

INDIANS AND INSURRECTOS: THE US ARMY'S EXPERIENCE WITH INSURGENCY

by

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Both during the Vietnam War and after, students of 19th-century American military history frequently claimed to see important similarities between whatever campaign they happened to be surveying and the conflict in Indochina. In his 1976 Harmon Memorial lecture, Robert M. Utley, a distinguished historian of the Indian-fighting Army, drew attention to the "parallels with frontier warfare" in the so-called "limited wars" of the nuclear age. Jack Bauer, in his study of the Mexican War, implied much the same thing in a reference to General Scott's operation to secure his line of supply from attack by Mexican guerrillas. Scott's problems, wrote Bauer, were "as complex and difficult as any faced by modern American soldiers who think the problem unique to mainland Asia." I concluded my own book with the observation that a study of the Army's Philippine campaign might provide insight into the solution of similar problems in the 20th century. Underlying all such observations seems to be a belief that the Army had failed to learn as much as it could or should have from its 19th-century counterinsurgency experience.¹

Utley blamed the leaders of "the Indian-fighting generations," civilian and military alike, for the failure of 20th-century counterinsurgency doctrine to "reflect the lessons" of the 19th-century experience. As he observed in his lecture, "Military leaders looked upon Indian warfare as a fleeting bother. Today's conflict or tomorrow's

would be the last, and to develop a special system for it seemed hardly worthwhile."² Alternatively, one might argue that 19th-century experience was absent from 20th-century doctrine because of a lack of attention on the Army's part to its own history of counterinsurgency operations. Only nine lines are devoted to the guerrilla war in the Philippines in the *American Military History* volume of the Army Historical Series, for example.

Probably both interpretations are correct. In the 19th and 20th centuries alike, the Army's leaders do appear to have given insufficient attention to the problems of fighting unconventional wars, but there may be a third and even more important reason why no doctrine of counterinsurgency emerged from the campaigns of the 19th century to serve the purposes of those of the 20th. The Army's efforts against such diverse enemies as the Mexicans, Confederates, Indians, and Filipinos took place in such different contexts and over such a long span of time that whatever common elements might have been present were either too obvious to merit discussion by the officers involved at the time or too hidden from their view to be discerned.

In the Mexican War, American soldiers faced guerrillas in the context of an international war fought between two governments, each of which acknowledged the existence and legitimacy of the other. Although the contest was quite one-sided and

the Mexican government weak and frequently in disarray, the war was a conventional one in which the uniformed forces of each party, fighting in regular formations and pitched battles, carried the major burden of effort on each side. Mexican guerrillas were never more than an annoyance to US forces. The Americans could not ignore them, but the outcome of the war was not dependent on their actions. The Army did an excellent job of keeping Mexican guerrillas under control and preventing them from interdicting American supply lines. It also managed to convince the Mexican population at large that a people's war against the American Army was both unwise and unnecessary. For the United States, however, success in the war came, as one would expect, from the repeated defeat of Mexico's regular forces and the deep penetration of an American Army into the interior of Mexico, seizing the nation's capital as well as its principal port.

As in Mexico, guerrilla activity during the American Civil War drew troops away from front-line units to guard supply lines and garrison posts to the rear, but the war itself was decided by the fortunes of the uniformed forces locked in mortal combat on such battlefields as Shiloh, Antietam, and Gettysburg. Even more important was the wearing down of the Confederacy by the North's overwhelming superiority in both human and material resources, particularly when Sherman projected those resources into the heart of the Confederacy or when Grant threw them relentlessly against Lee's hard-pressed forces in Virginia. As it evolved in the context of the Civil War, guerrilla activity never amounted to more than harassment. Although Virgil Carrington Jones has argued persuasively that "gray ghosts and rebel raiders" operating in northern and western Virginia prevented Grant from implementing his plans for an attack against Richmond for the better part of a year, thus prolonging the war, Jones made no case whatever that such guerrilla activity was in any way decisive. In the end, Grant defeated Lee, and the South surrendered. Only a full-scale people's war, something as abhorrent to many Southern leaders as it was to the Northerners opposing

them, might have had a truly significant effect on events, but that did not happen. The Army's operations against Civil War guerrillas remained, as in Mexico, a sideshow to the real war fought by regular units on the battlefield.

One important difference between the war in Mexico and that in the United States did exist. In Mexico, the United States government did not seek to conquer the entire country, only to make the Mexican government acquiesce in its demands regarding westward expansion into a sparsely populated Mexican territory hundreds of miles from the Mexican heartland. Not threatened by permanent conquest, Mexicans had little incentive to embark on a war of national liberation comparable to that which they launched a decade later against the forces of Maximilian. When the Mexican government admitted defeat, the American Army quickly withdrew, leaving the two belligerents at peace, at least with each other.

The Civil War, however, was not an international conflict between two sovereign states, despite Southern claims to the contrary. Instead, as a war of secession (or rebellion), it raised, for Army officers, significant problems that had not existed in Mexico. Union commanders, for example, were unsure of the treatment to be accorded to prisoners who, under civilian laws, might well be guilty of treason. A more important, though related, problem stemmed from the necessity to fight the war in such a way that reunion could be accomplished. If a people's war of resistance comparable to that faced by

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Napoleon in Spain had emerged in the South, a lasting peace might never have been achieved. Thus, the political problems presented by Confederate guerrillas were much more complex than those facing the Army in the Mexican War.

The Indian Wars present the greatest problem for anyone seeking to generalize about the Army's guerrilla war experience. Although the Indians of North America used guerrilla tactics, they were not really engaged in a guerrilla war. Unlike the guerrillas of Mexico or the Confederacy, they were not part-time soldiers hidden by a friendly but sedentary population. Nor did they act in support of an existing regular army. Instead, they were a primitive people under attack by a host of forces, many of which they only partially understood, and they responded with violence in a sporadic fashion, with no strategic concept to guide their actions. Often they resisted because they had no other acceptable choice, but they fought as nomads or from insecure bases and not, as the Mexicans and Confederates, hidden in the arms of a larger population living behind the lines of their enemies. In the terms of Mao's analogy, the Indian warriors were fish without a sea, easily identified as enemies, if not so readily hunted down.

In his well-known survey of primitive war, anthropologist H. H. Turney-High listed five attributes of what he called "true war": the presence of "tactical operations," "definite command and control," the "ability to conduct a campaign for the reduction of enemy resistance if the first battle fails," a clear motive that is the motive of the group rather than that of an individual member, and "an adequate supply." Applying his criteria to the Indians of North America, one sees that they rarely engaged in "true war." Although most Indian groups possessed a rudimentary knowledge of tactics, they usually lacked discipline and commanders able to exert military control over warriors in the heat of battle. In some tribes, such as the Osage, battle had evolved as a religious ritual in which, according to ethnographer Francis Lee Flesche, the pre-

battle ceremonies and songs could take longer than the battle itself. In most tribes, participation in battle was usually voluntary, making either total mobilization or total war impossible. Similarly inhibiting were the lack of a clear objective, which distinguishes the more complex and longer phenomenon of "true war" from simply a successful battle, and the absence of the ability to sustain a campaign with adequate supplies. Although Indian scouting and intelligence gathering was often superb by Army standards, Indians also relied upon magic to divine enemy intentions or make plans, and the absence of methodical planning was yet another negative feature of the Indian approach to battle. The Indians, widely known for their stealth and ferocity, demonstrated those characteristics in a context that was significantly different from that of a guerrilla war so often attributed to them.

When Indians fought against the Army they fought as warriors. Although tactically they fought as guerrillas, and often displayed tremendous skill in the process, strategically they were not guerrillas. They were not attempting to wear down the enemy by harassment, nor were they in a position to create secure base areas or win over the civilian population living in the heartland of the Army they confronted. They fought as they did because it was the only way they knew to fight, and their success in keeping in the field as long as they did resulted as much from the Army's meager size as from the Indians' prowess as warriors.

Much of the Army's work on the frontier was that of a constabulary. It served eviction notices on Indians and then forcibly removed them when required. If "imprisoned" Indians "broke out" of the reservations, the Army found them and coerced them back. Failing in the latter, it would attempt the equivalent of an arrest, an armed attack to force the Indians to surrender. Indians who raided white settlers, Army posts, or peaceful reservation-Indians engaged in criminal activity, in white eyes at least; and the Army's task was that of the police officer, to track down the guilty parties and bring them back for punishment. Because of the numbers

involved those activities sometimes looked like war, and in a few instances, when entire tribes rose up in arms to fight against the intrusion of the white, it was. Most of the time, however, it was routine though difficult police work.

As the US Army's only military activity between the 19th century's infrequent real wars, the so-called Indian Wars have received far more attention than they deserve. At best, except for a few significant successes, such as that against Custer at the Little Big Horn, the Indians were little more than a nuisance. In the final analysis, one must agree with Robert Utley that the Army was only

one of many groups that pushed the frontier westward and doomed the Indian. Other frontiersmen—trappers, traders, miners, stockmen, farmers, railroad builders, merchants—share largely in the process. They, rather than the soldiers, deprived the Indian of the land and the sustenance that left him no alternative but to submit.⁴

The pressure of an expanding white civilization, not the campaigns of the Army, was the primary reason for the end of Indian resistance. The Indian Wars are both the most extensive and also the least relevant of the Army's 19th-century experiences fighting "guerrillas."

The Army's confrontation with guerrillas in the Philippines differed markedly from all its previous experiences, being much more comparable to the guerrilla wars of national liberation waged after World War II than to any of the Army's earlier campaigns. Unlike the Mexican or the Civil War, the war's outcome would not be decided by the clash of regular forces, and the outcome was not, as in the Indian conflicts, certain from the start. In the Philippines, the United States was engaged in a war of conquest, although Americans both at the time and later have seen fit to hide their actions by referring to the enemy as insurgents, or worse. There could be no insurrection, however, because the United States did not control the Islands when the Philippine-American War began in

1899. The fighting that ensued took place between two organized forces, one representing the government of the United States and the other representing the revolutionary government of the Philippine Republic under the leadership of Emilio Aguinaldo. The conflict began as a conventional war, pitting American regulars and volunteers against the Philippine army that had seized control of the Islands from Spain. Although beginning as a guerrilla force, the army surrounding the Americans in Manila had adopted conventional organization and tactics, planning to engage the American forces in regular combat and hoping to gain international recognition for the Philippine Republic as a result.

When their attempts at regular warfare ended in disaster, the Filipinos shifted to a guerrilla strategy aimed at making an occupation of the Philippines too costly for the Americans and achieving by a political solution what they had failed to achieve through a more conventional military approach. The problems presented by the Filipino strategy were greater than any faced by the Army in its previous confrontations with Indians or true guerrillas. Bent on conquest of the entire Philippines, the United States could not achieve peace and accomplish withdrawal by arranging a partial cession of territory as it had done in Mexico. And because the value of the Islands as a colony resided, at least in part, in the population, policies of removal or extermination were also inappropriate, even had they been acceptable on moral grounds—and, of course, they were not. Filipino numbers and the colonial nature of the conflict thus precluded a solution based on the experience of the Indian Wars. Finally, the Filipino leadership, unlike that of the South in the Civil War, had no reservations about calling their followers into the field in a people's war of prolonged guerrilla struggle. From the Army's point of view, however, the Philippine situation, like that of the Civil War, demanded that the war be fought and ended in a way that would help create a lasting peace.

The tremendous differences in the contexts of the Army's guerrilla war experiences make generalizations difficult, but not impossible. Some uniformities can be discerned, although frequently they are not nearly so important as the differences, a point to be doubly emphasized when one attempts to compare any of the Army's guerrilla war experiences with the war in Vietnam.

The most obvious uniformity is that of guerrilla technique; General George Crook's observation that Apaches "only fight with regular soldiers when they choose and when the advantages are all on their side" might just as easily have been made about Mexican, Confederate, or Philippine guerrillas.⁵ And a Confederate guerrilla leader spoke in terms readily understandable to the other guerrillas confronting the Army during the century when he described his mission against the Yankees as

to hang about their camps and shoot down every sentinel, picket, courier and wagon driver we can find; to watch opportunities for attacking convoys and forage trains, and thus render the country so unsafe that they will not dare to move except in large bodies.⁶

Whether in Mexico, the Shenandoah Valley, the Great Plains, or the Philippines, guerrillas behaved much the same: fleeing from strength, attacking weakness, preying upon small isolated garrisons and poorly defended supply trains, killing the lone sentry or the unwary patrol, living off the land with the aid of their people—and terrorizing those who refused to cooperate or joined with the enemy.

A second uniformity, only slightly less obvious than the first, can be seen in the Army's response to the threat posed by Indian and guerrilla bands. The actions taken to counter them were remarkably similar from place to place over time. Whether the enemy was Mexican, Confederate, Indian, or Filipino, the Army responded eventually with many of the same general techniques of counter guerrilla warfare. To protect supply lines, commanders increased the size of the

guard assigned to supply trains and strengthened garrisons along their routes of march. To facilitate operations against marauding bands and to provide security to populated areas, commanders garrisoned towns and built forts. To hunt down enemy units and force them to disband or be destroyed, the Army sent highly mobile, self-contained units into the field to pursue them relentlessly. Often at a disadvantage because of their unfamiliarity with the terrain or the local population, Army officers enlisted the support of indigenous inhabitants whenever possible. In Mexico, for example, Lieutenant Colonel Ethan Hitchcock obtained the aid of robber Manuel Dominguez and his band, and in the American southwest General George Crook formed units of friendly Apaches to help him find and fight renegades such as Geronimo. In perhaps the most celebrated use of indigenous collaborators, Frederick Funston used a force of Filipino scouts to capture Aguinaldo in his own headquarters in 1901.

The Army was relatively successful in developing methods to deal with the problems presented by hostile Indians and guerrilla bands in the field. A more difficult set of problems emerged, however, regarding the treatment to be accorded guerrilla combatants who had been captured, particularly part-time guerrillas, and the noncombatant population from which the guerrillas derived support. Throughout the 19th century one sees tension between two general policies, one rooted in severity and the other more humane. The frustrations of guerrilla warfare, the ease with which guerrilla bands eluded regular troops when aided by a friendly population, the atrocities committed by irregulars, and a common assumption that guerrillas were not legitimate combatants all worked to push commanders in the field toward a policy of reprisal. But recognition by these officers that their enemies were frequently doing nothing that they themselves would not do in a similar situation, the need to fight and terminate conflicts in a fashion that would bring a lasting peace, and the desire to keep one's humanity even in the midst of barbarous war all supported policies

of conciliation aimed at winning over the opposition by good works rather than fear.

Nineteenth-century customs and laws of war reflected, rather than resolved, these tensions. Although the United States had yet to promulgate any official statement on the laws of war to guide officers during the Mexican War and the early years of the Civil War, by February 1863 Professor Francis Lieber, a noted authority on international law, had drafted a code that was summarized and distributed to the Army on 24 April of that year as General Order No. 100, "Instructions for the Government of Armies of the United States in the Field."⁷ It became the cornerstone of the growing body of international law upon which current practices rest, and by the time of the Philippine-American War it had become the final word for American Army officers on the laws of war.

General Order 100 manifested the tension between the two different approaches to pacification. On the assumption that "sharp wars are brief," the order asserted that "the more vigorously wars are pursued the better it is for humanity." In an 1862 commentary written for General Halleck on the status of guerrilla parties in the laws and customs of war, Lieber concluded that "armed bands" rising "in a district fairly occupied by military force, or in the rear of an army," were "universally considered" to be "brigands, and not prisoners of war" when captured. He also observed that such groups were "particularly dangerous because they could easily evade pursuit, and by laying down their arms become insidious enemies."⁸ His negative view of guerrillas was carried over into General Order 100. Although item 81 of the order stated that properly uniformed "partisans" were entitled to be treated as true prisoners of war, item 82 stated that guerrillas who fought without commissions or on a part-time basis, returning intermittently to their homes to hide among the civilian population, were to be treated "summarily as highway robbers or pirates." Similarly, so-called "armed prowlers" were also denied the privileges of prisoners of war, and all who rose up against

a conquering army were "war rebels," subject to death if captured. As item 4 noted, "To save the country is paramount to all other considerations."

At the same time that it condemned the guerrilla and sanctioned reprisals, however, General Order 100 also recognized that the conduct of officers administering martial law should "be strictly guided by the principles of justice, honor, and humanity." Although military necessity might justify destruction, even of innocent civilians, it did not sanction "cruelty . . . revenge . . . [or] torture." General Order 100 reminded officers that men who took up arms did not cease "to be moral beings, responsible to one another and to God." Unarmed citizens were "to be spared in person, property, and honor as much as the exigencies of war will admit." Retaliation, deemed "the sternest feature of war," was to be used with care, "only as a means of protective retribution" and "never . . . as a measure of mere revenge." As item 28 observed:

Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

Lieber knew that in war the barrier between civilization and barbarism was exceedingly thin, and he provided few opportunities for conscientious soldiers to breach it.

Even before the development of the guidelines set forth in General Order 100, the Army's campaigns against guerrillas had demonstrated both the severity and the humanity evident in Lieber's work. In Mexico, for example, captured guerrillas had been treated as criminals, either killed upon capture or after trial by military commissions. The Army also resorted to more general and collective punishments, including the destruction of villages suspected of harboring irregulars and the assessment of fines against municipalities and their officials to compensate for the destruction done by Mexican guerrilla bands. At the same time,

General Scott and other commanders attempted to convince Mexicans that if they remained at peace, the United States would neither interfere with their customs and religion nor subject them to exploitation.

Civil War soldiers appear to have been guided by the experience of the Mexican War, and many Union officers began the war with the hope that by treating the Confederates leniently they could achieve a swift peace. In the first months of the war, the Army attempted to enforce a conciliatory policy aimed at protecting both the private property and constitutional rights of Confederate civilians. In the winter of 1861, for example, Sherman complained that his men suffered from exposure and short rations while the slaveholders of Kentucky ate fresh food in the warmth of their homes, and Grant said of his march to Missouri that "the same number of men never marched through a thickly settled country like this committing fewer depredations."⁹

The frustrations of trying to counter Southern guerrillas, however, soon led many officers to treat Southerners more severely. In Virginia, for example, General John Pope levied contributions on communities to compensate for damage done by guerrillas. He also decreed that male civilians within his lines take an oath of allegiance or be expelled, threatening them with death if they returned. When Confederate irregulars fired upon Union boats from the banks of the Mississippi, Sherman retaliated by burning a nearby town, and he told Grant that he had

given public notice that a repetition will justify any measures of retaliation such as loading the boats with their captive guerrillas as targets . . . and expelling families from the comforts of Memphis, whose husbands and brothers go to make up those guerrillas.¹⁰

In Missouri, following the 1863 raid on Lawrence, Kansas, by the band of William Quantrill, General Thomas J. Ewing ordered the population removed from four counties and their crops and property destroyed or confiscated. Endorsing his actions, his commanding officer, General John

Schofield, observed that "nothing short of total devastation of the districts which are made the haunts of guerrillas will be sufficient to put a stop to the evil."¹¹ The following year, in Virginia, Grant demonstrated his agreement. Frustrated by Mosby's guerrillas, he ordered Sheridan to send a division "through Loudoun County to destroy and carry off the crops, animals, Negroes, and all men under fifty years of age capable of bearing arms" in an attempt to destroy Mosby's band. "Where any of Mosby's men are caught," Grant told Sheridan, "hang them without trial."¹² Only Mosby's retaliatory execution of some Union soldiers prevented Sheridan from carrying out Grant's order to the letter.

A special case, clearly different from the wars already described, the campaigns against the Indians displayed the same tension between severity and humanity, although in a different context. Officers were frequently appalled by Indian outrages such as those described by Sheridan in an 1870 report to Sherman:

Men, women, and children . . . murdered . . . in the most fiendish manner; the men usually scalped and mutilated, their [] cut off and placed in their mouth [Sheridan's omission]; women ravished sometimes fifty and sixty times in succession, then killed and scalped, sticks stuck in their persons, before and after death.

At times, however, the officers bent on the destruction of a people they saw as brutal savages also expressed a degree of understanding and even admiration. Colonel Henry B. Carrington, who viewed the mutilated bodies of the soldiers killed in the 1866 Fetterman massacre, could still say that had he been a red man, he "should have fought as bitterly, if not as brutally, as the Indian fought." And General Nelson Miles praised the Indians' "courage, skill, sagacity, endurance, fortitude, and self sacrifice," as well as their "dignity, hospitality, and gentleness."¹³

Historian Richard Ellis has concluded that commanders such as O. O. Howard, George Crook, and John Pope were "sincere

and benevolent men performing a difficult job.”¹⁴ Pope observed in 1875 that only “with painful reluctance” did the Army

take the field against Indians who only leave their reservations because they are starved there, and who must hunt food for themselves and their families or see them perish with hunger.¹⁵

Many officers recognized, as did Crook, that hostilities could be prevented if only the Indians were treated with “justice, truth, honesty, and common sense.”¹⁶ But such a humane policy was impossible for the American nation of the 19th century, bent on expansion and development. Soldiers recognized that they had little control over the fate of the Indians; instead, they believed the Indian to be doomed to “extinction” by forces “silently at work beyond all human control.”¹⁷ Given such assumptions, Sherman’s remark in 1868 that “the more we can kill this year, the less will have to be killed the next war” takes on the quality of statement of fact, rather than that of a cruel, unfeeling comment by a soldier committed to waging total war.¹⁸

The pattern in the Philippines at the century’s end had much in common with events both in Mexico and in the Civil War. Many of the officers in the islands—such as General Elwell S. Otis, in command when the war began, and General Arthur MacArthur, his successor—were convinced that the swiftest way to end the war and pacify the population was to demonstrate the benefits of American colonial government; and the Army put considerable effort into establishing municipal governments, schools, and public works projects. Rejecting the concept of total war implied in Sherman’s March to the Sea, most officers in the Philippines, at least initially, seemed to accept the idea put forth by Captain John Bigelow, Jr., in his *Principles of Strategy* that “the maintenance of a military despotism in the rear of an invading army must generally prove a waste of power.”¹⁹

As the frustrations of the guerrilla war increased, however, officers began to either urge upon their superiors in Manila a policy

of greater severity or engage in harsh reprisals without waiting for official sanction. As Colonel Robert L. Bullard wrote in his diary in August 1900:

It seems that ultimately we shall be driven to the Spanish method of dreadful general punishments on a whole community for the acts of its outlaws which the community systematically shields and hides.²⁰

A few months later General Lloyd Wheaton urged “swift methods of destruction” to bring a “speedy termination to all resistance,” claiming it was “no use going with a sword in one hand, a pacifist pamphlet in the other hand and trailing the model of a schoolhouse after.”²¹ Fortunately, General MacArthur recognized the value of the reform programs being implemented by the Army as well as the efforts being made to prevent excesses in the campaign against the guerrillas. Even he was frustrated, however, and, by the end of 1900, sanctioned the enforcement of the most severe sections of General Order 100. In areas where guerrillas and their supporters proved most intransigent, such as Batangas Province, the Army even resorted to population relocation and a scorched-earth policy comparable to that of General Ewing in western Missouri. On the island of Samar the line between retaliation and revenge became blurred beyond recognition for some soldiers.

Atrocities have taken place in virtually all wars, but the frustrations of guerrilla warfare, in which the enemy’s acts of terror and brutality often add to the anger generated by the difficulty of campaigning, create an environment particularly conducive to the commission of war crimes. In almost all such wars one can discover numerous incidents in which counterinsurgents resorted to acts of counterterror, punishment, or revenge that fell clearly outside the relatively severe actions sanctioned by 19th-century laws of war.

During the Civil War, reprisals sometimes went well beyond those sanctioned by the laws of warfare. Robert Gould Shaw, for example, witnessed the “wanton destruction” of Darien, Georgia, in 1863, an act that made him ashamed to be an officer of the

Union force that committed the act.²² According to Shaw, the city was destroyed for no apparent reason other than his commander's desire to subject the Southerners to the hardships of war. As described by Shaw, it was an act of pure revenge and a war crime. In other instances, when the enemy was perceived as savage, the Army's actions could be even more severe, as exemplified by Custer's 1868 attack of Black Kettle's Cheyenne camp on the bank of the Washita. The men of the 7th Cavalry destroyed numerous Indians (including women and children), the camp's tepees (thus denying the survivors food and winter robes), and 875 Indian ponies.

Stories of atrocities would become the hallmark of the Philippine campaign. No history of that war is complete without a description of the "water cure," in which unwilling suspects were seized and their stomachs forcibly filled with water until they revealed the hiding place of guerrillas, of supplies, or of arms—or, as happened on occasion, until they died. The more frustrating the campaign became, the more frequently the Americans crossed the line separating the harsh reprisals sanctioned by General Order 100 from such crimes of war as torture and wanton destruction.

Although often quite harsh, the Army's 19th-century response to problems of guerrilla warfare was, in general, based upon the existing laws of war. Widely publicized, of course, have been the deviations from those laws that took place. In virtually every conflict, officers and men alike committed atrocities, such as shooting prisoners or noncombatants, or torturing people suspected of withholding information. Significantly, despite the tendency of those committing such acts and of their supporters to plead the extenuating circumstances of barbarous guerrilla war as a defense, few people accepted their argument that no crime or breach of the laws of war had been committed.

The conclusion that American soldiers in the 19th century made an effort to fight guerrillas within the context of a set of legal and moral restraints would not be

particularly significant were it not for the tremendous contrast presented by current counterinsurgency campaigns. In places as remote from each other as El Salvador and Afghanistan, one sees an acceptance of widespread and seemingly indiscriminate terror against civilians as a primary technique for dealing not only with insurgents and their supporters, but with the uncommitted as well. At present, the laws of war are frequently ignored, and war against potential as well as actual insurgents is fought with a barbarity associated more with the likes of Attila the Hun than the soldiers of supposedly civilized nations.

For American soldiers not yet directly involved in this wholesale assault on the laws of war and humanity, the contrast between the attitude of many American officers in the 19th century and that evident in a number of foreign armies at present, particularly in Latin America, highlights a moral problem of immense proportions. That American officers are not unaware of the problem has been demonstrated by events such as the 1980 West Point symposium on "War and Morality." At that gathering, Professor Michael Walzer spoke of "two kinds of military responsibility," and his approach to the subject had much more in common with the views held by most 19th-century military officers than those exhibited by many of the world's soldiers currently engaged in counter-guerrilla warfare. In language that Francis Lieber would have readily endorsed, Walzer observed that the military officer "as a moral agent" has a responsibility beyond that upward to the officers over him and downward to the soldiers under him. He also has a responsibility "outward—to all those people whose lives his activities affect."²³ In the 19th century, Walzer's second kind of military responsibility was accepted by American officers as they attempted to defeat guerrillas without sinking to the level of barbarity that is now deemed "indispensable."²⁴

Today, if US Army officers fail to give careful attention to the moral problems inherent in warfare against determined guerrilla forces, they may find themselves drawn more into the inhumane form of

contemporary counterinsurgency practiced by communists and capitalists alike. To avoid such a fate, they must continue to ask themselves what at first glance seems to be a very 19th-century question. In countering insurgents, they must ask—in the moral sense of these words (a sense not commonly brought to bear in gauging the potential effectiveness of military operations)—what response is *right, good, and proper*. To do less is to risk the loss of their humanity as well as any claim to be defending a government based upon the rule of law.

NOTES

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7. See *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington: GPO, 1880-1901), Series III, Vol. 3, pp. 148-64, for a copy of General Order 100.
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17. *Ibid.*, p. 55.
18. Russell F. Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (New York: Macmillan, 1973), p. 160.
19. John Bigelow, *The Principles of Strategy*, rev. ed. (Philadelphia: J. B. Lippincott, 1894), pp. 263-64.
20. Robert Lee Bullard, Diary, 17 August 1900, Robert Lee Bullard Papers, Library of Congress, Washington, D.C.
21. Wheaton's endorsement, 11 January 1901, on J. M. Thompson to Adjutant General, 4 January 1901, "Diary of Events, 12-30 Jan., 1901" AGO 369140, Records of the Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.
22. Robert Gould Shaw in Henry Steele Commager, ed., *The Blue and the Gray: The Story of the Civil War as Told by Participants* (Indianapolis: Bobbs-Merrill, 1950), p. 497.
23. Michael Walzer, "Two Kinds of Military Responsibility," *Parameters*, 11 (March 1981), 45.
24. "Indispensable" was the word used by a French colonel to describe the importance of torture in the Algerian campaign. See Peter Paret, *French Revolutionary Warfare from Indochina to Algeria: The Analysis of a Political and Military Doctrine* (New York: Praeger, 1964), p. 69.

