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Two Letters from Ike: Military Necessity and Cultural Property Protection

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Damage to historic buildings and objects has been an omnipresent aspect of conflict from the earliest periods. This damage can take many forms and may be carried out deliberately or accidentally. It would include, at one extreme, the deliberate targeting and destruction of important historic or cultural sites, but perhaps more often might consist of accidental damage, petty vandalism, looting or simply neglect. The reasons for such damage are equally diverse. It could be caused because of ignorance of the site's importance or even existence, so would not have been carried out if the identity had been known. It could be that targeting or a particular weapons system goes awry, and munitions intended for one area accidentally damages an adjacent historic building. Careless manoeuvring of armoured vehicles and the like in narrow streets can also, of course, cause accidental damage. Where sites are destroyed deliberately, often a mixture of motives, reasons and/or excuses might be used. Destroying one of an enemy's iconic buildings (or cities, if we think of the Blitz[1] and raids such as Dresden[2]) could be thought to lower an enemy's morale and make them less willing to fight. It might be seen as a retaliation for previous losses or "atrocities" (again, Dresden). However, it could also be carried out in an attempt to deliberately destroy a state, culture, ethnographic group or race – a part of "ethnic cleansing", where not just the people, but their whole culture is obliterated. Recently, we have seen what might be a new form of cultural property destruction – the "spectacular", carried out by ISIS and related groups. Here, significant historical buildings and sites are destroyed for the television cameras with the aim (some might say almost sole aim) of getting publicity for the terrorist group and their agenda. Further examples of destruction and motives are given in another paper in this volume[3].

However, there is another reason for the deliberate destruction of a historic building. A significant number of such buildings occupy key positions in cities or in the landscape. Some were sited there for exactly that reason – they wanted to see and be seen. As such, if fortified by enemy troops and defended, they represent a significant military problem. If stoutly defended, it will be necessary to dislodge the defenders by force, and the building itself, giving them cover and

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concealment, will be, literally, in the firing line. Hence sometimes there will be a military necessity to destroy significant, even iconic, historic sites and buildings. This short paper considers the advice given by General Dwight D. "Ike" Eisenhower[4], to his commanders about his view on military necessity. It is relevant now because the same discussion is ongoing, especially with the recent ratification by the UK of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

The Order Letters

This paper discusses two order letters sent by Eisenhower in December 1943 and May 1944. They both had wide circulation and are preserved in more than one copy. The copies used in this paper are viewable online on the excellent US national Archive website and feature in one of their blogs[5]. It is perhaps unlikely that Eisenhower wrote the letters himself, they were most likely at least drafted for him (as discussed below), but it is reasonable to expect that they reflect his view on the matter, as well as that of command policy in general.

Order Letter, 29 December 1943[6]

CONFIDENTIAL

ALLIED FORCE HEADQUARTERS
Office of the Commander in Chief

AG 000.4-1
29 December 1943

SUBJECT : Historical Monuments

TO : All Commanders

Today we are fighting in a country which has contributed a great deal to our cultural inheritance, a country rich in monuments which by their creation helped and now in their old age illustrate the growth of the civilisation which is ours. We are bound to respect those monuments so far as war allows.

If we have to choose between destroying a famous building and sacrificing our own men, then our men's lives count infinitely more and the buildings must go. But the choice is not always so clear-cut as that. In many cases the monuments can be spared without any detriment to operational needs. Nothing can stand against the argument of military necessity. But the phrase "military necessity" is sometimes used where it would be more truthful to speak of military convenience or even of personal convenience. I do not want it to cloak slackness or indifference.

It is the responsibility of higher commanders to determine through A.M.G. Officers the locations of historical monuments whether they be immediately ahead of our front lines or in areas occupied by us. This information passed to lower echelons though the normal channels places the responsibility on all Commanders of complying with the spirit of this letter.

DWIGHT D. EISENHOWER
General, U. S. Army,
Commander-in-Chief.

DISTRIBUTION: "C"

The first letter from Eisenhower is dated 29 December 1943. Operation HUSKY, the allied invasion of Sicily started on 10 July and the invasion of the Italian mainland at Taranto (SLAPSTICK) and Salerno (AVALANCHE) began on 9 September. SHINGLE, the landings at Anzio, would begin just a few weeks later on 22 January 1944. The Allies, with Eisenhower as C-in-C (appointed only the

week before), were therefore fighting their way through Southern Italy. Eisenhower was in Tunis on Christmas Day and back in Italy soon after that. Interestingly, on the same day he wrote this letter he responded to other correspondence, one of which was related to the high-profile incidents in which General George S. Patton had slapped and abused two private soldiers who were hospitalised with "battle fatigue"[7].

The Historical Monuments letter had a very wide distribution – "All Commanders" - and the first paragraph sets the context of fighting in Italy and a brief illustration of the importance of the monuments there. He is clear, "we are bound to respect" but immediately qualifies it "so far as war allows". This is an interesting choice of phrase – not "as far as possible", or even "feasible" or "practical". The first line of the second paragraph conveys very clearly his intention, in slightly colloquial language. It is the essence of the letter and the line that any reader will take away in their memory – if the choice is between a famous building and allied soldiers' lives, "the buildings must go". It is interesting that this is said first – the most important part of his message – lives come first. The rest of the paragraph ensures no commander might think he had c*arte blanche* for destruction, it very clearly states that military necessity is paramount, but distinguishes this from "convenience". The final paragraph tells the commanders how they will know when important sites are in, or close to, their area, with A.M.G. officers ("Allied Military Government for Occupied Territories", sometimes also abbreviated to AMGOT) forwarding information "through the normal channels".

The letter is very brief and very direct and clear. No-one could doubt the intention of the C-in-C in this matter. It has been suggested that Sir Leonard Woolley, the archaeologist had drafted this letter.[8] Sir Leonard, known for the excavations at Ur of which T.E. Lawrence also played a part, later saw both men working together within the Intelligence Branch during the Great War. Re-commissioned in the same role at the beginning of WW2, he was subsequently appointed archaeology advisor to the British War Office in November 1943 and was active within the MFAA[9]. He may have drafted this, but the language of the letter is interesting with the English not being perfect – note that the main text contains not a single comma, although in places (especially the third paragraph) it really needs it. Perhaps something was "lost in translation".

Order Letter, 26 May 1944[10]

SECRET

AG(SHAEF/G-5/751)
26TH May 1944

SUBJECT: Preservation of Historical Monuments

TO: G.O.C. in Chief 21 Army Group
Commanding General, 1st U.S. Army Group
Allied Naval Commander, Expeditionary Force,
Air C-in-C, Allied Expeditionary Force

1. Shortly we will be fighting our way across the Continent of Europe in battles designed to preserve our civilization. Inevitably, in the path of our advance will be found historical monuments and cultural centers which symbolise to the world all that we are fighting for.

2. It is the responsibility of every commander to protect and respect these symbols whenever possible.
3. In some circumstance the successes of military operation may be prejudiced in our reluctance to destroy these revered objects. Then, as at Cassino, where the enemy relied on our emotional attachments to shield his defence, the lives of our men are paramount. So, where military necessity dictates, commanders may order the required action even though it involves destruction of some honoured site.
4. But there are many circumstances in which damage and destruction are not necessary and cannot be justified. In such cases, through the exercise of restraint and discipline, commanders will preserve centers and objects of historical and cultural significance. Civil Affairs Staffs at higher echelons will advise commanders of the locations of historical monuments of this type, both in advance of the front lines and in occupied areas. This information, together with the necessary instructions, will be passed down through command channels to all echelons.

DWIGHT D. EISENHOWER
General, U. S. Army

Copies to:
The Under Secretary of State, The War Office,
Commanding General, European Theater of Operations , U.S. Army (copies for FECZ)
The Under Secretary of State, The Air Ministry,
The Secretary, The Admiralty

The second letter is similar in many ways to the first. The classification is increased, from CONFIDENTIAL to SECRET, reflecting the fact that it concerns the upcoming invasion of Europe – OVERLORD – which would begin less than two weeks later. The circulation is more restricted and at the top level, sent to the military[11] head of air, sea and land and copied to their civilian counterparts. The first paragraph very much recalls the scene setting of the 1943 letter equivalent – monuments symbolising "what we are fighting for". Again the first line of the second paragraph contains that very clear message – every commander must protect these "symbols". However, it is paragraph 3 that is the most interesting. Here, "Cassino" is referred to. This is the severe fighting on the Gustav Line, south of Rome, especially around the medieval Benedictine Abbey of Monte Cassino. This culminated on the morning of the 15 February 1944 with the bombing and destruction of the Abbey. This was a controversial attack, and remains so to this day, especially as to whether this was militarily "necessary". However, it is a very brave armchair academic who criticises a field commander's decision in the heat of battle and after substantial allied losses. It has become a symbol of cultural property destruction and Eisenhower is using it as that in this letter. He uses it as a definition of military necessity – it shielded the defence, and his soldier's lives were "paramount". Perhaps significantly, the destruction of Monte Cassino was filmed. It was a bright clear day and being high on a crest the film of the bombing is stunning, even now.[12] The film was released by Pathe News on 28 February 1944 and widely seen. At least part of the fame of this bombing attack and the vilification it later received is down to the highly visual destruction. To this extent it is similar to recent ISIS attacks, infamous again because they are so easily and widely watched – the power of the visual, and especially moving, image.

The final paragraph of the 1944 letter echoes the second half of the 1943 message. After the very explicit instruction of paragraph 3 that "honoured" sites may be destroyed "where military necessity dictates" (defined as where allied soldiers lives will otherwise be lost), there is warning for "restraint and discipline". The final line is to all intents and purposes identical to the administrative instructions that end the 1943 letter.

Comparing and learning

The two letters are similar and have the same purpose, however, there are some subtle differences. The first is much more informal – "buildings must go", "cloak slackness", it is more lively and engaging, despite the casual punctuation. The second is more formal, "restraint and discipline" not "slackness", and sites are "honoured". This might reflect the audience intended – the first to "All Commanders" is perhaps more appropriate for a military audience, whereas the second, copied as it is to senior politicians, perhaps has that audience more in mind. What is striking about both letters is the clarity with which they express themselves. Eisenhower needs to get across that monuments are to be protected and respected, but there is a clear limit. The limit is forcefully spelled out in the 1943 letter – allied lives come first, and not just first, they are worth "infinitely more". However, Eisenhower is saying, do not use this as an excuse for careless destruction. "The lives of our men are paramount", but "damage and destruction [that is] not necessary […] cannot be justified".

The 1954 Convention today

On 23rd February 2017, the Cultural Property (Armed Conflicts) Act passed through parliament and received royal assent. See the paper by Stone in this volume for further details. The 1954 Hague Convention was ratified and passed into force in December of the same year[13]. The Hague convention places limits, constraints and obligations on armed forces engaging in warfare. It requires those armed forces to protect, safeguard and have respect for the cultural property of the area in which conflict is occurring, and during subsequent occupation[14]. Parties must "[refrain] from any use of the property […] for its protection […]; and [refrain] from any act of hostility, directed against such property" (Article 4.1). In other words, historic buildings and other sites cannot be used defensively or attacked in any way that is likely to damage them. There is only one exception to this, protection can be "waived only in cases where military necessity imperatively requires such a waiver" (Article 4.2). This is further outlined in Article 11.2, which is worth quoting:

> 2. Apart from the case provided for in paragraph 1 of the present Article [where a building loses its protection under the Convention because it is used defensively], immunity shall be withdrawn from cultural property under special protection only in exceptional cases of unavoidable military necessity, and only for such time as that necessity continues. Such necessity can be established only by the officer commanding a force the equivalent of a division in size or larger. Whenever circumstances permit, the opposing Party shall be notified, a reasonable time in advance, of the decision to withdraw immunity.

Once again, the phrase "military necessity" is used – in this case "exceptional cases of unavoidable military necessity" – the adjectives used are significant and suggest the proposed rarity of such exceptions. The language of the whole Convention is reminiscent of that used by Eisenhower, and now that it has passed into UK law, the Armed Forces will once more have to consider what "military necessity" is, just as Eisenhower did. This is a debate that will go on, as an operational Army commander commented to the authors, how many lives is he expected to risk, to guard "a pile of stones"? This is not a casual statement; it is a very real problem that the armed forces will have to face. The ratification of

the Hague Convention by the UK will result in the military being put into harm's way to protect sites. Operational decisions will be changed based on new factors. However, the key to this is whether the commander on the ground knows clearly what their commanders interpret as "military necessity". Eisenhower made this quite clear, with his brevity and clarity: "our men's lives count infinitely more". It remains to be seen how the Hague Convention will be put into action on the ground, and how the concept of military necessity is interpreted in modern conflicts.

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[1] German bombing offensive in 1940 and 1941, badly damaging civilian areas of London and many other British cities.
[2] British/American bombing raid from 13-15 February 1945, largely destroying the exquisite baroque city of Dresden, Saxony.
[3] Winton and Shortland, this volume.
[4] Supreme Commander of the Allied Expeditionary Force (SHAEF), 1944-45.
[5] https://text-message.blogs.archives.gov/2014/02/10/general-dwight-d-eisenhower-and-the-protection-of-cultural-property/
[6] Letter, Gen. Dwight D. Eisenhower, December 29, 1943, File: CAD 000.4 (3-25-43) (1), Sec. 2, Security Classified General Correspondence, 1943-July 1949, General Records, Civil Affairs Division, Records of the War Department General and Special Staffs, RG 165.
[7] A Chandler, et al, 1970, The papers of D Eisenhower, the war years, vol III, Johns Hopkins Press, 1636-7.
[8] According to Theodore Sizer, an early proponent of monument protection. In I.D.Brey, 2009, The Venus Fixers, Picador, 83.
[9] Monuments, Fine Arts and Archives programme, which was part of AMGOT's responsibilities, better known as "The Monument Men".
[10] Memorandum, Dwight D. Eisenhower, May 26, 1944, File: 751,Numeric File Aug 1943-July 1945, Records of the Secretariat, Records of the G-5 Division, General Staff, Supreme Headquarters Allied Expeditionary Forces (SHAEF), Allied Operational and Occupation Headquarters, World War II, RG 331.
[11] The military addresses are interesting. In addition to air and naval commanders, two land army groups are mentioned. 21 Army Group was commanded by Montgomery and was the land forces that would be deployed in OVERLORD. 1st US Army Group (sometimes also called FUSAG) was composed of a real Army and elements of a fictitious unit, designed as part of the deception plan to convince the Germans that the invasion would be in Pas de Calais, not Normandy. Gen., Omar Bradley was the commander of the real FUSAG, but to keep the allusion of the notional one in play, it was nominally commanded by Patton, who was temporarily unemployed as a punishment for the slapping incident described earlier.
[12] It can be viewed on www.britishpathe.com, and is highly recommended, including the justification of the attack by the Benedictine Abbott – which is hardly a ringing endorsement.
[13] See https://ukblueshield.org.uk and the paper by Peter Sone in this volume for more detail.

[14] The full details of the Convention can be found on the UNESCO website. Note the words used especially “protect” and “respect” are exactly those used by Eisenhower in his 1944 letter.

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