. Arthur).

12. *Id.* at xix.

13. *Id.* at xxi.

ment, from shell-shock to battle fatigue to post-traumatic stress disorder (PTSD).

Some stories Shephard recounts are so harrowing as to be almost unimaginable: An Eighth Air Force B-17 pilot sees the plane in front of him explode on his tenth mission, and,

what he took for a piece of debris flew back towards him. It turned out to be the body of one of the gunners, which hit directly in the Number Two propeller. The body was splattered over the windscreen and froze there. In order to see, it was necessary for the pilot to borrow a knife from the engineer and to scrape the windscreen. He had a momentary twinge of nausea, but the incident meant little to him. As he did not know the man, the horrifying spectacle was at a psychological distance.<sup>14</sup>

Other accounts are less gruesome but no less memorable, such as that of Irish doctor Billy Tyrell, who took command of his unit three times after shelling wiped out his superiors. In July 1915, he and other officers were discussing strategy in a dugout when a German shell killed three of them and wounded three more. Tyrell, whose sole injury was singed hair, was able to carry on without falling apart only because the situation and his command responsibilities demanded that he do so.<sup>15</sup> Then,

I mustered what remained of my Battalion behind the line, two Officer boys and less than 300 men and proceeded to march them out. Just before dawn we met our quartermaster, who had heard something of what had happened and came out to meet us. He brought up all the Officers' horses and there were no Officers to ride them. When I saw the horses and realised [sic] what had happened, it finished me. I broke down and I do not mind telling you I cried for a week.<sup>16</sup>

Shephard rightly asserts that, just as war impacts each man differently, the military psychiatrist's role differs in every war, because society and the military are different in every war.<sup>17</sup> However, *A War of Nerves*

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14. SHEPHARD, *supra* note 1, at xviii. Two missions later, however, the pilot's crew was injured, his plane damaged, and he himself emotionally traumatized. Now, haunted by memories of the first incident, he was incapable of flying. *Id.*

15. *Id.* at 35.

16. *Id.* at 36.

17. *Id.* at xxii.

also proves the truth of the old cliché that the more things change, the more they remain the same. Just as Claude Maturana's case demonstrates that some battles are constant in both peacetime and war, Shephard shows us that advancing weapons technology, increasingly far-flung battlefields and shifting alliances often change only the way psychiatric conflicts manifest themselves—not the conflicts themselves.

Military psychiatry's first and most enduring campaign has been the effort to understand how and why war wounds men's minds. Shephard begins with shell-shock in World War I, where the sheer numbers of psychological casualties (by one estimate, 24,000 British troops fell victim to shell-shock in the first four months of 1916)<sup>18</sup> forced military doctors to explore as never before why some men broke down and others did not. What circumstances induced so many possible triggers—leadership, group morale, training, societal class, upbringing, intelligence, heredity, character, physiology, sheer exhaustion, new weaponry—to combine to produce the necessary mental catalysts?

The symptoms of shell-shock were incredibly wide-ranging, including losing the senses of sight, smell, taste, and hearing; amnesia; hysteria and intense crying—or catatonic stupor; uncontrollable shaking or partial paralysis; amnesia; vomiting; bizarre movements, such as walking like a trapeze artist on a tight rope; and inability to speak, defecate or urinate.<sup>19</sup> Confronted with such diverse and previously unseen symptoms, the military—its doctors, lawyers, commanders, bureaucrats, and even its troops—were understandably confused:

Depending on the circumstances, a shell-shocked soldier might earn a wound stripe and a pension (provided his condition was caused by enemy action), be shot for cowardice, or simply be told to pull himself together by his medical officer and sent back to duty. . . . [A]t the front, . . . doctors continued to label patients "Mental" or "Insane" or even "GOK" (God Only Knows) . . .<sup>20</sup>

This confusion begat other predicaments. Lawyers battled over combat trauma's role in the courtroom. From 1914-18, more than 300 Englishmen were court-martialled and subsequently executed for desertion,

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18. *Id.* at 38.

19. *Id.* at 1-2.

20. *Id.* at 29.

cowardice or related offenses.<sup>21</sup> Public outcry over the execution of mentally ill men led the British Army to institute rudimentary sanity boards in 1918.<sup>22</sup> If a condemned prisoner's mental competency was in doubt or he was identified as a possible shell-shock victim, he could only be executed if a medical board found him responsible for his actions.<sup>23</sup> By World War II, Britain had abandoned desertion as a capital crime.<sup>24</sup>

While the public approved of these attempts to balance the scales of justice, the sentiment among the line troops wasn't always so favorable: "If a man lets his comrades down[,] he ought to be shot. If he's a loony, so much the better."<sup>25</sup> Shephard puts that seemingly heartless remark in its context—an expression of the exasperation of commanders trying to stop "wastage," or psychiatric casualties.<sup>26</sup> To many commanders, psychiatrists' only usefulness was minimizing wastage—convincing men that it was *not* better to stay alive by remaining crazy. Shephard theorizes that frustration over lost manpower, rather than sheer callousness or arrogance, may explain General George S. Patton's infamous slapping of a hospitalized battle-fatigue casualty.<sup>27</sup>

Regardless of the truth of that explanation, this nonjudgmental attitude gives Shephard the credibility needed to bolster his second premise: that in military psychiatry, as in life, the road to hell is often paved with good intentions. Almost all the doctors, lawyers, commanders, politicians and bureaucrats in *A War of Nerves* were trying to do what they believed was best. Few intended to cause harm—but the harm occurred nonetheless.

Commanders who pressured doctors to return psychiatric casualties to the front didn't necessarily want to see their troops dead—they were just trying to accomplish the mission. They understood that when one soldier was found unfit to carry a gun or when one pilot was grounded, someone else had to step in and take his place. Then, as now, they frequently didn't

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21. *Id.* at 67.

22. One study found that fewer than one-tenth of the soldiers executed for desertion in 1917 received any kind of medical examination. *Id.* at 69. These men didn't get to decide whether it was better to be crazy or dead—they ended up being both.

23. *Id.* at 70.

24. *Id.* at 238.

25. *Id.* at 71 (quoting a complaint voiced to Dr. H.W. Hills, neurologist to Britain's Fourth Army in 1918).

26. *Id.* at 45.

27. *Id.* at 219.

appreciate “support” disciplines like medicine and the law getting in the way of their objectives.

On the other hand, Shephard demonstrates that doctors did not always do mentally wounded troops a favor by removing them from the fray. Especially in borderline cases, a soldier sometimes truly did need to return to battle to confront and overcome his fear. Depriving him of that chance could create guilt that was more debilitating than any other trauma.<sup>28</sup>

The dichotomy between intentions and results came to the forefront again as desertion reached epidemic proportions in WWII—an estimated 25,000 British troops simply walked away in North Africa in 1942 and a thousand a month in Italy during 1944-45.<sup>29</sup> As British commanders clamored for the deterrent impact of executing a few carefully chosen deserters, the arguments for and against restoring capital punishment could be lifted from today’s headlines: some crimes require the ultimate penalty, or men will judge the price of committing them to be less than the benefits. In WWII, prison sentences were often no more than six months, so it’s hardly surprising that deserters preferred sitting in a safe, dry, warm jail to risking death on the front lines. Britain abolished the death penalty for desertion to make the system more just, yet commanders knew that when deserters essentially went scot-free, the impact on morale and the increased danger to those who stayed to fight were devastating. Opponents, however, argued that executions were not effective deterrents. Additionally, because the legal system seldom accurately and equitably considered mental factors, the courts applied the death penalty unfairly and unjustly. Research and statistics often backed them up.<sup>30</sup>

Other dilemmas Shephard examines include the question of predisposition, that is, whether some men were just more vulnerable to breakdowns; the interplay of leadership, group morale and mental fitness; the difficulties of helping veterans, especially prisoners of war, adjust to society; the chronic struggle to distinguish between the truly ill and malingerers; the role of selection, or how to weed out those men most at risk; whether paying pensions to mentally disabled veterans actually exacerbated their illnesses; the unique psychological challenges of aircrews; and

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28. *Id.* at 224. In 1944, future comedian Spike Milligan broke down on the Italian battlefield. He called his evacuation from the front “one of the saddest days of my life. . . . I felt as though I was being taken across the Styx. I’ve never got over that feeling.” *Id.* at 220.

29. *Id.* at 239-40.

30. *Id.* at 241-42. No one resolved the controversy sixty years ago either.

how to treat veterans experiencing guilt over committing war-time atrocities. Each presents another absorbing case study of the conflict between the needs of the one and the needs of the many, of why that which benefits the individual does not always serve the institution and vice versa, and how good intentions are not always good enough.

*A War of Nerves* is not perfect. Shephard devotes more than three-fourths of the book to the two World Wars and their aftermaths. Vietnam, perhaps the most mentally and emotionally controversial war ever, merits less than one-tenth, fewer than forty pages. As a twentieth century history, the book stops too soon, ignoring military operations other than war, the operational engagements of choice during the final decade. The tensions of Haiti, Grenada, Somalia, and Kosovo; the stress of recurring deployments and high operations tempo; the trauma of incidents such as the Blackhawk shootdown and the Khobar Towers bombing would all seem to offer fertile and fascinating territory that Shephard leaves unexplored.<sup>31</sup>

The book's quality also drops sharply in the last few chapters. One reason may be that the material (military and social psychiatry during the 1980s and 1990s, including the Falklands and the Gulf War) just isn't as interesting as the preceding conflicts. More likely, however, it's because Shephard departs from the fairly objective narrative he uses in earlier chapters and replaces it with a soapbox tirade, especially in the last chapter. In the chapter entitled *The Culture of Trauma*, Shephard lambastes "traumatology"—whether purportedly linked to war, child abuse, rape, or civilian disasters—and its alleged evils,<sup>32</sup> but the chapter is long on harangue and short on persuasion.

Certainly, flaws in the last twenty years of trauma-related psychiatry aren't hard to find. Shephard rightfully crucifies some of the hysterical child sexual abuse witch-hunts of the past two decades.<sup>33</sup> Moreover, anyone with any experience with the Veterans Administration (VA) is unlikely to dispute Shephard's contention that the VA hospital system is a self-per-

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31. For example, during one Army division's deployment to Haiti, two soldiers committed suicide, while more than a thousand others sought mental health counseling. Donna Miles, *Deployment: Are You Ready?*, SOLDIERS, March 1995, at 37.

32. SHEPHARD, *supra* note 1, at 385.

33. *Id.* at 390.



petuating bureaucracy whose effectiveness often leaves much to be desired.<sup>34</sup>

Shephard is less convincing, however, when he argues that “the invention of PTSD had simply turned a generation of veterans into hopeless, dependent welfare junkies”<sup>35</sup> or that the rehabilitative regime for Vietnam vets were “disastrous failures”<sup>36</sup> that became a “haven for malingerers.”<sup>37</sup> He serves up lots of rhetoric but little evidence. More importantly, he fails to demonstrate why any reader outside the psychiatric community should care. Shephard’s ability to draw the lay reader into the world of military psychiatry, to show how it has affected us all, deserts him in this last chapter.

Still, Shephard’s book offers valuable insights. Judge advocates will benefit from the struggles of the military justice system to fairly balance good order and discipline with mitigating mental factors. Any leader who guides troops in stressful situations can learn from Shephard’s exploration of the many factors that determine the limits of men’s endurance. Malingering, mental breakdowns, heroism, therapy (whether to serve the soldier or the service), and courts-martial are all either tools or results (or both) of each man’s battle with fear.

Along with professional benefits, everyone who reads *A War of Nerves* should profit on a personal level, beginning with an increased gratitude for the sacrifices of those who have gone before. The book also evokes a renewed recognition that, although we are “warrior” airmen, soldiers, sailors or marines willing to fight and die as necessary, combat should always be our last resort, not our goal. Lastly, we can all benefit from a better comprehension of man’s mental frailties—the vulnerabilities of even those who appear strong and unshakable. A little more appreciation, a little more tolerance, a little more understanding—whether for ourselves or others—are never bad things.

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34. *Id.* at 392-93.

35. *Id.* at 393.

36. *Id.* at 392.

37. *Id.* at 395.

WAGING MODERN WAR<sup>1</sup>REVIEWED BY CAPTAIN HEATHER L. BURGESS<sup>2</sup>

*Future battlefields are more likely to resemble Kosovo than the Iraqi desert. There will be clouds, vegetation, villages and cities, and civilians whom we don't want to harm. There will be environmental hazards like toxic chemical or nuclear storage to limit our strikes. And there will be laws, journalists, and widespread public visibility of actions.*<sup>3</sup>

*Waging Modern War* is a compelling view of the future of United States military operations from the perspective of a strategic commander. Using Operation Allied Force<sup>4</sup> as the “best, most recent example”<sup>5</sup> of modern war, retired General Wesley K. Clark defines the modern battlefield and advocates changes the United States, particularly the military, must make in order to fight and win future conflicts. Part forward-looking treatise, part after-action review, *Waging Modern War* analyzes the future of conflict in a fascinating, eminently readable account of the political, operational, and strategic complexities General Clark faced as the North Atlantic Treaty Organization (NATO) Supreme Allied Commander, Europe (SACEUR) during Operation Allied Force. Uncannily timely, *Waging Modern War* provides valuable insight into the difficult issues the United States currently faces in Operation Enduring Freedom.<sup>6</sup>

What is modern war? After a brief review of the history of twentieth century conflict, General Clark theorizes that the fundamental purpose and

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1. GENERAL WESLEY K. CLARK, *WAGING MODERN WAR* (2001).

2. United States Army. Written while assigned as a student, 50th Judge Advocate Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. *Id.* at 433. This review was written in the immediate aftermath of the horrific terrorist attacks on New York City and Washington, D.C., on 11 September 2001.

4. Operation Allied Force is the official name for the NATO bombing of the Federal Republic of Yugoslavia from 24 March 1999 to 9 June 1999, undertaken to end Serb ethnic cleansing in Kosovo.

5. CLARK, *supra* note 1, at xxiv.

6. Operation Enduring Freedom is the official name for the ongoing United States war on global terrorism, which began with military operations against the al Qaeda terrorist network and the Taliban government of Afghanistan on 7 October 2001.

character of war have changed. He asserts that modern war is essentially the diplomacy tool of last resort, to be used when the United States and its allies cannot deter, dissuade, or compel through any other means.<sup>7</sup> As a result, unlike the global conflict of World War II or the conventional force-on-force success of Operation Desert Storm, modern war is “limited, carefully constrained in geography, scope, weaponry, and effects.”<sup>8</sup> According to General Clark, modern war is the result of the convergence of a number of factors, including history, culture, NATO, the media, and technology, which have fundamentally changed both how and why we fight. He ultimately concludes that despite the success of Operation Allied Force, the United States, particularly its military leadership, has not acknowledged these characteristics of modern warfare in its planning and doctrine, and it must make significant changes to succeed in what he terms “the difficult region” of “not quite war-not quite peace” that will comprise the majority of future conflicts.<sup>9</sup>

General Clark is undoubtedly qualified to make such an assessment. A United States Military Academy graduate and Oxford-educated Rhodes scholar, he went on to command a mechanized infantry company in Vietnam, earning a Purple Heart and a Silver Star. He later served as a West Point instructor, a White House fellow, a special assistant to then-SACEUR General Alexander M. Haig, and he commanded at the battalion, brigade, division, and theater levels. He also ran the National Training Center, he served on the Army and Joint staffs, and he drafted the Army’s lessons learned from both Grenada and Operation Desert Storm.<sup>10</sup>

In atypical fashion for a retiring general,<sup>11</sup> General Clark offers only a glimpse into his personal background and military career, spending less than fifteen pages on the subject. Although his life is admittedly not the intended focus of the book, the few vignettes General Clark offers about his upbringing and early military career are clearly not written with the

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7. CLARK, *supra* note 1, at 13.

8. *Id.* at xxiv.

9. *Id.* at 454, 458.

10. *See id.* at 19-24.

11. *See, e.g.,* GENERAL H. NORMAN SHWARTZKOPF WITH PETER PETRE, *IT DOESN'T TAKE A HERO* (1992); GENERAL COLIN POWELL WITH JOSEPH E. PERSICO, *MY AMERICAN JOURNEY* (1995).

same passion he devotes to his primary topic. This omission leaves the reader wanting more.<sup>12</sup>

General Clark's detailed examination of Operation Allied Force begins nearly five years before the war itself. As the J-5<sup>13</sup> from April 1994 until assuming command as SACEUR in March 1997, General Clark became intimately familiar with the Balkan conflict. In July of 1995, with the situation in Bosnia rapidly deteriorating, U.S. and NATO diplomats were seeking a U.S.-brokered peace agreement with President Slobodan Milosevic and the Serbs. General Clark pressed for and achieved an unprecedented quasi-diplomatic role for himself, working directly with Ambassador Richard Holbrooke and Secretary of State Madeline Albright. He spoke directly with President Milosevic and other high-ranking Serb officials, drafting and negotiating critical parts of what would become known as the Dayton Agreement. When General Clark speaks of modern war as a diplomatic tool, he does so with the weight of experience, and his account of the Dayton peace process is fascinating.

General Clark had no way of knowing at Dayton that less than four years later he would lead a NATO military operation to enforce it. With waging war as his clear focus, General Clark uses his experience from the events leading up to and including Operation Allied Force as an illustration of the characteristics, purposes, and difficulties of modern war. In his view, the fundamental difference between traditional conflict and modern war is the dominance of political and strategic concerns over military operational and tactical considerations.<sup>14</sup> For General Clark, his "double-hatted" command as SACEUR and Commander in Chief, U.S. European Command (CINCEUR) exacerbated this difference.<sup>15</sup> He effectively supports this thesis, striking an appropriate balance between detail and tedium as he describes how he was forced to make critical operational decisions in the face of often-divergent political and strategic views.

Effective targeting is key to the success of any military campaign, and General Clark devotes a commensurate amount of the book to discussing

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12. At least one other reviewer has criticized the relatively short amount of space that General Clark devotes to his personal biography, writing that "his evident love of soldiering and his quick intelligence are not matched by any penchant for self-analysis." Roger Cohen, *Catch-23*, N.Y. TIMES, Sep. 2, 2001, at 10 (Book Review).

13. The J-5 is the Director for Strategic Plans and Policies on the Joint Staff. CLARK, *supra* note 1, at 30.

14. *Id.* at 10.

15. *Id.* at 77.

targeting in Operation Allied Force. His command perspective of the law of war's role in targeting analysis should be of particular interest to judge advocates. Long before the operation in Kosovo began, General Clark knew that political leaders in both the United States and NATO would want to retain approval of potential targets. He attributed this to two factors: the need for the targets to "withstand the legal test of the Geneva Convention and international law," and the fact the targets themselves represented significant political statements.<sup>16</sup> To satisfy Washington, General Clark had to submit specific targets to the Chairman of the Joint Chiefs of Staff, who in turn had to take them to the White House for approval. As part of that approval process, General Clark was required to assess potential collateral damage and civilian casualties using, in part, a mathematical formula designed to estimate the numbers of people in various buildings.<sup>17</sup>

This process, which a clearly frustrated General Clark calls "political calculus," continued throughout the war with varying success.<sup>18</sup> Despite his attributing the need for such calculations to politics, weighing the military necessity of targets against potential collateral damage is the crux of the proportionality analysis required to justify targets under the law of war.<sup>19</sup> Strikingly, General Clark minimizes the legal and ensuing moral imperative of this analysis, merely acknowledging the "reasonableness" of ensuring that proposed targets satisfied law of war considerations.<sup>20</sup> He maintained an aggressive targeting stance throughout Operation Allied Force, believing Allied forces needed to strike targets in downtown Belgrade to "make an impact."<sup>21</sup> He attributes Washington and NATO opposition to such targets to the political dynamics of allied warfare rather than the law, arguing, "NATO's greatest vulnerability was unintentional injuries to innocent civilians."<sup>22</sup> To demonstrate the dominance and effect of this purportedly political consideration on military operations, General Clark examines several of the more highly publicized instances of allegedly excessive collateral damage, including the bombing of the Chinese

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16. *Id.* at 175.

17. *Id.* at 179.

18. *Id.*

19. See Randy W. Stone, Comment, *Protecting Civilians During Operation Allied Force: The Enduring Importance of the Proportional Response and NATO's Use of Armed Force in Kosovo*, 50 CATH. U.L. REV. 501 (2001).

20. CLARK, *supra* note 1, at 175.

21. *Id.* at 213.

22. *Id.* at 296.

embassy, a Serb police station, and two near misses of International Committee of the Red Cross (ICRC) convoys.

Each incident, General Clark claims, caused immediate political scrutiny that directly impacted operational momentum. After the alleged near misses of the ICRC convoys, for example, one leader suggested that the allies “stop bombing trucks, period.”<sup>23</sup> In General Clark’s estimation, the political scrutiny was expected but unwarranted, given the fact that out of nearly 1000 targets struck, “there had been only eight incidents of serious civilian losses.”<sup>24</sup> While the raw numbers support General Clark’s argument, his focus on politics ignores the critical role of law of war analysis to the moral imperative of U. S. military operations. Believing strongly in the importance of certain controversial (and perhaps legally questionable)<sup>25</sup> targets to the strategic success of the overall air campaign, General Clark appears to view law of war analysis as a politically driven operational constraint.

General Clark’s perspective is internally inconsistent, not only in the context of his discussion of Operation Allied Force, but also in his larger view of modern war. As he rails against largely legal targeting and operational constraints, he argues that Operation Allied Force itself was “morally and legally necessitated” by the Serbs’ inhumane treatment of the Kosovars.<sup>26</sup> In his conclusion, General Clark goes even further, writing that the United States derives its strength in the world from a “solid ethical

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23. *Id.* at 298.

24. *Id.* at 297. The International Criminal Tribunal for the former Yugoslavia estimates that approximately 500 civilians died during Operation Allied Force. International Criminal Tribunal for the former Yugoslavia, *Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign*, at <http://www.un.org/icty/pressreal/nato061300.htm> (last visited Sept. 19, 2001). Although General Clark does not discuss specific operational numbers in his book, the report cites NATO sources claiming, “NATO aircraft flew 38,400 sorties, including 10,484 strike sorties.” *Id.*

25. Following the war, the Federal Republic of Yugoslavia made several complaints to the International Criminal Tribunal for the former Yugoslavia alleging NATO war crimes. Among those complaints were that NATO had deliberately targeted civilians in violation of the law of war. The committee appointed to review the complaints reviewed five of what it termed the “most problematic” incidents in detail, most of which involved so-called “dual-use” targets (targets with both a military and civilian purpose) or outright accidents, such as the bombing of the Chinese embassy. *See generally id.* (providing detailed analysis and explanation of the complaints). The committee did not recommend prosecution of NATO officials or commanders; however, their exhaustive review of the targeting issue highlights the importance of law of war analysis in future operations.

26. CLARK, *supra* note 1, at 189.

basis for its power . . . and a moral force that extends our influence.”<sup>27</sup> “[I]nternational law,” he writes, is an “American value” supporting that basis and force.<sup>28</sup> Under General Clark’s own premise, the United States’ diligent observation of international law is an asset, not a hindrance. There is no doubt that targeting implicates delicate political considerations, largely driven by the media’s real-time reporting of events. The law, however, is something that commanders such as General Clark can also use to their advantage to achieve ultimate success on the modern battlefield.<sup>29</sup>

General Clark’s analysis of the constraints of modern warfare is not limited to targeting issues. In further support of his theory that larger political and strategic concerns will dominate the modern battlefield, General Clark also discusses Washington’s lack of support for the use of ground forces. From the moment Serb atrocities in Kosovo began to emerge in December 1998, General Clark pushed Washington’s political and military leaders for a commitment in the region.<sup>30</sup> He met resistance at every turn, particularly from the Joint Chiefs of Staff, who felt that Kosovo was not in our “national interest” and would adversely impact “readiness.”<sup>31</sup> Even after the bombing campaign was well underway, General Clark still lacked a unifying NATO political strategy and any commitment for ground forces.<sup>32</sup> Fortunately for all concerned, Milosevic capitulated to NATO demands before ground forces became necessary.

General Clark’s candid account of the political difficulties he faced securing support for the use of ground forces provides a rare glimpse into the inner workings of both Washington and NATO. As SACEUR, General Clark was in the difficult position of reporting to Washington while being responsible to the demands of the other eighteen NATO nations, a phenomenon he comments on several times throughout the book.<sup>33</sup> This already difficult task was made more so by divergent opinions within Washington itself, and an apparently constant lack of support from senior military

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27. *Id.* at 461.

28. *Id.*

29. Of course, there is not universal consensus that lawyers should be involved in military operations. One reviewer claims that General Clark’s portrayal of Operation Allied force shows that lawyers have become “tactical commanders” with a “remarkably direct role in managing combat operations.” Richard K. Betts, *Compromised Command: Inside NATO’s First War*, FOREIGN AFFAIRS, July/Aug. 2001, at 126.

30. CLARK, *supra* note 1, at 119.

31. *Id.* at 165.

32. *Id.* at 252-53.

33. *See, e.g., id.* at 98, 140.

officers and Pentagon officials, to include then-Secretary of Defense William Cohen.<sup>34</sup> In contrast, General Clark received support for the use of ground forces from then-President William J. Clinton, several members of Congress, and the Department of State.<sup>35</sup> General Clark's account of balancing these varied and often conflicting interests illustrates the difficulties of managing allied warfare. His lessons learned are of particular value in the context of the almost global alliance involved in Operation Enduring Freedom.

General Clark's criticism of Pentagon officials is similarly candid. Although his prose is colored with obvious personal animosity for some of the prominent actors, General Clark effectively supports his contention that much of the Pentagon's resistance to the use of ground forces is attributable to a combination of "innate conservatism"<sup>36</sup> and a desire to protect people and resources in an era of budget constraints. He argues persuasively that the limited war in Kosovo was not adequately resourced because it did not fit into the two Major Theater of War (MTW) planning concept then in effect. Ironically, General Clark was the J-5 when the Pentagon developed the "two-MRC strategy."<sup>37</sup> He maintains, however, that it was "intended to be a strategy for employing the forces—it was meant to defend the size of the military."<sup>38</sup> The two-MRC focus should not be an issue in future conflicts in light of current Secretary of Defense Donald H. Rumsfeld's proposed change in force structure.<sup>39</sup> General Clark's assertion that reluctance to use ground forces may be an "emerging pattern"<sup>40</sup> in modern conflict will likely hold true, however, for conflicts that begin without a direct attack on the United States, such as that which provoked Operation Enduring Freedom.

Throughout the book, General Clark enlivens his complex subject matter by describing his recollections in a mixture of first-person narrative and essay-type commentary. This technique proves especially effective,

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34. *Id.* at 169.

35. *See id.* at 169, 223, 253, 330.

36. *Id.* at 119.

37. *Id.* at 36. "Two MRC" stands for two Major Regional Contingencies. *Id.*

38. *Id.*

39. The new guidance replaces the "two-MRC strategy" with one that "would prepare forces to defend the U.S., deter in four critical regions, prevail in two overlapping conflicts, while leaving the President the option to commit forces in either of those conflicts to impose our will on the adversary—including regime change and occupation." *Hearing Before the Senate Committee on Appropriations Subcommittee on Defense, 107th Cong.* (Sept. 5, 2001) (prepared testimony of Secretary of Defense Donald H. Rumsfeld).

40. CLARK, *supra* note 1, at 438-39.



even chilling, when General Clark recalls his several conversations with former Serbian President Slobodan Milosevic at Dayton and in the months leading up to the war itself.<sup>41</sup> Unfortunately, it serves as a distraction from General Clark's intended focus when he recalls vicious disagreements with various Washington officials in minute, vivid detail. General Clark, perhaps deservedly bitter following his summary removal from command following Operation Allied Force, allows recollections seemingly unrelated to his primary subject to dominate portions of the text, detracting from his overall effectiveness.<sup>42</sup>

Despite his obvious contempt for certain officials, General Clark goes to great lengths to make *Waging Modern War* accessible to a wide range of readers. He provides an easy-to-use cast of characters and a list of acronyms at the very beginning of the book.<sup>43</sup> Before introducing new concepts or terms, General Clark carefully provides sufficient history or background for a reader unfamiliar with the military to understand his analysis.<sup>44</sup> While the book is accessible, however, General Clark does not footnote his material, making *Waging Modern War* a less than ideal research tool.

*Waging Modern War* is worth reading as a detailed account of Operation Allied Force and a compelling theory of modern war. Well written and engaging throughout, General Clark does an exceptional job of making his complex topic accessible to everyone, not just students of military history. His insight is particularly valuable now as we fight the next modern war, Operation Enduring Freedom. Although different from Operation Allied Force in terms of scope and basis, the global war on terrorism presents many of the same fundamental issues for U.S. military forces. The operation has political and strategic components that will dominate tactical and

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41. See, e.g., *id.* at 40, 68, 122. Mr. Milosevic is currently pending trial for war crimes at the International Criminal Tribunal for the former Yugoslavia in The Hague. See International Criminal Tribunal for the Former Yugoslavia, *Amended Indictment for Slobodan Milosevic et al.*, at <http://www.un.org/icty/indictment/english/mil-ai010629e.htm> (last visited Sept. 19, 2001).

42. For example, General Clark recounts one late-April 1999 conversation with General Hugh Shelton, Chairman of the Joint Chiefs of Staff, up to and including alleged "verbatim guidance" from Secretary Cohen, which was, "Get your f\_\_\_\_\_ face off the TV. No more briefings, period. That's it." CLARK, *supra* note 1, at 408. One reviewer noted that General Clark's anger at various officials was so obvious that it was apparently what "drove him to his pen." Cohen, *supra* note 12, at 10.

43. CLARK, *supra* note 1, at ix, xv.

44. See, e.g., *id.* at 14 (discussing the background and mechanics of the NATO alliance), 32 (providing a general breakdown and history of the conflict in the Balkans).

operational concerns, made all the more complex by an unprecedented global alliance. Like Operation Allied Force, the enemy situation also defies traditional military planning and operations. Moreover, sensitive legal issues surround targeting and rules of engagement decisions, and the United States must avoid unnecessary civilian casualties to maintain the moral high ground. General Clark's astute analysis of these and other issues make *Waging Modern War* a must read for military leaders and judge advocates alike.

**WHILE GOD IS MARCHING ON: THE RELIGIOUS  
WORLD OF CIVIL WAR SOLDIERS<sup>1</sup>**

REVIEWED BY CAPTAIN KEVIN J. HUYSER<sup>2</sup>

*The army is the most outlandish place on earth[;] no man ever  
live religious that comes in the army.*

—Milton Bailey, *Forty-Third Indiana*<sup>3</sup>

I. Introduction

From Milton Bailey's perspective, the "armey" during the Civil War may have indeed been a "most outlandish" place to experience religion. But Steven E. Woodworth in his new book, *While God Is Marching On: The Religious World of Civil War Soldiers*, provides an interesting and compelling case for the position that not only did many Civil War soldiers "live religious," but a religious worldview played a central and vital role in their lives.

A seemingly expansive topic, Woodworth clearly states in the preface what is, and is not, included in the term "religion." As Woodworth puts it, his study is not one of "unusual religious groups and practices . . .," but rather a look at the "mainstream religion" of the "overwhelming majority of Civil War soldiers . . . Protestant Christianity."<sup>4</sup> Woodworth makes good on this promise as indeed the comments and thoughts expressed and developed are almost exclusively mainstream Christianity.

Woodworth also promises to have common soldiers tell their own stories about the role of religion in their lives, as expressed in their diaries and letters.<sup>5</sup> Here, again, Woodworth is true to his word, as soldiers' views dominate the book with only periodic references to the thoughts and statements of political, military, and religious leaders, as well as other civilians.

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1. STEVEN E. WOODWORTH, *WHILE GOD IS MARCHING ON: THE RELIGIOUS WORLD OF CIVIL WAR SOLDIERS* (2001).

2. United States Air Force. Written while assigned as a student, 50th Judge Advocate Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. WOODWORTH, *supra* note 1, at 150.

4. *Id.* preface.

5. *Id.*

As Woodworth shares the religious views expressed by Civil War soldiers, he fully supports his thesis that a Christian worldview, present since the founding of America, played a significant and moving role in the lives of many Civil War soldiers.

This book review focuses on Woodworth's organization of the material in support of his thesis, his methodology of extensively quoting from the diaries and letters of soldiers to emphasize key points, and his balanced presentation of the religious views of both the Union and Confederate forces. Together these characteristics assist the reader in gaining a better understanding of the religious world of the Civil War soldier and, as a result, the Civil War itself.

## II. Woodworth's Organization

Woodworth organizes his book in a logical, "building block" manner that makes the book easy to follow and, in the end, supports his thesis. He divides his work into two main parts. Part One, "The Religious Heritage and Beliefs of the Civil War Soldiers," comprises approximately one-third of the book and explores the core Christian beliefs and experiences of the majority of soldiers that fought for the Union and Confederate armies. With this foundation, Woodworth, in Part Two, "The Civil War Soldiers, Their Religion, and the Conflict," examines the impact of this Christian worldview upon the soldiers' thoughts and experiences during the conflict.

Instead of simply launching into the Civil War and the religious views of its soldiers, Woodworth begins by looking at the common Christian heritage, beliefs, and practices of the war's participants. In the book's opening chapter, Woodworth argues America has had a distinct and influential religious heritage since its beginnings. Building on this religious heritage, Woodworth quickly moves ahead to the Second Great Awakening and examines its impact on American spirituality through revivals, weekly worship services, and family prayers. While Woodworth also addresses slavery—the single most divisive issue between Northern and Southern Christians—his emphasis is on the similarities in the religious beliefs and practices of the opposing societies and forces.

In the remainder of Part I, Woodworth addresses more specifically these common and shared core Christian beliefs and practices. Describing basic Christian tenets, with scores of comments from both Union and Confederate soldiers to amplify points, Woodworth explains such beliefs as

God's sovereignty, heaven and the life to come, the means of salvation through faith in Christ's one sacrifice on the cross, and the supremacy of the Bible as God's Holy Word. Woodworth then follows with instruction on the Christian practices of prayer, worship and observance of the Sabbath, and the avoidance of the main worldly vices of the day (that is, cursing, cards, gambling, and alcohol).

As Woodworth's book is not an apologetic of Protestant Christianity or a deep theological work, he keeps his doctrinal descriptions and explanations rather simple. Indeed, those familiar with Christianity may find some of Woodworth's explanations elementary and unnecessary, such as when he explains the meaning and origins of Sabbath observance.<sup>6</sup> Yet, by first providing background information on the fundamental Christian beliefs and practices the Civil War's soldiers brought to the conflict, Woodworth better equips the reader to appreciate the book's later discussions of religion's vital role in the camps and on the battlefields.

In Part Two, Woodworth focuses more specifically on the soldiers' religion during the Civil War years. Except for a couple of brief interludes in Chapters 8 and 9, where Woodworth discusses the roles of chaplains and missionaries, he tracks the religious thoughts of Union and Confederate soldiers chronologically through the various stages of the war. He begins with a broad look at Northern and Southern Christian views at the war's outbreak. Woodworth again highlights the similarities in the religious beliefs of the opposing sides and concludes, not surprisingly, that a majority on each side of the conflict saw their cause as justified by God.

Woodworth then breaks with the chronological timeline of the war and addresses, in separate chapters, the roles of chaplains and missionaries and the presence each provided as "organized religion" in the camps. While these two chapters seem out of place initially, Woodworth connects these groups to the everyday soldier by focusing on their impact in the camps. For example, in Chapter 8, "Civil War Chaplains," Woodworth provides numerous statements from soldiers detailing both positive and negative experiences with unit chaplains.<sup>7</sup> Likewise, in Chapter 9, "Army

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6. *Id.* at 78. Woodworth assumes the reader is unaware of even the most basic Biblical terms and Christian beliefs, like that of Sabbath observance. He explains that the word *Sabbath* comes from the Hebrew word meaning "rest" and the requirement to observe and keep the Sabbath day holy originates from the Ten Commandments found in the Bible's Book of Exodus.

7. *Id.* at 150-56.

Missionaries and the U.S. Christian Commission,” Woodworth turns to the soldiers’ statements to explain the overall influence of missionary groups.<sup>8</sup>

While Woodworth states chaplains and missionaries had an overall positive effect in the religious lives of soldiers, he points out that their numbers were simply too small to satisfy all the spiritual needs of the huge Civil War armies. As a result, Woodworth concludes that religion, if it was to be had in the camps and battlefields, “would be largely what those 3 million [soldiers] made of it or allowed it to be.”<sup>9</sup> Realizing the minimal presence of “organized religion” in Civil War camps, the reader gains a greater appreciation for the responsibility the soldiers assumed in furthering religious growth and satisfying individual spiritual needs. The reader also understands Woodworth’s placement of Chapters 8 and 9, not as illogical detours, but as additional “building blocks” in support of his thesis.

In the remaining chapters, Woodworth returns to the chronological timeline of the war, with the reader better prepared to grasp religion’s role in the lives of soldiers, as well as the soldiers’ role in religion. When looking at religion in the camps and battlefields, for example, Woodworth emphasizes and examines the religious reawakening that became known as “The Great Revival.” Woodworth compares it to the experiences many of the soldiers may have encountered in the days of the Second Great Awakening, previously discussed in the book’s first chapter. The movements differed, as Woodworth points out, in that the Great Revival flourished despite the lack of “organized religion” in the Civil War camps. Woodworth asserts that the soldiers themselves played a significant role in the Great Revival and described it as the “sum total of a great many personal revivals in individuals soldiers,”<sup>10</sup> which continued through the end of the war.<sup>11</sup>

Having explained the fundamental religious beliefs and practices of the Civil War’s soldiers and emphasized the impact and pervasiveness of the Great Revival in the various armies, as well as the soldier’s role in it, Woodworth logically turns in the book’s final chapters to a more general look at Northern and Southern Christian views at the concluding stages of the war. As Woodworth explores the struggle many Christians had in making sense of God’s purpose in such a lengthy and bloody war, with North-

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8. *Id.* at 170-74.

9. *Id.* at 174.

10. *Id.* at 217.

11. *Id.* at 253.

ern Christians generally feeling chastened<sup>12</sup> and Southern Christians forsaken,<sup>13</sup> the reader appreciates even more the important role religion played in the lives of the war's participants. So significant and firm were these religious beliefs and practices, the reader is not surprised when Woodworth concludes that at the end of the conflict "[l]ittle of real importance had changed in the religious world of the Civil War soldiers."<sup>14</sup>

### III. Woodworth's Methodology

The greatest strength of Woodworth's work is his reliance upon and use of primary sources to describe religion's role in the lives of Civil War soldiers. Using the diaries, letters, and other correspondence of everyday soldiers, Woodworth includes a significant number of direct quotes. While the number of quotes may be greater than some historical works, Woodworth provides sufficient contextual comment and transition so that the quotations are not disjointed, out of place, or distracting. Woodworth recognizes that common individuals living at the time of the Civil War can best express their own religious beliefs and experiences, and he lets them do so. The effective use of these primary source materials not only boosts Woodworth's credibility,<sup>15</sup> but also provides concrete and oftentimes emotional examples of the importance the Christian religion played in the lives of many soldiers.

An example of Woodworth's methodology and its emotional impact occurs in Chapter 2, "The Acts of a Sovereign God." There Woodworth highlights the trust, confidence, and peace that flowed from one's belief in a personal and Sovereign God. To drive home his point, Woodworth includes an excerpt from the final letter John W. Mosely, Fourth Alabama, wrote to his mother after he was wounded badly at Gettysburg. Mosely wrote confidently, "My Dear Mother, . . . Do not mourn my loss. I had hopes to have been spared, but a righteous God has ordered it otherwise and I feel prepared to trust my case in his hands."<sup>16</sup>

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12. *Id.* at 264.

13. *Id.* at 286.

14. *Id.* at 293.

15. Reviewing the book's bibliography, the reader is struck by the sheer volume of primary sources, published and unpublished, in comparison to the listed secondary sources. The primary sources outnumber the secondary sources approximately eight to one. Of course, as Woodworth notes in the preface, he "cast his research net for all soldiers," some of whom had little or nothing to say about the subject of religion. *Id.* preface, bibliography.

16. *Id.* at 33.

While Woodworth emphasizes common soldiers' religious views, he doesn't do so exclusively. Woodworth also shares the thoughts of other individuals, but never to a degree that overshadows the soldier. For example, Woodworth begins Chapter 13, "Northern Christians View the Concluding Stages of the War," with a series of quotes from a sermon by Chaplain N.G. Collins of the Fifty-Seventh Illinois. Woodworth does so to sum up the views of many Union soldiers at the midpoint of the Civil War—the rightness of their cause. But after the chaplain is permitted to speak, Woodworth immediately returns to the beliefs of the soldier. He quotes Union soldier Alfred L. Hough, who wrote, "This is a terrible ordeal we are going through, but out of this darkness we will appear brighter and better, so I believe, and every day I have a more religious feeling, that this war is a crusade for the good of mankind."<sup>17</sup>

Ultimately, it is the soldiers' descriptions of their religious beliefs and experiences that give Woodworth credibility in claiming religion played a vital role in the lives of Civil War soldiers. Time and again, Woodworth highlights a soldier's statement that so captures the essence of prayer or the power of salvation or the peace in the life hereafter, that one cannot deny religion's impact in the lives of these men. And time and again, soldiers of both the Northern and Southern armies expressed strikingly similar statements of faith—soldiers that fought ferociously against each other in some of the most bloody and destructive battles in American history.

#### IV. Woodworth's Balance

Adding to Woodworth's credibility is his balanced presentation of the religious views of both the Union and Confederate soldiers. Woodworth's balance is evident in two separate ways. First, and most obviously, Woodworth strives to voice equally the religious beliefs of soldiers and other individuals from both the North and South. Given the common and shared beliefs of the opposing forces, arguably the task of balance is not overly difficult. Yet, two issues—slavery and the ultimate defeat of the Confederate cause—make the task of balance a little more difficult. Woodworth meets this challenge without losing his critical judgment.

For example, Woodworth justifiably criticizes Southern Christians that defended the practice of slavery. He claims they defended the "pecu-

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17. *Id.* at 257-58.



liar institution” on a superficial reading of Scriptures<sup>18</sup> or by retreating into “wholesale pietism” by arguing the Bible was, at worst, silent on the subject of chattel slavery, meaning the Church should remain out of what was a political matter.<sup>19</sup> But Woodworth also explains a minority Southern Christian view that used Scriptures to advocate for the reform of slavery—a position that did not differ from that of many Northern Christians. These Christians tried to encourage slave owners to treat slaves more humanely, to teach slaves to read so they could study the Scriptures, and to keep slave families intact.<sup>20</sup> Ultimately, however, Woodworth concludes that the vast majority of Southern Christians turned to an even stronger defense of slavery, chastising those who voiced opposition and developing a “regional bunker mentality,” to combat the growing abolition movement in the North.<sup>21</sup>

Woodworth also criticizes prior historical works that have claimed Southern soldiers were more devoted to God—a claim that grew out of the myth of the “Lost Cause” in the South.<sup>22</sup> In Woodworth’s estimation, these previously uncontested assertions resulted in a general misconception even among some historians, that the great religious revivals in the army camps were limited primarily or totally to the Confederate side.<sup>23</sup> Yet while Woodworth criticizes these works, he doesn’t deny or minimize the impact of the spiritual revivals that took place in the Southern camps. In fact, Woodworth concedes the soundness of the factual information these authors gathered on the Confederate armies,<sup>24</sup> which his own research supported. But whereas these prior authors sought to support the false claim that the Confederate soldiers were more devoted to God and therefore more justified in their cause to fight,<sup>25</sup> Woodworth’s goal was to explore the mainstream religious world of all Civil War soldiers. With a broader purpose, Woodworth concludes “the religious awakenings occurred about equally on both sides of the lines, and the average Union soldier was at least as devout as his Confederate counterpart, if not more so.”<sup>26</sup> Certainly

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18. *Id.* at 16.

19. *Id.* at 17.

20. *Id.* at 18-19.

21. *Id.* at 21.

22. *Id.* at 289-90 (referencing WILLIAM J. BENNETT, NARRATIVE OF THE GREAT REVIVAL IN THE SOUTHERN ARMIES DURING THE LATE CIVIL WAR BETWEEN THE STATES OF THE FEDERAL UNION (1877); JOHN WILLIAM JONES, CHRIST IN THE CAMP: OR RELIGION IN THE CONFEDERATE ARMY (1904)).

23. *Id.* at 291 (citing BELL IRVIN WILEY, THE LIFE OF BILLY YANK: THE COMMON SOLDIER OF THE UNION (1952)).

24. *Id.* at 290.

25. *Id.*

the number of primary sources Woodworth consulted and referenced in his work tend to support his proposition.

Woodworth's book is also balanced in that he realistically understands the limits of Christianity's influence on the soldiers of the Civil War. Though the book's focus is on the religious worldview of soldiers and its impact in their lives, Woodworth doesn't overreach and argue that all who fought were influenced by religion. For example, while Woodworth spends a significant amount of time describing the expansion of the Great Revival and its impact throughout the many armies of both the North and South, he does not assert that everyone was converted or even affected by this spiritual movement. In Chapter 10, "Religion in the Camp and on the Battlefield, 1861-1862," Woodworth clearly states, "The upsurge in religious interest in the armies by no means eradicated the presence of vice and dissipation in the camps."<sup>27</sup> Similarly, in Chapter 12, "Religion in the Camp and on the Battlefield, 1864-1865," Woodworth again recognizes: "As always, evil remained present in the armies to a greater or lesser degree, even alongside intense religious interest. The revivals never became so all-pervasive as to produce a decisive effect on all the soldiers."<sup>28</sup> Yet, while Woodworth recognizes the limits of Christianity's influence in the lives of soldiers, he still concludes: "Many soldiers came out of the Civil War with their faith strengthened. Others found faith in Christ for the first time during the war. Very few gave signs of becoming embittered or losing their faith."<sup>29</sup>

## V. Conclusion

In his new book, *While God is Marching On: The Religious World of Civil War Soldiers*, Steven E. Woodworth explores an aspect of the Civil War that few historians have previously developed—the pivotal role of religion in the lives of the common Civil War soldier. With his "building block" organization orienting the reader, his compelling use of primary resources and direct quotations focusing on the soldier, and his balanced presentation of the religious views of bitter foes, Woodworth credibly and persuasively makes his case for the vital importance religion had in the camps, battlefields, and lives of the Civil War soldier. An intelligent and

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26. *Id.* at 291.

27. *Id.* at 197.

28. *Id.* at 246.

29. *Id.* at 292.

interesting book that engages the reader's mind as well as his heart, Woodworth's work will assist many in better understanding not only the religious world of the Civil War's soldiers, but the Civil War itself.

**CASUAL SLAUGHTERS AND ACCIDENTAL  
JUDGMENTS:  
CANADIAN WAR CRIMES PROSECUTIONS, 1944-1948<sup>1</sup>**

REVIEWED BY LIEUTENANT-COLONEL JOSEPH C. HOLLAND<sup>2</sup>

Fifteen years ago, poking through the archives at the Office of the Judge Advocate General, I came across an intriguing document. It was a charge sheet documenting the offences, trial, and execution by Canadian firing squad of a German, Robert Holzer, in 1946. I remained curious about the unknown story behind that single sheet of paper. Only upon reading Patrick Brode's *Casual Slaughters and Accidental Judgments* did I learn more about the unfortunate Herr Holzer.

In *Casual Slaughters*, Brode recounts the little known story of Canada's war crimes prosecutions following World War (WW) II. Canadians prosecuted thirteen accuseds in both Europe and the Far East. They cooperated with their wartime partners in many more prosecutions. Canadian military prosecutors tried both enemy military personnel and enemy civilians. Canadian courts-martial sentenced eight of those tried to death. Firing squads and the hangman executed five.

The least obscure and most significant prosecution was that of Major-General Kurt Meyer of the *Waffen Schutzstaffeln* (SS). The *Waffen SS* was the military branch of the infamous Nazi SS. By the end of the 1944 Normandy fighting, Meyer commanded the 12th *Waffen SS* Division (12th SS). The 12th SS was largely composed of fanatical Hitler *Jugend*, that is, sixteen to eighteen year-old soldiers drawn from the Nazi cadet wing, the "Hitler Youth." Meyer himself remains a fascinating character, although it is a fascination tinged with more than a little queasiness.

While not explicit, Brode's apparent thesis is that Canada's first independent prosecutions of war criminals was a generally credible effort, albeit one marred by at least a tinge of hypocrisy, governmental indiffer-

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1. PATRICK BRODE, *CASUAL SLAUGHTERS AND ACCIDENTAL JUDGMENTS: CANADIAN WAR CRIMES PROSECUTIONS, 1944-1948* (1997).

2. Office of the Judge Advocate General, Canadian Forces. Written while attending the 50th Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

ence, and a few questionable trial results (the “accidental judgments” of the title).

Before dealing with his thesis, Brode’s explores the murder of prisoners of war (PWs) in Normandy and elsewhere. While relatively rare on the Western Front of WW II, such crimes occurred all too frequently in Normandy (the “casual slaughters” of the title). This disturbing occasional phenomenon of war will not surprise anyone even somewhat familiar with military history.<sup>3</sup> Eventually, Canadian prosecutors charged Meyer in connection with over one-hundred killings of Canadian PWs.

This danger regarding PWs is perhaps so commonplace as to approach the trite. The few minutes of surrender may be the most dangerous a soldier ever faces. Obvious or not, this is a lesson worth re-learning and remembering. These murders can occur even in armies whose causes are just. Such reminders are particularly useful for militaries, such as Canada’s, whose self-image is overly benign.<sup>4</sup>

In documenting these grisly events, Brode’s account provides excellent lessons for present day military leaders at all levels. Prime among these is the poisonous quality of rumoured enemy misbehavior. Murders by Canadian and German soldiers in Normandy were both sparked by stories common amongst the soldiery that the other side was not taking prisoners.<sup>5</sup> Leaders must be alert to such rumours and effectively counter them. Another useful lesson is the extreme care needed in use of language by military leaders. The ambiguity of “Take care of the prisoners” is notorious. To this phrase, one can add Meyer’s “I want no prisoners from my regiment.”<sup>6</sup> Meyer claims he only meant he did not want his soldiers to surrender. Attempts to inoculate soldiers against capitulation by empha-

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3. CORNELIUS RYAN, *THE LONGEST DAY JUNE 6, 1944*, at 246-47 (1959) (describing a Royal Navy seaman on Juno Beach coming upon the bodies of six German PWs whose throats had just been slit by Canadian soldiers).

4. John Dermott et al., *Bitter to the End: The Somalia Inquiry Takes its Best Shot—and Ottawa Fires Back*, *MACLEAN’S*, July 14, 1997 (citing a Canadian Government “Somalia Commission” report). Although legally distinct, the psychology and pathology in the killing of a detainee by several members of the Canadian Airborne Regiment in Somalia in 1992 is proof that such dangers have not abated with time.

5. BRODE, *supra* note 1, at 10, 41, 221.

6. Petition of Kurt Meyer Re Trial, Conviction and Sentence to the Governor-General of Canada para. 15 (Dec. 8, 1950) [hereinafter Petition of Kurt Meyer] (being his plea for executive clemency) (copy on file with author).

sizing the enemy's real or imagined barbarity can have the unintended effect of encouraging counter-barbarism.<sup>7</sup>

While too common, such murders were definitely not the rule after D-Day. Brode documents in a balanced fashion the generally correct treatment of Canadian and Allied PWs captured by the Germans, including those taken by the SS. Indeed, SS officers even intervened to prevent the execution of PWs on several documented occasions.<sup>8</sup> Confirming Brode's assessment of normally correct German treatment of PWs, another author concluded that in Normandy, "the Germans fought the good fight" and the 12th SS's murder of PWs was anomalous.<sup>9</sup>

Inevitably, Brode's book at many points asks whether Canada's post-WW II war crimes prosecutions, and by implication the entire Allied effort to bring war criminals to justice, were merely vengeance dressed in judicial robes. Certainly, Brode finds some evidence to support an affirmative answer. Most of this evidence rests on the contention that Canadian soldiers did the same things of which they accused their former enemies. Regrettably, the book clearly demonstrates that Canadians did murder some PWs and that some senior Canadian commanders were negligent or even complicit in such actions. One can argue timing and scale, but the distressing facts remain.

The second type of evidence offered in support of this cynical categorization of war crimes prosecutions is that the procedures and rules of evidence were one-sided and unfair to the accuseds. The procedures and evidentiary rules were certainly not those applied in Canada to civilians or even to Canadian military personnel charged under military law.

The totality of the evidence Brode assembles, however, supports the contrary thesis; that is, this process was not "victors' justice." The investigations were painstaking. They ranged across Europe, Asia and North America. Investigation teams included a person to represent the absent suspects' interests by way of cross-examining the witnesses. Major-General Meyer was so impressed with the fairness of the investigation that his

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7. BRODE, *supra* note 1, at 20.

8. *Id.* at 72.

9. JOHN KEEGAN, *SIX ARMIES IN NORMANDY* 147, 329 (1982).

first request for defense counsel was the investigator-prosecutor, Lieutenant-Colonel (LCol) Macdonald!<sup>10</sup>

Prosecutors dropped many cases, not only for an insufficiency of evidence, but in recognition of the pressures faced by the enemy. Prosecutors convinced one victim, a former PW, that they should not proceed against the guard who had bayoneted him as the PW had provoked the guard by punching him.<sup>11</sup> The executioners of a Canadian paratrooper were not charged because the paratrooper (in civilian clothes with the French resistance after being separated from his unit) was not wearing the “fixed sign recognizable at a distance” required of resistance fighters to qualify for PW status.<sup>12</sup> Other examples are given.

All the accuseds benefited from a vigorous defense, whether defended by Canadian military personnel or by German and Japanese lawyers. German civilians who witnessed portions of the Meyer trial were impressed with its impartiality, although other accuseds’ German lawyers were less pleased. Post-trial commutations spared the lives of three condemned. Even several of the condemned acknowledged receiving fair trials.

As to the special rules, Brode himself provides a compelling rationale for these extraordinary procedures. Brode’s research and analysis leads him to the well-supported conclusion that war crimes are unique situations occurring in exceptional circumstances.<sup>13</sup> Not all the usual peacetime civilian rules are applicable because unique difficulties arise. Subpoenas seldom prove effective during a conflict or its chaotic aftermath. The documents one expects in an ordered peacetime society may not exist. Many suspects and witnesses have been killed. Surviving suspects shift blame to dead comrades. The crimes can be of a scale for which no peacetime system is designed. Suspects may have had governmental powers with which to cover up their misdeeds. In such an extraordinary universe, society must use different procedures if it is to avoid a morally abhorrent legal paralysis.

Brode does not advocate abandoning basic fairness and proper judicial behavior. Rather, he recognizes that while the goal of justice remains constant, the route taken in applying the law of war cannot be identical to

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10. BRODE, *supra* note 1, at 61.

11. *Id.* at 186.

12. *Id.* at 39.

13. *Id.* at 228.

the peacetime path. He rightfully castigates the Supreme Court of Canada (SCC) for failing to recognize this.<sup>14</sup>

*Casual Slaughters* also illustrates the dilemma of those holding the enemy to account for breaches of the law of war. The time-honoured and legally sanctioned means for doing this has been before a military court composed of the accuseds' captors. Even accepting that this is a fair and effective way of dispensing justice, those trying the accuseds are in a true no-win situation. If they are strict and stern as they must on occasion be, they face unfair accusations of dispensing victors' justice. If they are lenient and understanding as they must on other occasions be, they will be charged with acting to protect fellow members of the "officers' club."<sup>15</sup>

Surprisingly, Canada suffered from such a lack of political will to pursue war criminals that the reader may consider it "accidental" that any prosecutions took place at all. That Canada acted is due largely to LCol Macdonald. He took on an initially small investigation and thereafter became the main "engine" for Canada's prosecution efforts. Brode offers ample evidence upon which to consider LCol Macdonald the hero of the book. According to Brode, the main culprits were External Affairs bureaucrats, their legal staff, various politicians, and occasionally senior Army officers. At different times, these hesitant groupings took the position that the crimes did not engage Canada's vital interests, the British or Americans would handle these matters, the likely results were not worth the effort or expense, and the chance of incurring some political damage was too great. That Canadian soldiers and airmen were murdered, even tortured, seemed lost on them. Eventually, Canadians stopped war crimes prosecutions in Europe, not because prosecutors had finished the job, but because the government ordered all Canadian military personnel repatriated. The Canadians turned their remaining dozens of cases over to British authorities for their action. Canada truly merited Brode's description as a "timid dominion."<sup>16</sup>

Other countries efforts provide a disturbing comparison. By 1 January 1946, Canadians had tried one war criminal, Meyer, implicated in the

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14. *Id.* at 227 (referring to the SCC's decision in *Her Majesty the Queen v. Finta* [1994] 1 S.C.R. 701 (Can.)). Finta was accused of WW II war crimes for his actions as a Hungarian police officer assisting in the deportation of Jews. The SCC majority decision imposed such an onerous burden on the prosecutors of war crimes that it is generally thought to be impractical to ever meet.

15. *Id.* at 110, 214-15.

16. *Id.* at 33.



deaths of about 103 Canadian PWs. By this time, the United Kingdom had tried ninety-four individuals and the United States 100.<sup>17</sup> British<sup>18</sup> and American<sup>19</sup> handling of their major European PW massacres was much more vigorous.

Certainly, *Casual Slaughters* does describe some individually questionable results. There were also unwarranted disparities in sentencing. That these failings are not unknown in today's peacetime civilian justice system provides a context for these criticisms. Disparities became so evident in the Far East that authorities put in place a sentence review mechanism to address that problem. It speaks to the basic good faith of the Allies that they noted such a problem and took corrective action.

Courts-martial rendered many of the decisions in these life and death processes with frightening alacrity. Meyer's panel deliberated only twenty-five minutes before sentencing him to death, surprising even the prosecutor.<sup>20</sup> In a legally complex fact pattern, the panel considering the fate of two Germans accused of killing an unidentifiable Royal Canadian Air Force (RCAF) flyer shot down over Germany in 1944 took only twenty minutes to convict.<sup>21</sup> Finally, the prosecution's case in the Holzer matter, concerning the murder of three RCAF flyers, consisted solely of documentary evidence. After his conviction, a Canadian firing squad executed

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17. A. P. V. Rogers, War Crimes Trials Under the Royal Warrant: British Practice 1945-1949, at 14 (n.d.) (copy of unpublished article on file with author).

18. See generally PAUL BRICKHILL, *THE GREAT ESCAPE* (1950). Brickhill describes the 1944 escape of seventy-six Allied PWs from Stalag Luft III. This largest single PW escape of the war so enraged Hitler he ordered all those recaptured executed. Luftwaffe chief Goering convinced Hitler killing all those re-captured would be too obviously murder. Hitler then ordered "over half" shot. Luftwaffe officials settled on fifty. Thus, the Gestapo murdered fifty of the seventy-three recaptured PWs. Six of those executed were Canadian flyers. This heinous crime so incensed British authorities that a specially created Royal Air Force group arrested and charged sixty Germans responsible for various aspects of the killings. Thirty-two of these were executed or killed themselves while in custody. *Id.* chs. 19-21.

19. See generally JAMES J. WEINGARTNER, *CROSSROADS OF DEATH - THE STORY OF THE MALMEDY MASSACRE AND TRIAL* (1979) (detailing the 1944 murder of seventy U.S. PWs captured by the Germans during the Battle of the Bulge and the 1946 trial of seventy-four SS accused, all of whom were convicted and half of whom were condemned to death although none were actually executed).

20. BRODE, *supra* note 1, at 101.

21. *Id.* at 134.

Holzer and one of his co-accused.<sup>22</sup> Not surprisingly, Brode considers this particular case a low point in the prosecutions.

Lest these comments paint an unfair picture of Brode's book or the prosecutions in general, in most cases the enemy accused received the benefit of the doubt and their cases were properly determined. For example, the Japanese lawyer for a regimental commander accused of responsibility for killing PWs during Japan's capture of Hong Kong in 1941 won his client's acquittal on a "no evidence" motion.<sup>23</sup> Brode also describes the case against the main subject of *Casual Slaughters*, Meyer, as "compelling."<sup>24</sup>

Like many good historical accounts, *Casual Slaughters* raises a host of intriguing issues. In Meyer's case the issues were legal,<sup>25</sup> political,<sup>26</sup> international, and human. Brode's account of the Meyer trial is fascinating. What prosecutor cannot sympathize with LCol Macdonald, whose first witness went AWOL on the eve of trial, whose second witness contradicted his pre-trial statements on the stand, and whose third witness, upon cross-examination, qualified his testimony into meaninglessness? For reasons set out below, however, the tales of other prosecutions are far less gripping.

*Casual Slaughters* also reveals the extraordinary talents and personality of Major-General Meyer. He was an extremely able and brave officer. In Normandy, he became, at thirty-three years of age, Germany's youngest division commander. He fought in Poland, France, the Balkans and Russia before returning to France to face the Allies in Normandy. His awards and medals seemingly encompassed all those available, some for the second and third time.<sup>27</sup> The enemy wounded him on three occasions.

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22. *Id.* at 154.

23. *Id.* at 163-64.

24. *Id.* at 208.

25. *Id.* at 29, 35, 64. The initial rejection and eventual use of the Royal Prerogative as authority for the war crimes trials is a legally fascinating spectacle. *Id.*

26. *Id.* at 210. Canadian politicians were embarrassed when Meyer was found by reporters re-united with his family at home on a pass only days after having been transferred to British-supervised custody to serve the remainder of his life sentence in Germany. Canadian politicians had assured the public that British authorities could not release Meyer without their approval. *Id.*

27. Petition of Kurt Meyer, *supra* note 6, para. 9 (including the Iron Cross Second Class, the Iron Cross First Class, the Knight's Cross, the German Cross in Gold, Oak Leaves to the Iron Cross, that is, a second awarding of that honor, and the Sword to the Oak Leaves, that is, a third awarding of the Iron Cross).

Meyer led by example, apparently fearless. He kept so close to the action that four of his drivers were killed during the war. In one remarkable scene, he arrived to encourage a unit on the verge of retreat. Enemy fire hit his motorcycle, killing the driver and setting Meyer alight. As soon as nearby German troops put out the blaze, Meyer, his jacket still smoldering, led them in an attack, yelling encouragement the entire time.

Meyer also exhibited extraordinary personal powers. His young soldiers worshipped him. After capture and while in a uniform without rank, guards identified him as a senior officer by the deference the other PWs naturally showed him. During his trial, he could transfix witnesses, particularly former subordinates with hypnotic glaring.<sup>28</sup> He had an effect even on his guards, who in a surreal moment arranged a birthday party for him in the evening during his trial. His personality was so strong that his minor cult status survives to this day.<sup>29</sup>

For all his military virtues, Meyer was an early, life-long, and dedicated Nazi. He joined the Nazi party in 1925 at the age of fifteen.<sup>30</sup> He became a spokesman for Waffen SS veterans upon his release from prison. His post-war biography and speeches never indicated a doubt as to the rightness of Nazi Germany's cause.

The already mentioned Robert Holzer, in contrast, faced a firing squad for his part in the murder of Canadian airmen shot down over Germany. This would seem to deprive him of any call on our sympathy. Yet, Holzer had spent twenty-one months in a concentration camp, apparently for displaying undue consideration to his Jewish employer. He served on the Eastern Front, being wounded seven times, the last by burial resulting in his medical discharge from the wartime German army. He won seven awards for his actions. At war's end, the Gestapo was pursuing him. None of this saved him from the firing squad.

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28. BRODE, *supra* note 1, at 69, 70.

29. An October 2001 Internet search of "Kurt Meyer Panzer SS" turns up about 500 Web sites. Unacknowledged site, *Kurt Meyer's HomePage*, at <http://home.bip.net/glenfidish> (last visited Oct. 18, 2001) (describing him as the "one of the greatest soldier (sic) of all times" in its subtitle); Hot-Metal-35.de (German scale model Web site), *Figuren*, at <http://www.hot-metal-35.de/figuren.htm> (last visited Oct. 18, 2001) (selling Kurt Meyer miniature figures).

30. Petition of Kurt Meyer, *supra* note 6, para. 4. Why his counsel thought this fact would assist his client's plea for mercy is uncertain.

Like any historical work, *Casual Slaughters* aims to provide an accurate, balanced, and engaging account of a significant event or process. In this, Brode is largely successful. His narrative is accurate and well researched, and he uses many primary sources. Brode presents a factual and compelling account of Canada's first foray onto the world stage as an independent nation involved in war crimes prosecutions. The facts support his conclusions, and his conclusions are sensible.

Perspective in matters of war crimes is critical given the strong emotions raised. It certainly is a difficult ideal to achieve when examining such an emotive issue. It is the nature of things that, by virtue of the strong feelings evoked, the relatively few egregious breaches of the law of war will overshadow the hundreds of thousands of un-noted, mundane, proper applications of those same strictures. "Thousands of Prisoners Not Murdered!" is not a headline that will be seen during any war. Brode does a very good job in this regard. He credits the law of war with doing tremendous good in a global sense during WW II. He acknowledges that literally millions benefited from general adherence to these humanitarian norms at least on the Western Fronts. He attacks mainly its non-application and non-enforcement. He further demonstrates a keen sense of perspective in the sympathy he shows for the soldiers who must apply the laws of war in the most trying of circumstances. He rightfully opines, "Combat is a strange country to those who have never visited it . . ."<sup>31</sup> Displaying admirable objectivity and perspective, Brode even concedes the Kafkaesque pressures on citizens of Nazi Germany in the context of war crimes into which they were sometimes unwillingly drawn.<sup>32</sup> Such perspective ameliorates the air of sanctimoniousness that often surrounds academic and legal discussions of war crimes.

Brode also speculates in a brief but informed manner about the effects and workings of the present ad hoc international tribunals and the proposed permanent International Criminal Court (ICC). It is Brode's optimism concerning the good that can be done, or perhaps more accurately the evil prevented, that leads him to argue for a strengthening of the international enforcement of the laws of war through the future ICC. He sees that mechanism as a way out of the one-sided application of such rules and the unfair

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31. BRODE, *supra* note 1, at 222.

32. *Id.* at 134-35.

charges of “victors’ justice” which attend traditional attempts by the winners to bring the losers to account.

Brode may be faulted in one regard on this issue. He does not fully acknowledge the Allies’ general enforcement of the laws of war through their own military disciplinary codes. The uninitiated often assume that because military authorities have charged no one with war crimes per se, that they have not enforced the law of war. This is wrong. The culprits’ nations generally enforce most of the laws of war. Military leaders utilize their own internal disciplinary codes to do so. Just because they label these crimes “murder” or “theft” does not mean the charges do not pertain to the internationally proscribed grave breaches of the Geneva Conventions. The labels are legally irrelevant. Such self-generated trials are a quite acceptable and effective domestic enforcement of the international rules.

*Casual Slaughters* has several weaknesses. Some are within the author’s control; others are not. In the first category is the extremely annoying use of endnotes instead of footnotes. The endnotes force the reader to constantly interrupt his reading to consult the back of the book, search for the appropriate chapter, and then locate the numbered source. In accounts such as this, the origin of information is critical; for example, is the source Canadian or enemy? Much needless flipping and scanning is required. Footnotes at the bottom of the pages would have been much more convenient.

In addition, Brode largely confined his research and sources to those of the Allies. He provides German and Japanese perspectives almost totally from the trial testimony of the accuseds. The one exception was Meyer, whose biography Brode used. Given Canada’s small role in war crimes prosecutions, there may be no specific Axis “take” on Canada’s pursuit of war criminals. Nevertheless, the result is uncomfortably one-sided.

The relative availability of background research and material leads to another problem. Brode’s account of the Meyer case benefits greatly from access to the archival materials supplied by the prosecutor, LCol Macdonald, the papers of the assistant prosecutor, and several surviving witnesses. Further, Brode had Meyer’s own account and even a book by the son of Major-General Foster, the President of Meyer’s court-martial. The abundance of material related to Meyer, however, skews the total result heavily to the Meyer prosecution. Brode devotes fully half the book to the Normandy murders implicating Meyer and their legal fallout. The other

defendants' cases and some tangential episodes share the remainder of the book. While perhaps unavoidable, it leaves the reader with the impression that the treatment of the non-Meyer accuseds was somewhat cursory. In Brode's defense, the Meyer case was probably the most significant in terms of the number of Canadian victims and the important issues involved, such as command responsibility.

*Casual Slaughters'* many qualities make up for its few flaws. It documents an historical event ignored by others, but meriting wider attention. Patrick Brode convinces us that these prosecutions were a necessary and worthwhile exercise. He motivates us to ensure any future efforts avoid the pitfalls apparent from our WW II experience.

Beyond these lessons, *Casual Slaughters* is a "good read." Brode objectively considers both sides' misdeeds and exhibits a too often missing appreciation of perspective. He weaves the larger issues of justice, morality, and war into his account. In so doing, *Casual Slaughters and Accidental Judgments* provides a good description and intelligent consideration of the Canadian war crimes prosecutions following WWII.

**GHOST SOLDIERS: THE FORGOTTEN EPIC STORY OF  
WORLD WAR II'S MOST DRAMATIC MISSION<sup>1</sup>**

REVIEWED BY MAJOR GARY P. CORN<sup>2</sup>

*And still we have the faith—faith in your might  
In each bright weapon in the far-flung fight  
And in the blood of weary men  
Who take the coral beaches back again<sup>3</sup>*

I. Introduction

Inspired by the spectacular sight of dozens of American Navy Hellcats streaking across the sky, Lieutenant Henry Lee's poem represented a shared sense of hope for liberation growing among the surviving American prisoners in the Cabanatuan prisoner of war (POW) camp in September 1944. The sight of the planes served to confirm rumors that their Japanese captors were in retreat. Having managed to survive three years of unimaginable misery, their growing excitement at the prospect of liberation was understandable. Unfortunately, it was far from assured.

By the end of December, some 1600 prisoners were shipped to Japan for use as slave labor.<sup>4</sup> For the approximately 500 prisoners that remained, a far more sinister hurdle lay in their path: the very real threat of being murdered *en masse*.<sup>5</sup> Confronted with the possibility that in the face of his advancing Sixth Army, the Japanese would execute the remaining POWs at Cabanatuan, Commanding General Walter Krueger ordered a daring and

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1. HAMPTON SIDES, *GHOST SOLDIERS: THE FORGOTTEN EPIC STORY OF WORLD WAR II'S MOST DRAMATIC MISSION* 202 (2001).

2. United States Army. Written while assigned as a student, 50th Judge Advocate Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. SIDES, *supra* note 1, at 202 (quoting a poem written by Lieutenant Henry Lee, U.S. Army, while imprisoned in the Cabanatuan Prisoner of War Camp in the Philippines on 24 September 1944).

4. Of the 1600, 700 died en route to Japan. Lieutenant Lee was among those who did not survive the journey. *Id.* at 214.

5. This is exactly what happened to nearly all of the 150 prisoners of the Puerto Princessa Prison Camp on Palawan Island in the Philippines on 14 December 1944, when the retreating Japanese burned them alive in air-raid shelters. The Cabanatuan POW camp was located on the Philippine island of Luzon. *Id.* at 23-24.

unprecedented rescue mission thirty miles behind enemy lines to save these fragile, imperiled “ghost soldiers.”

In his book *Ghost Soldiers: The Forgotten Epic Story of World War II's Most Dramatic Mission*, Hampton Sides brings to life with incredible detail and intense drama the fantastic yet nearly forgotten rescue mission carried out by the elite 6th Ranger Battalion in 1945. Through alternating chapters, Sides skillfully intertwines the experiences of the Cabanatuan POWs and the 121 hand-picked Rangers that ultimately liberated them. Their stories progress through the book like two distinct lines grinding forward, destined to intersect in a blaze of glory and redemption. *Ghost Soldiers* is an extraordinary read that is at once a chilling expose on the depths of human cruelty, and an uplifting tribute to the ultimate power of courage and heroism.

Sides is a skilled writer. The 342-page *Ghost Soldiers* reads like a Hollywood thriller, jam-packed with intrigue, spies, danger, and glory. Each page is easily digested and draws the reader deeper into the story, leaving him hungry for what will be revealed around the next corner. At times the story seems so fantastic that it is easy to forget it is non-fiction. Sides' skillful narration coupled with his extensive research allowed him to bring to life the stories of the book's numerous characters, not just the Rangers and the POWs, but also heroic guerilla leaders and self-deputized spies with mysterious code names.<sup>6</sup>

*Ghost Soldiers* is Sides' first foray into the realm of military history.<sup>7</sup> As he puts it, the book is a “thoroughgoing collaboration between myself and the men who populate its pages.”<sup>8</sup> Sides spent countless hours interviewing the remaining survivors of Cabanatuan and their rescuers. He reviewed prisoner memoirs, oral history transcripts, thousands of pages of archival documents, and traveled to the Philippines and Japan to research

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6. Claire Philips, a.k.a. High Pockets, was awarded the Medal of Freedom in 1951 for her efforts in the Philippines during the war. *Id.* at 332.

7. A native of Memphis, Tennessee, Sides is a contributing editor for *Outside Magazine*, and his work has appeared in the *New York Times Magazine*, *DoubleTake*, *The New Republic*, the *Washington Post*, and on National Public Radio's *All Things Considered*. His other books include *Why Moths Hate Thomas Edison*, a collection of question and answer columns from *Outside Magazine*, and *Stomping Grounds: A Pilgrim's Progress Through Eight American Subcultures*.

8. SIDES, *supra* note 1, Acknowledgments.



the book. The result is a work that is extremely entertaining and highly informative.

At the same time, Sides employs a narrative approach to the book that makes for an excellent read, but leaves the work nearly devoid of any significant analysis. Nor does *Ghost Soldiers* have any real thesis. This, coupled with Sides' lack of experience as a military historian, caused him to neglect some of the deeper leadership lessons to be learned from the planning and execution of this daring mission.

This book review briefly explores Sides' work. In doing so, it attempts to give the reader a sense of *Ghost Soldiers*' strengths as well as some of the weaknesses in Sides' rendition of this historic rescue mission.

## II. The Decision

Sides opens the book with a chilling account of the Japanese massacre at the Puerto Princessa Prison Camp. The Japanese herded all prisoners into makeshift air-raid shelters by feigning an imminent attack by U.S. planes. They then doused the POWs with aviation fuel, ignited it, tossed in hand-grenades, and riddled the shelters with bullets. Despite this, a handful of Americans miraculously survived and later escaped. Their incredible story, along with other intelligence,<sup>9</sup> reached General Krueger just days after his Sixth Army had landed at Lingayen Beach. By 26 January 1945, the Sixth Army had driven halfway to Manila. The Cabanatuan camp sat squarely in the center of its axis of advance and would be overtaken within days. When General Kreuger was briefed by his G-2 on the

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9. For example, by this time, the Allies were probably aware of an order issued by the War Ministry in Tokyo in August 1944, known as the "August 1 Kill-All Order," which read:

When the battle situation becomes urgent the POWs will be concentrated and confined in their location and kept under heavy guard until preparations for the final disposition will be made. Although the basic aim is to act under superior orders, individual disposition may be made in [certain] circumstances. Whether they are destroyed individually or in groups, and whether it is accomplished by means of mass bombing, poisonous smoke, poisons, drowning, or decapitation, dispose of them as the situation dictates. It is the aim not to allow the escape of a single one, to annihilate them all, and not to leave any traces.

*Id.* at 23-24.

tenuous situation of the remaining POWs, he knew the Sixth Army's advance spelled certain disaster for the prisoners. Kreuger determined that, despite the obvious risks, they had to attempt a rescue mission. He quickly decided to assign the task to Lieutenant Colonel Henry Mucci's 6th Rangers.

In retrospect, this decision may seem obvious; American POWs were in grave danger of massacre—they had to be rescued. Under the circumstances, however, it could not have been an easy decision for Kreuger. Although the tide of war was turning decidedly in favor of the Allies, victory was by no means assured. The Japanese Fourteenth Imperial Army was digging-in, some 250,000 strong, for what the War Ministry in Tokyo called “the decisive battle.”<sup>10</sup> Over 8000 battle-hardened troops were concentrated around Cabanatuan alone. In addition, Kreuger was under intense pressure from MacArthur to drive south and re-take Manila despite his serious concerns about leaving his flanks unprotected.<sup>11</sup> The rescue mission offered no significant military objective, and could have threatened to slow the advance. Given the Japanese buildup around the camp, Kreuger had to know that he was sending the Rangers on a possible suicide mission.

Such a decision could not have been taken lightly. Yet Sides addresses Kreuger's deliberation in one short paragraph:

Kreuger needed no further convincing from Horton White [the G-2]. By all means, by any means, a force must be immediately dispatched ahead of the lines to attempt a rescue of Cabanatuan. It was an eleventh-hour mission of mercy that Kreuger knew would be near to General MacArthur's heart. “Sounds risky,” Kreuger said, “but it's a wonderful enterprise.”<sup>12</sup>

By glossing over this critical point in the decision-making process, Sides fails to shed light on a potentially valuable leadership lesson.

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10. *Id.* at 18. The Luzon campaign would turn out to be the largest of the Pacific theatre. More U.S. troops were engaged than had been employed in North Africa, Italy, or southern France. RONALD H. SPECTOR, *EAGLE AGAINST THE SUN: THE AMERICAN WAR WITH JAPAN* 518 (1985).

11. SPECTOR, *supra* note 10, at 521.

12. SIDES, *supra* note 1, at 24.

### III. The Prisoners

Sides' account of the day-to-day horrors suffered by the Cabanatuan prisoners is powerful. By exploring the lives, and deaths, of a number of individual POWs, Sides paints a vivid picture of the horrid conditions imposed by the Japanese, and the Americans' amazing will to survive. His account of their maltreatment and resistance is a powerful history lesson for judge advocates on why the world promulgated the Geneva Conventions of 1949.<sup>13</sup>

On 9 April 1942, four months after the Japanese attack on Pearl Harbor, Major General Edward King surrendered the 78,000 American and Filipino soldiers under his command to Lieutenant General Masaharu Homma, commander of the 14th Imperial Army. Over the four months of intense combat, the condition of the American soldiers deteriorated steadily due to a combination of battle fatigue, disease, and starvation. By the time they surrendered, these soldiers were ill-prepared, physically and emotionally, for what lay ahead.

What lay immediately ahead was the now-notorious Bataan Death March, a brutal, sixty-five mile forced march of the surrendered troops from southern Bataan to the POW camps in the north. Over 1000 Americans and 5-10,000 Filipinos perished on the march. Another 16,000 died during the first few weeks of internment.<sup>14</sup>

As Sides rightly points out, the American and Filipino deaths were due in part to their already deteriorated condition. This was coupled with grossly inadequate logistics and planning by the Japanese who had underestimated the number of prisoners by as much as 60,000 and were unprepared to deal with the evacuation. Exacerbating this problem was Corregidor, the island fortress guarding the harbor at Manila, which had not yet surrendered. Without Corregidor, the Japanese victory at Bataan was hollow. In order to reduce the fortress, the Japanese needed to occupy the lower end of the Bataan peninsula, which was exactly where the sur-

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13. See Geneva Convention of 12 August 1949, Relative to the Treatment of Prisoners of War, 6 U.S.T. 3316, 75 U.N.T.S. 135.

14. SPECTOR, *supra* note 10, at 396.

rendered Americans were. The result was a top-driven mania to move the prisoners out of the peninsula at breakneck speed.

As the faltering prisoners fell behind schedule, Sides writes, the “Japanese became increasingly irritated at [their] halting progress. Their exhortations grew louder and more shrill. With greater frequency, they punctuated their demands with the flash of steel blades.”<sup>15</sup> In many cases this meant death by bayonet or decapitation by sword. Throughout the course of the march, atrocities abounded. Many were simply the product of deliberate cruelty. Describing a particularly sinister display, Sides writes:

The water was pure and cool and raced from the hillside, as though from a natural spigot. Abie Abraham stared at it lustfully, as did the dozen or so other Americans in his group, who all stood at attention, impaled by the afternoon sun. The Japanese guard had halted the column along the East Road at a spot only a few yards from the spring, but he would not permit them to take a drink. Sergeant Abraham couldn’t tell at first whether the guard’s decision to rest at such a tantalizing place was deliberate or absentminded torture, but it was torture nonetheless . . . . The sight of [the water] was unbearable—the *thought* of it, the thought of not having it. Abraham tried to avert his gaze, but he couldn’t. His mouth was cottony, his lips were cracked, his tongue fell thickly over his teeth.<sup>16</sup>

One of the POWs in the column lacked Abraham’s strength to resist; he bolted for the water and began drinking wildly. “Abraham watched in dull disbelief as the guard unsheathed his sword, . . . [and] with a ‘quick ugly swish,’ he brought the blade down and cleanly decapitated the American.”<sup>17</sup> This is one of many examples of gratuitous maltreatment committed by the Japanese during the death march and for years afterward.<sup>18</sup>

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15. SIDES, *supra* note 1, at 83.

16. *Id.* at 81.

Sides provides a sobering account of these heinous acts, as seen through the eyes of the victims. As with most of the book, his writing style draws the reader into the center of the marching, suffering column. At times, however, Sides is, if not apologetic, then overly willing to explain away the Japanese behavior. Sides writes:

Yet for all its horrors, the march was not a premeditated atrocity. For the most part, the brutalities occurred in a piecemeal fashion against a backdrop of escalating confusion and seething racial hatred. Miscues, bad intelligence, cultural misunderstandings, sweltering heat, and a devolution of Imperial Army discipline all conspired to create an environment of tragic drift. The Bataan Death March . . . took place not according to plan, but rather as a result of the chaos that flourished under a plan that was fatally flawed.<sup>19</sup>

In particular, Sides paints General Homma as a victim of the intense pressure imposed by his superiors to consolidate his victory by taking Corregidor. Reading *Ghost Soldiers*, one is left with the impression that Homma was dedicated to treating the POWs fairly, but that events overcame him and the rest of the Japanese command establishment.

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17. *Id.* at 85. This was not an isolated torture technique. As another survivor of the march recounted:

They'd halt us in front of these big artesian wells. . . . There were hundreds of these wells all over Bataan. They'd halt us intentionally in front of these wells so we could see the water and they wouldn't let us have any. Anyone who would make a break for water would be shot or bayoneted.

SPECTOR, *supra* note 10, at 387 (quoting Private Leon Beck and citing DONALD KNOX, DEATH MARCH: THE SURVIVORS OF BATAAN 133-34 (1981)).

18. For example, in one of the sickest displays of whimsical terror, a Japanese soldier pulled one of the sickly Americans from the column and forced him to lie down in the middle of a cobblestone street about five feet in front of a tank. The tank pulled over him, crushing his body. All ten tanks in the Japanese column then ensured that they ran over the already flattened body. SPECTOR, *supra* note 10, at 397.

19. SIDES, *supra* note 1, at 91. Sides also points to the indoctrination of the Japanese military in the ancient Samurai Bushido code, which demanded that soldiers fight to the death. Those that did not were considered somehow less than human and therefore undeserving of humane treatment.

Such explanations fly in the face of accepted notions of command responsibility.<sup>20</sup> Although exceptions existed, the Japanese consistently violated every tenet of humane and lawful treatment of POWs, even by 1940 standards. They claimed to abide by the Geneva Convention of 1939, but seldom followed those rules. The book is riddled with examples of the constant abuses, undercutting Sides' post-hoc rationalizations.<sup>21</sup> As Sides acknowledges, Homma, "preoccupied with his plans for assaulting Corregidor, apparently remained oblivious to the enormity of the disaster that passed by his Balanga headquarters each day."<sup>22</sup> If not intentionally involved in the atrocities, Homma was, at a minimum, criminally negligent in allowing them to occur right under his nose.<sup>23</sup>

Through the alternating chapters of the book, Sides documents in chilling detail and with obvious insight into the human condition, the surviving marchers' hellish nightmare in captivity. From their initial stay at the temporary holding station of Camp O'Donnell<sup>24</sup> through their deplorable internment at Cabanatuan, Sides skillfully explores the POWs' con-

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20. Under the doctrine of command responsibility, a commander is criminally liable if "he has actual knowledge, or should have knowledge, through reports received by him or through other means, that troops or other persons subject to his control are about to commit or have committed a war crime and he fails to take the necessary and reasonable steps to insure compliance with the law of war or to punish violators thereof." U.S. DEP'T OF ARMY, FIELD MANUAL 27-10, THE LAW OF LAND WARFARE para. 501 (18 July 1956).

21. To be fair to the author, he is not alone at attempting to explain the Japanese atrocities. See e.g. SPECTOR, *supra* note 10, at 396-400.

22. SIDES, *supra* note 1, at 93.

23. Homma was tried, convicted and executed for war crimes. *Id.* at 333. See also H. Wayne Elliott, *Open Cities and (Un)defended Places*, ARMY LAW., Apr. 1995, at 45 (citing HOWARD S. LEVIE, *TERRORISM IN WAR, THE LAW OF WAR CRIMES* 165 (1993)). Again in fairness to the author, some claim that the prosecution never proved that Homma had any knowledge of the atrocities being committed by his subordinates.

24. Camp O'Donnell was an incredibly putrid place where one out of every ten prisoners who entered died—some 16,000 in the first few weeks. As one survivor is quoted as saying, "Hell is only a state of mind; O'Donnell was a place." SIDES, *supra* note 1, at 107.

stant struggle to cope with malnutrition, tropical disease, and maltreatment by their captors, and their remarkable ability to somehow cling to hope.

Peppered throughout these dismal accounts of misery are uplifting stories that leave the reader amazed at the resiliency and defiance of the human soul under extreme duress. One such passage reads:

In the middle of the camp, a group of Navy men from Corregidor erected a post from which they hung a rusty metal triangle. It looked something like the traditional dinner chimes found on ranches and farms back home, though larger and cruder. Every half hour the designated timekeeper would go out with a stovepipe in his hand and give the contraption a set number of dings in accordance with an old Navy custom called "sounding the watch." The system was a little intricate until one got used to it. Far from dulcet, the tone of the ring was hard and sharp, a metallic sound punctuating the day with seriousness. The Cabanatuan prisoners came to like it, though, for segmenting the blur of chronology, for the sense of orderliness it brought. To some, it sounded like the proud, clear voice of duty.<sup>25</sup>

In another example, several of the prison guards contracted gonorrhea from local liaisons. Afraid or uncomfortable approaching their own doctors, they sought assistance in the form of sulfa drugs from the American prisoners. As Sides writes, "Even though the Americans had no sulfa drugs, they were quite willing to oblige their captors, for a price."<sup>26</sup> Instantly, a cottage industry sprang up to produce bogus drugs for clandestine sale to the guards. "For the prisoners, steeped in three years of unexpressed rage, such acts of vengefulness were both therapeutic and impossible to resist, even though the penalty for defiance, as the American commander constantly warned them, might be their own death."<sup>27</sup> Through these and other examples, Sides pays tribute to the indomitable spirit of the American POWs and provides an important les-

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25. *Id.* at 137.

26. *Id.* at 161.

27. *Id.* at 161-62.

son to all service members on the important ideals of continued resistance and keeping faith with fellow POWs embodied in the Code of Conduct.<sup>28</sup>

By the time Lieutenant Colonel Mucci received his orders, only about 500 prisoners remained at Cabanatuan. The population of the camp had risen to as many as 8000, but had slowly dwindled as many were transferred to satellite camps or simply perished. Of the 2100 or so that occupied the camp in December 1944, the healthiest 1600 were shipped to Japan. By January, Cabanatuan had been reduced to a holding station on the way to death.

#### IV. The Rangers

At the time General King surrendered at Bataan, the U.S. Army Rangers as we know them today did not exist. It was not until 19 June 1942 that the 1st Ranger Battalion was activated, followed by five more over the course of the war. While training for the 1st Battalion was conducted at the British Army's Commando Training Center in Scotland,<sup>29</sup> the U.S. Army in the Pacific had to come up with its own plan for its new Rangers. The task fell to Lieutenant Colonel Mucci. Sides describes how in less than a year, this West Point graduate and former Provost Marshall of Honolulu during the attack on Pearl Harbor, took a battalion of field artillerymen into the jungles of New Guinea and converted them into a force of elite light infantry—the 6th Ranger Battalion.

Sides' treatment of Mucci's role in both the creation of the battalion and the rescue operation itself demonstrates insight into the attributes of successful leadership. In this regard *Ghost Soldiers* is a valuable lesson for Army leaders. In many ways Mucci personified the Ranger creed before it existed. He led from the front, never asking his men to do anything he was not doing right alongside them. Despite his age of thirty-three, he was probably the most physically fit man in the battalion. His 1936 West Point yearbook noted that he did "not choose to be a classroom expert, but rather

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28. Exec. Order 10631, Code of Conduct for Members of the Armed Forces of the United States (Aug. 17, 1955) as amended by Exec. Order 12017 (Nov. 3, 1977), reproduced at U.S. DEP'T OF ARMY, REG. 350-30, TRAINING: CODE OF CONDUCT, SURVIVAL, EVASION, RESISTANCE AND ESCAPE (SERE) TRAINING app. B (10 Dec. 1985). In addition, the examples in the book provide very effective training vignettes. See *id.* para. 2-4 (Use of Historical Examples).

29. See About U.S. Military, *History of the U.S. Army Rangers: Rangers Lead the Way*, at [http://www.grunts.net/army/rangers.html#\\_ww2](http://www.grunts.net/army/rangers.html#_ww2) (last visited Oct. 1, 2001).



the field leader he was: the man who thinks on his feet, who inspires others beyond the powers of persuasion.”<sup>30</sup> As Sides demonstrates numerous times throughout the book, it was Mucci’s leadership that propelled his Rangers forward through extremely difficult mission conditions. Mucci’s men loved him. “We would have followed him to hell that night,” said Ranger Thomas Grace. “And when we got there, he would’ve opened up the goddam gates.”<sup>31</sup>

For reasons that Sides fails to adequately explain, Mucci could not bring all 800 men of the battalion on the mission.<sup>32</sup> He assigned the mission to C Company, under the command of a quiet young Stanford graduate named Robert Prince, the only other Ranger about whom Sides provides any significant detail. As the mission developed, it fell principally upon Prince to come up with the plan of attack. Unfortunately, few details emerge on exactly how Prince and Mucci developed the plan that the Rangers executed. This failure to shed light onto how these leaders analyzed the mission and applied the principals of war in developing their plan leaves an unfortunate gap in the lessons to be gained from the book.

On 27 January Mucci addressed his men and outlined the mission in broad terms. It would be extremely dangerous but they would “bring out every last man, even if [they had] to carry them on [their] backs.” He wanted every man to be a volunteer, giving them the chance to back-out. None did. Before leaving them he turned and added: “One other thing. There’ll be no atheists on this trip.” He ordered them all to meet with the unit chaplains. “I want you to swear an oath before God. Swear that you’ll die fighting rather than let any harm come to those prisoners.”<sup>33</sup> Such were the men that would set off to liberate the Cabanatuan POWs.

## V. The Raid

Amazingly, the raid on the Cabanatuan camp was planned on the fly; there was simply no time to gather the necessary intelligence and refine a plan before stepping off. Their mission was to march thirty miles behind

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30. SIDES, *supra* note 1, at 70.

31. *Id.* at 286.

32. This is another area that Sides glosses over. It is especially strange in light of the fact that several hundred Filipino guerillas accompanied the Rangers on the mission and played a crucial role. It is part of a general failure on the part of the author to delve deeply into the planning process of the mission.

33. SIDES, *supra* note 1, at 28-29.

enemy lines, across roads patrolled by Japanese tanks, across Japanese-held bridges, across the open country of the Central Plain of Nueva Ecija infested with Japanese soldiers and pillboxes; and that was the easy part. Once they reached their objective, the Rangers had to assault the camp, liberate 500 walking corpses, and literally carry them back along the same thirty mile path they had just cut, evading pursuing Japanese the whole way. Their success, with only minimal casualties, borders on the amazing. It is a testament either to incredible luck or to good training, leadership, and planning. While one can assume that it was the latter, Sides fails to provide enough insight to fairly draw such a conclusion.

At the same time that Sides walks the reader through the years of suffering in the POW camp, he alternately places him in the middle of the Rangers' column as it slinks steadily forward. The tension grows palpable with each step as the Rangers brush ever closer with the enemy. Sides provides several gripping accounts of the Rangers' evasive tactics and near misses, to include literally slipping under the noses of the Japanese when the Rangers crossed under a major roadway clogged with enemy troops.

In addition to the constant threat of detection, a nearly complete lack of intelligence on the camp itself weighed heavily on Mucci's mind. Not until the last possible minute did Lieutenant Nellist, an Alamo Scout, produce the information that Mucci needed so desperately. With Captain Prince he set about feverishly finalizing the plan for the assault on the camp. What emerged was a complex plan to assault the camp from both ends, a plan that depended on stealth, timing, surprise, and a great deal of luck. As with the stories of the prisoners, Sides does an excellent job of recreating the raid down to the smallest details. For example, he writes:

[Lieutenant Murphy] was supposed to fire the inaugural shot, and the gravity of that assignment was beginning to weigh on him. He glanced at his watch—7:40, ten minutes past the scheduled starting time . . . . [He] knew that every Ranger ear was tuned to receive and instantaneously react to a single sound. He braced himself for the thunderous ferocity of a hundred American weapons replying at once to his cue . . . . He brought his M-1 rifle to his shoulder and switched off the safety. He drew a deep breath and settled his sights on a Japanese soldier inside the barracks, resting his index finger on the cool crescent of metal.<sup>34</sup>

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34. *Id.* at 256.

What followed was an overwhelming fusillade of gunfire. “The surprise was so complete, the firepower so massive and omnidirectional that the enemy was left paralyzed.”<sup>35</sup> The Rangers ripped through the camp with deadly, discriminating efficiency. Within minutes, they had all but eliminated the Japanese guards, and turned to the task of herding the prisoners out. Sides describes one typical encounter between rescuer and rescued:

John Cook, wearing only a G-string and leather high-top shoes, practically interrogated his liberator. “I said. ‘Hey, who in the hell are you?’ The guy had the funniest uniform on, with a funny-looking cap, and he was carrying something that looked like a grease gun, like he was going to grease up a car. He said, ‘We’re Yanks. Get your ass out the main gate.’ This guy is trying to save my life, and I’m sitting there carrying on an argument with him. I said, ‘No Yank ever wore a uniform like that.’ He said, ‘The hell we don’t!’”<sup>36</sup>

Sides’ narrative draws the reader into the pulse-quickening excitement of the raid, creating a sense of hovering over the Rangers as the battle and rescue unfold below.

In the final chapter of the book, Sides completes the circle that began three years earlier with the Bataan Death March, describing the thirty-mile march back to friendly lines. As Sides writes, the prisoners “observed that the long hike to safety felt like the direct opposite of their trek out of Bataan, a kind of reverse image in which all the emotional valences had been flipped.”<sup>37</sup> Sides captures the special nature of what one POW described as “a life march, a march of freedom,”<sup>38</sup> the incredible compassion shown by the Rangers for the POWs, and the growing sense of euphoria as the column edged ever closer to the American lines.

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35. *Id.* at 271.

36. *Id.* at 280.

37. *Id.* at 303.

38. The words of POW John McCarty. *Id.*

It is at these expressive moments of the book when Sides is at his best. His final paragraph wonderfully portrays the emotion of the moment when the survivors finally entered the haven of the advancing U.S. forces.

Along the way they saw an American flag set in the turret of a tank. It wasn't much of a flag, writhing in a weak breeze, but for the men of Cabanatuan, the sight was galvanizing. Ralph Hibbs said his heart stopped, for he realized that it was the first Stars and Stripes he'd seen since the surrender. All the men in the trucks stood at attention and saluted. Then came the tears. "We wept openly," said Abie Abraham, "and we wept without shame."<sup>39</sup>

## VI. Conclusion

Calling the rescue of the Cabanatuan POWs "World War II's Most Dramatic Mission" may overstate the case a bit. Certainly, it was one of the war's boldest POW rescues. More significantly, it was an extreme example of self-sacrifice. A relatively small group of light infantry literally walked into the teeth of a well-armed, well-trained enemy with no direct tactical objective to be gained. But fellow Americans were in need, and that was all that mattered. *Ghost Soldiers* competently fills a void in the historical record of the Second World War. It offers an inspiring lesson to all service members on the importance of leadership, courage, and the ideals embodied in the Code of Conduct. For judge advocates, it is a treatise on why we must work tirelessly to understand and apply the law of war to all our operations. Despite the book's gaps, Hampton Sides has produced an excellent account of American soldiers at their best.

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39. *Id.* at 317.

**RESOURCE WARS: THE NEW LANDSCAPE FOR  
GLOBAL CONFLICT<sup>1</sup>**

REVIEWED BY MAJOR MICHAEL D. TOMATZ<sup>2</sup>

*The next war in our region will be over the waters of the Nile,  
not politics.*

—Boutros-Boutros-Ghali, then Egypt's  
Minister of State for Foreign Affairs, 1988<sup>3</sup>

*Resource Wars* presents a compelling, if not daunting, message for diplomats, political leaders, and war planners. Author Michael Klare argues that competition over diminishing natural resources will form the basis for tension and violence in many regions of the world. Klare asserts that the burgeoning effort to exploit essential resources helps explain much of present-day international relations.<sup>4</sup> If he is correct, the world should prepare itself for another century of bloody conflict.<sup>5</sup>

The end of the Cold War diminished the importance of expansive global alliances and massive arsenals.<sup>6</sup> Since then American policymakers have increasingly focused on global competitiveness and the importance of economic strength as vital components of national security.<sup>7</sup> Similarly, other countries have shifted military assets and developed weapons programs designed specifically to protect access to resources considered essential to national survival.<sup>8</sup> Klare argues that “the relentless expansion in worldwide [resource] demand, the emergence of significant resource

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1. MICHAEL T. KLARE, *RESOURCE WARS: THE NEW LANDSCAPE FOR GLOBAL CONFLICT* (2001).

2. United States Air Force. Written while assigned as a student, 50th Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. KLARE, *supra* note 1, at 12 (quoted in Peter Gleick, *Water and Conflict*, INT'L SECURITY, Summer 1993, at 86).

4. *Id.* at 14.

5. Michael T. Klare is the director of the Five College Program in Peace and World Security Studies based at Hampshire College in Amherst, Massachusetts, and the author of a number of books regarding the changing nature of warfare. *Id.* at cover leaf.

6. *Id.* at 5-7.

7. *Id.* at 6-8.

8. *Id.* at 11-13.

shortages, and the proliferation of ownership contests” will cause mounting global division, friction and eventual conflict.<sup>9</sup>

*Resource Wars* paints a picture in grand strokes of a world facing looming shortages, sweeping boldly from region to region, pressing readers to come to grips with the magnitude of the problem. Yet Klare provides sufficient detail and depth in his analysis that even the circumspect reader will agree that responsible leaders and military planners must consider resource issues as a critical component in global strategic planning. The first chapter of the book provides a detailed overview of the global resource environment. Then Klare spends four chapters, roughly half the book, discussing oil and its global significance as a potential flashpoint for war, as well as its regional importance not only in the Persian Gulf, but also in the Caspian Sea Basin and the South China Sea. Chapters six and seven focus on the critical issue of water in the Nile and Indus Basins, and along the Jordan and Tigris-Euphrates rivers. Chapter eight examines internal wars waged over mineral and timber wealth.<sup>10</sup> In the final chapter, Klare synthesizes his observations and defends his thesis that resource wars will become “the most distinctive feature of the global security environment.”<sup>11</sup> He concludes by offering alternatives to war.

While Klare’s flare for the dramatic makes this an interesting read, his zeal to place resource considerations on a pedestal above other sources of potential instability diminishes his analysis. Klare challenges other prominent writers who have attempted to define the central feature of the post-Cold War strategic environment. Notably, he disputes Samuel Huntington’s claim that a “clash of civilizations” will dominate world affairs.<sup>12</sup> He finds neither Robert Kaplan’s view that overpopulation and anarchy predominate, nor Thomas Friedman’s assertion that economic “globalization” is key, sufficient to explain prospects for the future global environment.<sup>13</sup>

After arguing that these authors fail to explain present global circumstances through one overarching theme, Klare spends most of his analysis making a similar argument. In lieu of clashing civilizations, anarchy, or

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9. *Id.* at 23.

10. *Id.* contents.

11. *Id.* at 213.

12. *Id.* at 13; Samuel P. Huntington, *The Clash of Civilizations?*, FOREIGN AFFAIRS, Summer 1993, at 22.

13. KLARE, *supra* note 1, at 13; Robert D. Kaplan, *The Coming Anarchy*, ATLANTIC MONTHLY, Feb. 1994, at 44-75; Thomas L. Friedman, *THE LEXUS AND THE OLIVE TREE* (1999).

economic globalization, he places diminishing resources as his centerpiece. As a result, he spends his time defending this main thesis, often pushing other explanations for geopolitical instability and tension aside. His absolute focus on resources ignores the possibility of multiple sources of conflict, any one of which lacks sufficient explanatory force by itself, but together provide a more compelling predictor of future regional or global instability.

Mr. Klare is at his persuasive best when he examines specific regions of the world. Here, Klare lays out how resource depletion creates instability that could lead to armed conflict. He predicts that of all resources likely to spark conflict, oil tops the list.<sup>14</sup> To defend this theory, Klare presents a rather gloomy picture of both the demand and supply side of the oil equation. On the supply side, the world's proven reserves of 1,033 billion barrels is sufficient for approximately the next forty years at present rates of consumption.<sup>15</sup> Energy consumption will likely increase substantially, however, particularly in the developing world.<sup>16</sup> While somewhat reminiscent of the doomsday predictions that abound when oil prices rise, Klare defends his numbers with U.S. Department of Energy figures. Whether the world will run out of oil on a preordained timetable is certainly subject to intense debate, but that aside, the beauty of Klare's analysis is its focus on how various nation-states protect resource-based interests in key global regions.

*Resource Wars* first discusses the Persian Gulf, the region most likely to experience conflict according to Klare.<sup>17</sup> He argues that several factors support this conclusion. Oil wealth enables countries within the region to procure weapons on the global market. Internal conflicts arise due to the inequitable distribution of oil wealth and concerns over western involvement. The great powers, including the United States, have steadily expanded their presence and have indicated a willingness to use force to protect the flow of oil.<sup>18</sup> And in the pursuit of national interests, countries like China and France have attempted to form particular alliances. All this

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14. KLARE, *supra* note 1, at 27.

15. *Id.* at 19, 40-41.

16. *Id.* at 38-40.

17. *Id.* at 51.

18. *Id.* at 51-54.

adds up to a recipe for major regional conflict, including a possible spill-over conflict between the external backers of the regional Gulf States.<sup>19</sup>

*Resource Wars* provides useful insight into how resource considerations could cause instability in the Persian Gulf, but as with later sections of the book, the analysis tends toward the dramatic. Could a dispute over oil cause a conflict to break out between the United States and another non-Persian Gulf power? Yes, but one generally would not place such a concern at the top of the threat list. Klare dedicates twenty pages to discussing U.S. strategy in the region, the provision of arms to various Gulf powers, and the U.S. three-war scenario.<sup>20</sup> At every turn, he finds potential violence exploding from a resource-based spark. Yet the recent terrorist attacks on the Pentagon and World Trade Centers suggest the spark may be religious fanaticism or a generalized hatred of the United States and the West, not necessarily the contest over oil resources. Moreover, U.S. policymakers would argue that a strategy of dynamic regional engagement and a robust military presence diminishes the chance for war.<sup>21</sup>

Klare next discusses the Caspian Sea Basin, a developing energy region comprised of Russia, Iran, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.<sup>22</sup> With predicted reserves of oil and natural gas second only to the Persian Gulf region, the Caspian Sea Basin is a key development area for the major world energy concerns.<sup>23</sup> Klare points to a number of unresolved issues, including the lack of a legal regime for oil drilling and distribution rights in the Caspian Sea proper, ongoing border disputes, and the challenge of moving oil from this landlocked region to other parts of the world.<sup>24</sup> Further, he argues, “the most significant factor in the regional conflict equation is the emergence of a new power struggle between the United States and Russia.”<sup>25</sup>

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19. *Id.* at 57.

20. *Id.* at 58-78. Mr. Klare references a number of government records and policy statements to support this section. Specifically, he describes a three-war scenario involving U.S. planning for three possible sources of violent conflict in the region: another Iraqi thrust into Kuwait and Saudi Arabia, an effort by Iran to close the Strait of Hormuz or effect shipping, and finally an internal revolt against the Saudi royal family. *Id.* at 58.

21. *Id.* at 53.

22. *Id.* at 81.

23. *Id.* at 84-87.

24. *Id.* at 87-88.

25. *Id.* at 88.



*Resource Wars* begins with an examination of the United States' participation in CENTRAZBAT, a major military exercise involving the United States, Kazakhstan, Kyrgyzstan, and Uzbekistan.<sup>26</sup> Just as the United States has increased foreign aid and supported military development within the region, Russia has maintained and expanded its influence through military contacts, arms transfers, and regional troop presence.<sup>27</sup> For Klare, these developments do not suggest an immediate, direct confrontation between the United States and Russia, but he clearly envisions proxy wars and long-term regional instability that could entangle outside powers, including these two.

Klare's examination of the Caspian Sea Basin more completely acknowledges that factors unrelated to oil, including ethnic and religious divisions, border disputes, and authoritarian regimes, contribute to the potential for violence.<sup>28</sup> But his prediction of a possible resource-based conflagration between the major powers remains undiminished. While oil is doubtless a key issue in the Caspian Sea Basin, U.S. foreign policy objectives in the former Soviet Union are not primarily resource-driven as Klare suggests. United States efforts to expand NATO and to engage non-resource rich states once part of the Soviet Union reveal broader goals. It appears the United States seeks stability throughout the region, not merely a guarantee of oil development opportunities. Arguably, U.S. engagement in oil and non-oil states creates greater regional stability and will not lead to inevitable conflict. Similar considerations apply to the South China Sea, the final oil region discussed in the book.

Chapter 5 of *Resource Wars* is a must read for anyone interested in global strategy in the Pacific Rim. The Pacific Rim is one of the truly dynamic regions in the world. Predictably, energy consumption in its ten leading economic centers—China, Hong Kong, Indonesia, Japan, Malaysia, the Philippines, Singapore, South Korea, Taiwan, and Thailand—has grown substantially.<sup>29</sup> Through his resource-based analysis, Klare reveals the connection between territorial claims to the South China Sea and access to vital oil supplies, and he offers a compelling explanation of why nations have focused military and government efforts in this key strategic

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26. *Id.* at 1-2.

27. *Id.* at 92-97.

28. *Id.* at 107-08.

29. *Id.* at 110. For most of the 1990s, consumption grew at a rate of 5.5 percent per year, ten times the rate as compared to the rest of the world. While the rate of increase likely will decline in response to regional economic slowdown, by 2020 Asia will consume approximately thirty-four percent of total world energy. *Id.* at 110.

center. To satisfy their energy needs, states bordering the South China Sea seek greater control of its oil resources, and others nations like the United States and Japan want to ensure the flow of energy resources through its waters.<sup>30</sup>

Klare argues that control of valuable energy reserves provides the real motive behind disputes over territorial waters and land areas within the South China Sea. For example, the ongoing controversy over ownership of the Spratly Archipelago appears to be a dispute about the control of territory. Klare convincingly demonstrates that the real motive is control of the South China Sea's energy resources.<sup>31</sup> For Klare, the connection between resources and conflict is clearly evident. China's claim to the entire island chain and its assertive expansion efforts sparked armed conflict between China and Vietnam in 1988,<sup>32</sup> and in early 1995 near Mischief Reef between China and the Philippines.<sup>33</sup> While his ultimate prediction of possible large-scale warfare seems overly glum and speculative, Klare's analysis provides a useful frame of reference for foreign policy decision-makers within the region. Certainly the United States, Japan and other interested states must consider underlying resource interests when fashioning policy toward China and other states that share interest in the South China Sea.

Shifting from oil to water, *Resource Wars* details precisely the increase in competition over fresh water from the Nile, Tigris-Euphrates, Jordan, and Indus rivers. Nations from Egypt and Sudan in Africa, and Israel, Syria and Turkey in the Middle East, to India and Pakistan in central Asia regard stable access to water as a pressing national security interest.<sup>34</sup> Klare carefully defends his thesis that water competition will rise during the next several decades by pointing to population increases in regions most dependent on limited water resources.<sup>35</sup> Offering a staggering statistic, he reveals that approximately one-fifth of the world's population

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30. *Id.* at 111.

31. *Id.* at 112-22.

32. *Id.* at 123.

33. *Id.* at 123-26.

34. *Id.* at 138-89.

35. *Id.* at 142-45, 155-58.

receives only two percent of global runoff, and in many areas of the Middle East and Northern Africa runoff levels barely sustain basic human needs.<sup>36</sup>

In the context of competition for water, Klare effectively links resource defense to the exercise of military power, and his use of historical examples and comments by top government officials illustrates this connection. He points to Egyptian President Hosni Mubarek's retort when Sudan recently suggested amending the 1959 Nile Waters Agreement: "Any step taken to this end will force us into a confrontation to defend our rights and life. Our response will be beyond anything they can imagine."<sup>37</sup>

With similar clarity, Klare points to clashes between Israel and its Arab neighbors between 1964-1966 near the Dan Spring and the diversion works on the Baniyas-Yarmuk canal.<sup>38</sup> Similarly, Syria and Iraq nearly came to blows in 1975 when Syria's construction of the Tabqa Dam on the Euphrates River threatened Iraq's access to water. Last-minute diplomatic intervention by Saudi Crown Prince Fahd narrowly averted war.<sup>39</sup> Those nations only resolved their differences when an even greater, mutual threat emerged in 1990, when Turkey cut off the flow of the Euphrates after construction of the Ataturk Dam.<sup>40</sup> While conflicts between Israel and its Arab neighbors come as little surprise and surely have many dimensions beyond resource differences, the other instances Klare discusses provide a clear causal link between water and war. His analysis of timber and mineral resources contains equally powerful examples.

Klare asserts that internal wars like those in Angola, the Congo, and Sierra Leone quickly degenerate into conflicts over resources. The pursuit of diamonds, copper, gold, or timber wealth becomes both the means and the end of conflict. He drives this argument home with a stunning revelation, originally disclosed by the *New York Times*, from the recent internal conflict in Sierra Leone. The July 1999 United Nations (UN) supported peace agreement signed between the Kabbah government and the Revolutionary United Front (RUF) gave the rebel leader Foday Sankoh effective control over the country's diamonds and others minerals. With this wealth, Sankoh acquired new arms and then renewed his attacks on the government. Internal RUF documents later revealed Sankoh smuggled diamonds and "ordered his forces to go on the offensive against U.N. peacekeeping

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36. *Id.* at 145.

37. *Id.* at 158; GREG SHAPLAND, RIVERS OF DISCORD 101 (1997).

38. KLARE, *supra* note 1, at 168-69.

39. *Id.* at 177.

40. *Id.* at 173-79.

forces when he learned that the peacekeepers' leader, General Vijay Kumar Jetly, was preparing to send his troops into the Kono diamond region."<sup>41</sup>

In an equally tragic example, Klare describes the rampant deforestation and the elites' pursuit of vast timber wealth in Borneo. In 1987, the native Penan people issued an ultimatum to stop destroying their forests, and ultimately attempted a desperate defense of their native territory with blowpipes. This resulted in mass arrests, killings, ongoing clashes between government forces and natives, as well as a steady incursion by timber interests into the forests.<sup>42</sup> Pursuit of resources not only provides a financial means to wage war, but the wealth generated from the resources becomes the ultimate object of conflict.

The book concludes with a four-page commentary on "alternatives to war" that unfortunately diminishes the book. After describing meticulously the problem of resource-driven conflicts, Klare offers a solution that amounts to the geopolitical equivalent of joining hands and singing *kumbaya*. He proposes an equitable distribution of the world's existing resource stockpiles in times of scarcity, all governed by yet-to-be-created international institutions.<sup>43</sup> There is absolutely nothing wrong with the United Nations aggressively pursuing cooperative agreements over fossil fuels, water, and mineral resources, but it is fantasy to believe that national and private interests will subordinate themselves to U.N. distribution bodies.

In a society that believes in free markets, one does not find comfort in the control of the world's resources by government at the international level. Who determines when a resource becomes scarce? Will Egypt accept U.N. control of the Nile? Pursuing oil is a complex, multi-corporate, multi-government venture, with profit as a substantial motivation. Will Texaco, British Petroleum or the Saudi Royal Family agree to global sharing? When will these new international bodies step in? How will equitable distribution be achieved? None of these issues are addressed or defended. *Resource Wars* contains valuable insights into potential sources

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41. *Id.* at 201-02; Barbara Crossette, *Sierra Leone Rebel Leader Reportedly Smuggled Gems*, N.Y. TIMES, May 14, 2000.

42. KLARE, *supra* note 1, at 205-06.

43. *Id.* at 223.

of conflict in the new century, but Klare's final commentary on alternatives to war simply pales in comparison to the rest of the book's analysis.

*Resources Wars* establishes a vital causal link in the conflict equation, and the salience of Klare's work is that it demonstrates how this resource connection cuts across regional boundaries and influences both internal and international conflicts. Regrettably, Klare's focus on resource wars as "the most distinctive feature of the global security environment"<sup>44</sup> underestimates other powerful causes of conflict, including ethnic and religious strife, territorial differences, and terrorism. Despite this weakness, *Resource Wars* offers military thinkers worthwhile insight into how regional and global instability may arise from the pursuit of resources. From oil, to water, to minerals, Klare's careful analysis of specific regions and resources justifies a careful reading of *Resource Wars: The New Landscape for Global Conflict*.

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44. *Id.* at 213.



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