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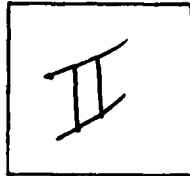
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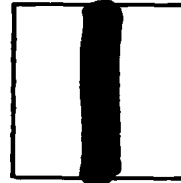
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INVENTORY

Article III of the Code of Conduct

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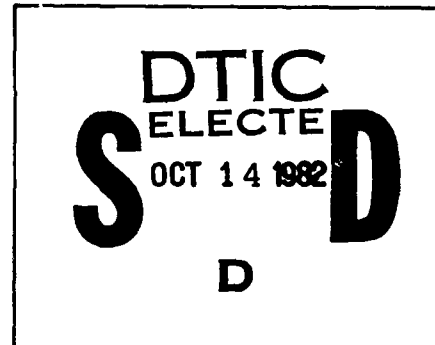
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STAFF STUDY

Article III of the Code of Conduct

Maj J. O. Sommercamp, ^{John} USAF 16 November 1973

ABSTAINER

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TITLE OF STAFF STUDY: Article III of the Code of Conduct

PROBLEM STATEMENT: To determine if Article III, Code of Conduct, to include implementing instructions should be modified.

ASSUMED POSITION: Action Officer in JCS, J-5, Special Studies Group

ABSTRACT

Article III of the Code of Conduct was promulgated by Executive Order over eighteen years ago. DoD implementing instructions are nine years old. Both are considered moral law for all military personnel but appear to be too idealistic in their approach. Discussions with eight recently released Air Force Prisoners of War (PWs) attending Class 54, Armed Forces Staff College, validated this hypothesis and further emphasized that interpretation of Article III should be a function of the PW situation.

It is recommended that Article III be modified, that implementing instructions be revised to agree with the changes, that policy be established delegating authority for interpretation to the legitimate PW command structure, and that a Defense Advisory Committee be formed to review the entire code.

Name SOMMERCAMP, J. O.		Rank/Service MAJ/USAF	Account Number 235
Class 54	Seminar Number 3	Date Submitted 16 November 1973	Classification of Study UNCLASSIFIED

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ARTICLE III OF THE CODE OF CONDUCT

THE PROBLEM

1. To determine if Article III of the Code of Conduct to include
implementing instructions should be modified:
 - "If I am captured I will continue to resist by
all means available. I will make every effort
to escape and aid others to escape. I will
accept neither parole nor special favors from
the enemy."*

FACTS BEARING ON THE PROBLEM

2. The Code of Conduct for members of the U. S. Armed Forces was
prescribed by President Eisenhower in Executive Order 10631,
August 17, 1955, and implemented by Department of Defense (DoD)
Directive 1300.7, July 8, 1964, (Enclosure B). These two actions
were the culmination of an investigation conducted by the U. S.
Defense Advisory Committee on Prisoners of War, a group organized
in the public interest by the Secretary of Defense to study the PW
situation during the Korean conflict.**
3. The Executive Order and DoD Directive are law for all military
personnel. Sanctions to punish violators are contained in specific
articles to the Uniform Code of Military Justice (UCMJ).***

*U. S. Defense Advisory Committee on Prisoners of War, POW ... the fight continues after the battle ... (Washington: U. S. Government Printing Office, August, 1955), p. 20.

**Ibid., p. 2.

***Major Elizabeth R. Smith, "The Code of Conduct in Relation to International Law," Military Law Review, Vol. 31, January 1966, pp. 88-89.

4. The Geneva Convention, 1949, provides for the treatment of
Prisoners of War. Under Article 82, PWs are subject to the laws,
regulations and orders of the detaining power, and they may be sub-
ject to judicial or disciplinary measures by that power if these
laws, regulations or orders are violated.*

5. The Department of Defense has decided not to prosecute, under the
UCMJ, any returning Southeast Asian PWs for code infractions.**

6. The senior American prisoner, Air Force Brigadier General John P.
Flynn, urged all former PWs to adopt a "forgive-and-forget" policy
with regard to apparent code violations.*** All pending charges
filed by returning PWs against their fellow captives have been
dropped by the Pentagon.****

DISCUSSION

7 The code was developed in 1955 from general considerations which
produced an idealistic vehicle to govern American prisoners of war.
Consequently, Article III is based on the premise that "the fight
is everywhere".

8. Current thinking in the United States appears to require that a
more pragmatic approach to Article III should be adopted and indicates
that the PW organization or society should have the right of self-
determination within existing military law. The opinions of eight
recently returned Air Force PWs validated this reasoning. All those

*Ibid., p. 91.

**"Measuring Up to the Code of Conduct," ARMY, Vol. 23, August, 1973,
p. 3-4.

***"Navy to Drop Charges Against 2 Ex-POWs," Virginian-Pilot,
September 27, 1973, p. C10.

****NBC Nightly News with John Chancellor, October 5, 1973.

interviewed agreed that Article III appears too idealistic as written. 1
A majority also believed that each PW camp is unique, and, consequently, 2
the recognized chain of command should possess the necessary authority 3
to interpret Article III as dictated by the existing situation. 4

9. Analysis of Article III reveals the following: 5

a. The resistance clause as implemented by DoD Directive 1300.7 6
contradicts common sense as well as existing international law. 7

b. The escape section, if strictly followed, requires that the 8
PW assume too great a personal risk compared with the gains to be 9
derived. 10

c. The parole portion conflicts with existing military law and 11
fails to reflect practical experience. Further, the term parole is 12
too ambiguous. 13

10. For additional discussion, see Enclosure C. 14

CONCLUSIONS

11. Article III appears too idealistic as written. The resistance 15
and parole clauses are inconsistent with existing laws and do not 16
emphasize common sense and practical experience, while the escape 17
phrase requires that the PW assume too high a degree of personal 18
risk. 19

12. Authority should be delegated to the legitimate PW command 20
structure for Article III interpretation. Experience indicates that 21
an interaction process within the PW society is the pacing factor for 22
leadership decisions which ultimately are the responsibility of the 23
senior ranking military officer or his delegated representative. 24

RECOMMENDATIONS

13. Recommend that: 1
- a. Article III be modified to represent a more realistic 2
approach (Enclosure E), DoD implementing instructions be revised to 3
agree with the changes (Enclosure F), and a Defense Advisory 4
Committee be appointed to review the need for modifying the entire 5
code. 6
- b. The memorandum at Enclosure A, which supports recommenda- 7
tion a. above, be submitted to the Director of the Joint Staff. 8


JOHN O. SOMMERCAMP
Major, USAF
JCS Action Officer
Special Studies Group, J-5

ENCLOSURES:

- A - Proposed Memorandum for the Director of the Joint Staff
B - Executive Order Number 10631 and DoD Directive 1300.7, July 8, 1964
C - Additional Discussion
D - USAF Former PW Interviewees
E - Code of Conduct, Article III (Modified)
F - DoD Directive 1300.7, July 8, 1964 (Revised)

ENCLOSURE A

(date)

MEMORANDUM FOR: Director of the Joint Staff

SUBJECT: Article III of the Code of Conduct

1. The J-5 has reviewed and approves a Staff Study which addresses modification of Article III of the Code of Conduct (Enclosure 1).
2. Recommend that the Director of the Joint Staff forward the study to OSD for appropriate action.

Director, J-5

ENCLOSURE

Staff Study, Article III of the Code of Conduct

ENCLOSURE B

EXECUTIVE ORDER

10631

CODE OF CONDUCT FOR MEMBERS OF
THE ARMED FORCES OF THE UNITED STATES

By virtue of the authority vested in me as the President of the United States, and as Commander in Chief of the Armed Forces of the United States, I hereby prescribe the Code of Conduct for Members of the Armed Forces of the United States which is attached to this order and hereby made a part thereof.

Every member of the Armed Forces of the United States is expected to measure up to the standards embodied in this Code of Conduct while he is in combat or in captivity. To ensure achievement of these standards, each member of the Armed Forces liable to capture shall be provided with specific training and instruction designed to better equip him to counter and withstand all enemy efforts against him, and shall be fully instructed as to the behavior and obligations expected of him during combat or captivity.

The Secretary of Defense (and the Secretary of the Treasury with respect to the Coast Guard except when it is serving as part of the Navy) shall take such action as is deemed necessary to implement this order and to disseminate and make the said code known to all members of the Armed Forces of the United States.

Dwight D. Eisenhower

THE WHITE HOUSE
August 17, 1955



July 8, 1964
NUMBER 1300.7

ASD(M)

Department of Defense Directive

SUBJECT Training and Education Measures Necessary to Support
the Code of Conduct

- References: (a) Executive Order 10631, "Code of Conduct for
Members of the Armed Forces of the United
States," 17 August 1955
(b) Secretary of Defense Memorandum to the
Secretaries of the Military Departments,
subject as above, 18 August 1955 (hereby
cancelled)

I. PURPOSE

This Directive establishes policies and procedures and provides basic guidance for the development and execution of training, including instructional material, in furtherance of the aims and objectives of the Code of Conduct for Members of the Armed Forces. (reference (a))

II. CANCELLATION

Reference (b) is hereby cancelled and superseded.

III. APPLICABILITY AND SCOPE

This Directive and reference (a) are the basic policy documents for the subject instruction. The Code of Conduct is applicable to all members of the Armed Forces at all times.

IV. OBJECTIVES

The objectives of this Directive are to insure that:

- A. The Military Departments maintain energetic, uniform, and continuing training programs in behalf of the Code of Conduct, including training whereby individuals are taught to resist under the varying degrees of hostile interrogation.

Jul 8, 64#
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B. All training programs in support of the Code of Conduct inculcate in each member of the Armed Forces:

1. A clear and uniform understanding of his obligations, responsibilities, and the behavior expected of him in combat or captivity.
2. A positive and unswerving acceptance of, belief in, and devotion to the spirit and letter of the Code of Conduct, and the recognition that the Code is a binding military obligation.
3. An unqualified determination and belief in his ability to oppose and defeat physically, mentally, and morally all enemy efforts against him, his fellow Serviceman, and his country during peacetime, combat, or captivity.
4. A confidence in his ability to deny information and to resist enemy interrogation, exploitation and indoctrination.

C. There is a consistency in all Department of Defense Code of Conduct training programs and training materials.

V. POLICIES

- * The President of the United States in promulgating the Code of *
* Conduct stated as follows: *
- * "No American prisoner of war will be forgotten by the *
* United States. Every available means will be employed *
* by our government to establish contact with, to support *
* and to obtain the release of all our prisoners of war. *
* Furthermore, the laws of the United States provide for *
* the support and care of dependents of members of the *
* armed forces including those who become prisoners of *
* war. I assure dependents of such prisoners that these *
* laws will continue to provide for their welfare." *
- A. The basic policy governing all Code of Conduct instruction and instructional material will be to develop in every member of the Armed Forces a positive attitude that he can and must oppose and defeat absolutely, mentally, and physically, any enemy of his country. To encourage this positive attitude, the central theme of all instruction will feature:
1. Article I - "I am an American fighting man I am prepared to give my life"
 2. Article II - "I will never surrender"
 3. Article VI - "I will never forget I am an American, responsible for my actions"
- * B. All training programs will impress upon every man that prisoner *
of war compounds (POW status) are in many ways but an extension of *
the battlefield, and that the inherent responsibilities of rank *
and leadership, military bearing, order and discipline, teamwork *
and devotion to fellow Servicemen, and the duty to defeat any *
enemy of our country remain. To sustain a positive attitude under *
conditions of captivity, this instruction will emphasize:
1. Article III - "I will continue to resist I will make every effort to escape."

Jul 8, 64
1300.7

2. Article IV - "I will keep faith with my fellow prisoners If I am senior, I will take command"
 3. Article V - "I am bound to give only name, rank, Service number, and date of birth I will evade answering further questions" "I will make no oral or written statements"
- C. Defeatist treatises, writings, and materials will not be used in training programs. On the contrary, the many examples of successful and heroic resistance should be held up as ideals, and will be the focal points of instruction and training on this subject. Such examples should be taken predominantly from our own country's history.
- D. Training in the Code of Conduct will be initiated without delay upon entry of an individual into the Armed Forces and continue throughout his military career, providing periodic and progressive indoctrination appropriate to his increasing rank and leadership responsibilities.

VI. GUIDANCE TO BE USED IN DEVELOPMENT OF TRAINING PROGRAMS AND INSTRUCTIONAL MATERIAL IN SUPPORT OF THE CODE OF CONDUCT

Guidance is set forth in Inclosures 1 and 2.

VII. RESPONSIBILITIES

- A. The Assistant Secretary of Defense (Manpower), in coordination with the Secretaries of the Military Departments will insure that all joint training materials conform with the above policies and the guidance contained in the inclosures hereto.
- B. The Secretary of each Military Department will develop training programs and instructional materials in support of this Directive, and will establish a system of exchanging experiences and materials related to the Code of Conduct in furtherance of coordination and improvement of knowledge.

VIII. RECORDS

Receipt of instruction in the Code of Conduct will be recorded in the records of each serviceman.

IX. IMPLEMENTATION AND EFFECTIVE DATE

This Directive is effective upon publication. Two copies of implementing instructions will be forwarded to the Assistant Secretary of Defense (Manpower) within ninety (90) days.

Cyrus Vance

Deputy Secretary of Defense

Inclosures - 2

1. Guidance for Development of Training Programs and Instructional Material in Support of the Code of Conduct
2. Guidance for Instruction in Each Article of the Code of Conduct

GUIDANCE FOR DEVELOPMENT OF TRAINING
PROGRAMS AND INSTRUCTIONAL MATERIAL
IN SUPPORT OF THE CODE OF CONDUCT

I. TRAINING PROGRAMS

A. Resistance to interrogation, indoctrination, and exploitation will be developed and hardened by expanding the individual's understanding of the following subject areas:

- (1) The basic truths and advantages of our democratic institutions.
- (2) The moral fiber provided by religious convictions.
- ✓ (3) National, military, and unit history and traditions.

B. Each Serviceman will be instructed:

- (1) How to avoid capture, evade detection, and survive when operating in an enemy territory.
- (2) In what to expect from his captors should he have the misfortune to be captured, and how to concentrate all his resources toward escape by himself and others.
- (3) In enemy interrogation methods and techniques.

This instruction should:

- (a) Include description of the adverse physical and mental conditions under which these methods and techniques are effected.
- (b) Explain how resistance can be accomplished under the varying interrogation techniques and degrees of coercion which may be utilized by an enemy in order to assure the Serviceman's ability to adhere to the provisions of subparagraph (c) below.
- (c) Explain that dogmatic refusal to answer a question of an interrogator with: "I will not answer your questions;" "I will not say anymore;" "My orders are to give my name, rank, Service number, and date of birth; I will not give you anything else;" or to claim inability to think, to claim ignorance, to claim inability to talk, and to claim inability to comprehend, constitute adherence to name, rank, Service number, and date of birth.

This instruction will be so explicit that each serviceman understands:

1. The consequence of not holding to name, rank, Service number, and date of birth.
2. That the wording of Article V of the Code of Conduct providing that the individual will evade answering questions beyond name, rank, Service number, and date of birth "to the utmost of my ability," is binding on all military personnel. It is a principle that once a man is placed in a position where it is beyond his ability to resist answering further questions, further responses are made entirely on his own responsibility.
- (4) In Prisoner of War Camp Organization, to include a need for overt and covert systems of organization; the physical and mental aspects of captivity with respect to survival techniques and well being; the conviction that informing and voluntary collaboration are treasonable conduct which will result in the rejection of the individual both by his fellow prisoners and by his nation.
- (5) That should he be subjected to extremes of coercion, he will avoid the disclosure of any information, the making of any oral or written statement, or the performance of any act harmful to the interests of the United States or its Allies, detrimental to fellow prisoners, or which will provide aid or comfort to the enemy.
- (6) In the provisions of the Geneva Convention of 12 August 1949 relative to the treatment of prisoners of war.
- (7) That the Uniform Code of Military Justice applies at all times.
- * (8) That the Government will make every possible effort to *
* secure his release and that his dependents and members of *
* his family will be furnished with such information *
* concerning his whereabouts as may be available and will *
* be provided all the support and care to which they are *
* entitled under the laws of the United States. *

II. INSTRUCTIONAL MATERIAL

- A. The instructional materials developed in the support of Code of Conduct training will be designed around examples of heroism taken from the history of the United States and from the annals of the Armed Forces.
- B. To the maximum extent possible the materials will foster:
 - (1) Faith in one's God and country
 - (2) Pride in Service
 - (3) Confidence in one's ability to withstand hardship, enemy interrogation and indoctrination, and in the fidelity and courage of fellow members of the Armed Forces of the United States.

1300.7 (Incl 2)
Jul 8, 64

GUIDANCE FOR INSTRUCTION IN EACH ARTICLE
OF THE CODE OF CONDUCT

I

I AM AN AMERICAN FIGHTING MAN, I SERVE IN THE FORCES WHICH GUARD MY COUNTRY AND OUR WAY OF LIFE. I AM PREPARED TO GIVE MY LIFE IN THEIR DEFENSE.

A member of the Armed Forces is always a fighting man. As such, it is his duty to oppose the enemies of the United States regardless of the circumstances in which he may find himself, whether in active participation in combat, or as a prisoner of war.

II

I WILL NEVER SURRENDER OF MY OWN FREE WILL. IF IN COMMAND I WILL NEVER SURRENDER MY MEN WHILE THEY STILL HAVE THE MEANS TO RESIST.

As an individual, a member of the Armed Forces may never voluntarily surrender himself. When isolated and he can no longer inflict casualties on the enemy, it is his duty to evade capture and rejoin the nearest friendly forces.

The responsibility and authority of a commander never extends to the surrender of his command to the enemy while it has power to resist or evade. When isolated, cut off, or surrounded, a unit must continue to fight until relieved, or able to rejoin friendly forces, by breaking out or by evading the enemy.

III

IF I AM CAPTURED I WILL CONTINUE TO RESIST BY ALL MEANS AVAILABLE. I WILL MAKE EVERY EFFORT TO ESCAPE AND AID OTHERS TO ESCAPE. I WILL ACCEPT NEITHER PAROLE NOR SPECIAL FAVORS FROM THE ENEMY.

The duty of a member of the Armed Forces to continue resistance by all means at his disposal is not lessened by the misfortune of capture. Article 82 of the Geneva Convention pertains and must be explained. He will escape if able to do so, and will assist others to escape. Parole agreements are promises given the captor by a prisoner of war upon his faith and honor, to fulfill stated conditions, such as not to bear arms or not to escape, in consideration of special privileges, usually release from captivity or a lessened restraint. He will never sign or enter into a parole agreement.

1300.7 (Incl 2)
Jul 8, 64

IV

IF I BECOME A PRISONER OF WAR, I WILL KEEP FAITH WITH MY FELLOW PRISONERS. I WILL GIVE NO INFORMATION OR TAKE PART IN ANY ACTION WHICH MIGHT BE HARMFUL TO MY COMRADES. IF I AM SENIOR, I WILL TAKE COMMAND. IF NOT I WILL OBEY THE LAWFUL ORDERS OF THOSE APPOINTED OVER ME AND WILL BACK THEM UP IN EVERY WAY.

Informing, or any other action to the detriment of a fellow prisoner, is despicable and is expressly forbidden. Prisoners of war must avoid helping the enemy identify fellow prisoners who may have knowledge of particular value to the enemy, and may therefore be made to suffer coercive interrogation.

Strong leadership is essential to discipline. Without discipline, camp organization, resistance, and even survival may be impossible. Personal hygiene, camp sanitation, and care of sick and wounded are imperative. Officers and noncommissioned officers of the United States will continue to carry out their responsibilities and exercise their authority subsequent to capture. The senior line officer or noncommissioned officer within the prisoner of war camp or group of prisoners will assume command according to rank (or precedence) without regard to Service. This responsibility and accountability may not be evaded. If the senior officer or noncommissioned officer is incapacitated or unable to act for any reason, command will be assumed by the next senior. If the foregoing organization cannot be effected, an organization of elected representatives, as provided for in Articles 79-81 Geneva Convention Relative to Treatment of Prisoners of War, or a covert organization, or both, will be formed.

V

WHEN QUESTIONED, SHOULD I BECOME A PRISONER OF WAR, I AM BOUND TO GIVE ONLY NAME, RANK, SERVICE NUMBER, AND DATE OF BIRTH. I WILL EVADE ANSWERING FURTHER QUESTIONS TO THE UTMOST OF MY ABILITY. I WILL MAKE NO ORAL OR WRITTEN STATEMENTS DISLOYAL TO MY COUNTRY AND ITS ALLIES OR HARMFUL TO THEIR CAUSE.

When questioned, a prisoner of war is required by the Geneva Convention and permitted by this Code to disclose his name, rank, service number, and date of birth. A prisoner of war may also communicate with the enemy regarding his individual health or welfare as a prisoner of war and, when appropriate, on routine matters

1300.7 (Incl 2)
Jul 8, 64

of camp administration. Oral or written confessions true or false, questionnaires, personal history statements, propaganda recordings and broadcasts, appeals to other prisoners of war, signatures to peace or surrender appeals, self criticisms or any other oral or written communications on behalf of the enemy or critical or harmful to the United States, its allies, the Armed Forces or other prisoners are forbidden.

It is a violation of the Geneva Convention to place a prisoner of war under physical or mental torture or any other form of coercion to secure from him information of any kind. If, however, a prisoner is subjected to such treatment, he will endeavor to avoid by every means the disclosure of any information, or the making of any statement or the performance of any action harmful to the interests of the United States or its allies or which will provide aid or comfort to the enemy. Under Communist Bloc reservations to the Geneva Convention, the signing of a confession or the making of a statement by a prisoner is likely to be used to convict him as a war criminal under the laws of his captors. This conviction has the effect of removing him from the prisoner of war status and according to this Communist Bloc device denying him any protection under terms of the Geneva Convention and repatriation until a prison sentence is served.

VI

I WILL NEVER FORGET THAT I AM AN AMERICAN FIGHTING MAN, RESPONSIBLE FOR MY ACTIONS, AND DEDICATED TO THE PRINCIPLES WHICH MADE MY COUNTRY FREE. I WILL TRUST IN MY GOD AND IN THE UNITED STATES OF AMERICA.

The provisions of the Uniform Code of Military Justice, whenever appropriate, continue to apply to members of the Armed Forces while prisoners of war. Upon repatriation, the conduct of prisoners will be examined as to the circumstances of capture and through the period of detention with due regard for the rights of the individual and consideration for the conditions of captivity. A member of the Armed Forces who becomes a prisoner of war has a continuing obligation to remain loyal to his country, his Service and his unit.

The life of a prisoner of war is hard. He must never give up hope. He must resist enemy indoctrination. Prisoners of war who stand firm and united against the enemy will aid one another in surviving this ordeal.

ENCLOSURE C

ADDITIONAL DISCUSSION

1. To determine if changes were required in Article III of the Code of Conduct it was necessary to understand what general considerations brought about the code to include the specific premise upon which the article was derived. Then, a discussion of current thinking provided a point of departure for a detailed analysis of the Article III clauses.

2. General Considerations

During 1955 in developing a frame of reference for the Code of Conduct, the U. S. Defense Advisory Committee on Prisoners of War considered philosophies ranging from traditional or "Spartan" to the more liberal views advocating a less restrictive approach. The final decision was to draw a conservative line of resistance which promulgated a code demanding high standards.*

Article III as initiated by the Advisory Committee is based on the premise that "the fight is everywhere". A member of the Armed Forces must continue to resist by all means since his duty is not lessened by the misfortune of capture.**

3. Current Thinking

Trends in American society indicate a movement away from idealism or commitment such as that expressed by the code and a tendency toward humanitarianism.*** To validate this hypothesis in relation to Article III, the action officer interviewed eight former Air Force PWs who were detained in North Vietnam and who were attending Class 54, Armed Forces Staff College, Norfolk, Virginia. See Enclosure D for a listing of the interviewees. All those questioned agreed that Article III appears too idealistic as written. A majority also indicated that legitimate PW command should possess the necessary authority to interpret Article III as dictated by the existing situation. This latter finding substantiates current thinking which views the PW society as a sovereign state of limbo:

*Defense Advisory Committee Report, op. cit., p. 19.

**Ibid., p. 20.

***Thomas Edward Wolters, The Code of Conduct - Its Revelancy and Validity: 1955-1970, Thesis, Newport, R. I., U. S. Naval War College, 1971, p. 85.

"In limbo obligations are, by and large, not given, not established by any sovereign state, not waiting for discovery: they must be improvised. Attempts to specify them that go beyond those negative obligations which all citizens share are likely to be impositions on the freedom of the men involved and sometimes a cruel threat to their security."*

4. Analysis of Article III Clauses

The resistance clause requires that soldiers "continue to resist by all means available." In 1964 a revised PW training directive changed the Advisory Committee's interpretation of the PW camp from an "extension of the battlefield" to "in many ways an extension of the battlefield".** However, it still appears contradictory that a country which requests humane consideration of its PWs should expect such treatment if the prison camp was in any way considered a battlefield. Further, under Article 82 of the Geneva Convention any attempt by a PW to violate a law, regulation or order of the detaining power will subject him to the judicial or disciplinary measures of that power.

The escape section states that "prisoners will make every effort to escape and aid others to escape". Those who have managed to escape have been looked upon by our society as heroes whose actions have been above and beyond the call of duty. One of the best arguments in favor of escape is that it preserves prisoner morale. Further, escapees can supply their nations with current information regarding PW status, treatment, etc. However, the PW must be willing to accept the risks associated with escape. During the Vietnam conflict such actions resulted in punishment and death. Of the two known successful attempts involving Major James Rowe, USA, and Lieutenant (j.g.) Dieter Dengler, the latter's cellmate was killed during the ensuing evasion.*** During an unsuccessful attempt by Captains John Drameisi and Ed Atterberry, both were recaptured. Atterberry was subsequently presumed to have been killed by his captors and Drameisi was beaten.**** As a further consequence other

*Michael Walzer, "Prisoners of War: Does the Fight Continue After the Battle?," American Political Science Review, Vol. 63, September 1969, pp. 777-786.

**"Changes Made in POW Code," Air Force Times, Vol. 25, No. 11, October 28, 1964.

***Walters, op. cit., p. 50.

****Interview with Major Ronald J. Webb, USAF, former PW, 11 October 1973.

PWs were severely mistreated, and the PW's covert organization and communication network were discovered.*

Under the parole and special favors clause no captor will promise by written or oral agreement to fulfill stated conditions such as not to escape in consideration for special privileges, usually release from captivity or a lessened restraint. However, U. S. Army law authorizes PW acceptance of temporary parole under certain circumstances, such as contributing to the welfare of himself or of his fellow prisoners. Chaplains or medical officers may also accept parole in order to perform normal duties.**

Not only does the clause contradict existing law, but it does not incorporate experience gained during the SEA conflict. Discussions with former PWs at the Armed Forces Staff College, Class 54, revealed that one PW received what was considered a justifiable parole. In addition, some PWs believed that the term parole was too ambiguous and the word release was more appropriate.

This analysis points out that Article III contains contradictions regarding existing laws, reveals certain lack of emphases on common sense and practical experience, and establishes standards requiring high degrees of personal risk.

*Interview with Major Murphy N. Jones, USAF, former PW,
8 October 1973.

**Smith, op. cit., p. 99.

ENCLOSURE D

USAF FORMER PW INTERVIEWEES

<u>RANK/NAME</u>	<u>DATE DETAINED</u>	<u>DATE INTERVIEWED</u>
Major Wilfred K. Abbott	5 Sep 66 - 4 Mar 73	10 Oct 1973
Major Thomas E. Collins, III	18 Oct 65 - 12 Feb 73	8 Oct 1973
Major Kenneth W. Cordier	2 Dec 66 - 4 Mar 73	10 Oct 1973
Major Kenneth Fisher	7 Nov 67 - 14 Mar 73	15 Oct 1973
Major Murphy N. Jones	29 Jun 66 - 12 Feb 73	8 Oct 1973
Major Norman A. McDaniel	20 Jul 66 - 12 Feb 73	11 Oct 1973
Major Thomas V. Parrott	12 Aug 67 - 14 Mar 73	12 Oct 1973
Major Ronald J. Webb	11 Jun 67 - 4 Mar 73	11 Oct 1973

ENCLOSURE E

CODE OF CONDUCT
ARTICLE III (MODIFIED)

IF I AM CAPTURED I WILL CONTINUE TO RESIST TO THE BEST OF MY ABILITY
BY ALL MEANS AVAILABLE. I WILL MAKE EVERY REASONABLE EFFORT TO
ESCAPE AND TO AID OTHERS TO ESCAPE. I WILL ACCEPT NEITHER RELEASE
NOR SPECIAL FAVORS FROM THE ENEMY WHICH COULD JEOPARDIZE THE WELL
BEING OF MYSELF OR MY FELLOW PRISONERS.

ENCLOSURE F

July 8, 1964
NUMBER 1300.7



ASD(M)

Department of Defense Directive

SUBJECT Training and Education Measures Necessary to Support
the Code of Conduct

- References: (a) Executive Order 10631, "Code of Conduct for
Members of the Armed Forces of the United
States," 17 August 1955
(b) Secretary of Defense Memorandum to the
Secretaries of the Military Departments,
subject as above, 18 August 1955 (hereby
cancelled)

I. PURPOSE

This Directive establishes policies and procedures and provides basic guidance for the development and execution of training, including instructional material, in furtherance of the aims and objectives of the Code of Conduct for Members of the Armed Forces. (reference (a))

II. CANCELLATION

Reference (b) is hereby cancelled and superseded.

III. APPLICABILITY AND SCOPE

This Directive and reference (a) are the basic policy documents for the subject instruction. The Code of Conduct is applicable to all members of the Armed Forces at all times and may be interpreted by a PW society as required.

IV. OBJECTIVES

The objectives of this Directive are to insure that:

- A. The Military Departments maintain energetic, uniform, and continuing training programs in behalf of the Code of Conduct, including training whereby individuals are taught to resist under the varying degrees of hostile interrogation.

Jul 8, 64#
1300.7

B. All training programs in support of the Code of Conduct inculcate in each member of the Armed Forces:

1. A clear and uniform understanding of his obligations, responsibilities, and the behavior expected of him in combat or captivity.
2. A positive and unswerving acceptance of, belief in, and devotion to the spirit and letter of the Code of Conduct, and the recognition that the Code is a binding military obligation.
3. An unqualified determination and belief in his ability to oppose and defeat physically, mentally, and morally all enemy efforts against him, his fellow Servicemen, and his country during peacetime, combat, or captivity.
4. A confidence in his ability to deny information and to resist enemy interrogation, exploitation and indoctrination.

C. There is a consistency in all Department of Defense Code of Conduct training programs and training materials.

V. POLICIES

* The President of the United States in promulgating the Code of
* Conduct stated as follows: *

* "No American prisoner of war will be forgotten by the
* United States. Every available means will be employed
* by our government to establish contact with, to support
* and to obtain the release of all our prisoners of war.
* Furthermore, the laws of the United States provide for
* the support and care of dependents of members of the
* armed forces including those who become prisoners of
* war. I assure dependents of such prisoners that these
* laws will continue to provide for their welfare." *

A. The basic policy governing all Code of Conduct instruction and instructional material will be to develop in every member of the Armed Forces a positive attitude that he can and must oppose and defeat absolutely, mentally, and physically, any enemy of his country. To encourage this positive attitude, the central theme of all instruction will feature:

1. Article I - "I am an American fighting man I am prepared to give my life"
2. Article II - "I will never surrender"
3. Article VI - "I will never forget I am an American, responsible for my actions"

* B. All training programs will impress upon every man that ~~known~~
* ~~the inherent responsibilities of rank and leadership, military bearing, order and discipline, teamwork~~
* ~~and devotion to fellow Servicemen, and the duty to defeat any~~
* ~~enemy of our country remain. To sustain a positive attitude under~~
* ~~conditions of captivity, this instruction will emphasize:~~

1. Article III - "I will continue to resist/. . . . I will make every effort to escape."
responsible

Jul 8, 64
1300.7

2. Article IV - "I will keep faith with my fellow prisoners If I am senior, I will take command"
3. Article V - "I am bound to give only name, rank, Service number, and date of birth I will evade answering further questions" "I will make no oral or written statements"

C. Defeatist treatises, writings, and materials will not be used in training programs. On the contrary, the many examples of successful and heroic resistance should be held up as ideals, and will be the focal points of instruction and training on this subject. Such examples should be taken predominantly from our own country's history.

D. Training in the Code of Conduct will be initiated without delay upon entry of an individual into the Armed Forces and continue throughout his military career, providing periodic and progressive indoctrination appropriate to his increasing rank and leadership responsibilities.

VI. GUIDANCE TO BE USED IN DEVELOPMENT OF TRAINING PROGRAMS AND INSTRUCTIONAL MATERIAL IN SUPPORT OF THE CODE OF CONDUCT

Guidance is set forth in Inclosures 1 and 2.

VII. RESPONSIBILITIES

- A. The Assistant Secretary of Defense (Manpower), in coordination with the Secretaries of the Military Departments will insure that all joint training materials conform with the above policies and the guidance contained in the inclosures hereto.
- B. The Secretary of each Military Department will develop training programs and instructional materials in support of this Directive, and will establish a system of exchanging experiences and materials related to the Code of Conduct in furtherance of coordination and improvement of knowledge.

VIII. RECORDS

Receipt of instruction in the Code of Conduct will be recorded in the records of each serviceman.

IX. IMPLEMENTATION AND EFFECTIVE DATE

This Directive is effective upon publication. Two copies of implementing instructions will be forwarded to the Assistant Secretary of Defense (Manpower) within ninety (90) days.

Cyrus Vance

Deputy Secretary of Defense

Inclosures - 2

1. Guidance for Development of
Training Programs and
Instructional Material in
Support of the Code of Conduct
2. Guidance for Instruction in Each
Article of the Code of Conduct

GUIDANCE FOR DEVELOPMENT OF TRAINING
PROGRAMS AND INSTRUCTIONAL MATERIAL
IN SUPPORT OF THE CODE OF CONDUCT

I. TRAINING PROGRAMS

A. Resistance to interrogation, indoctrination, and exploitation will be developed and hardened by expanding the individual's understanding of the following subject areas:

- (1) The basic truths and advantages of our democratic institutions.
- (2) The moral fiber provided by religious convictions.
- ✓ (3) National, military, and unit history and traditions.

B. Each Serviceman will be instructed:

- (1) How to avoid capture, evade detection, and survive when operating in an enemy territory.
- (2) In what to expect from his captors should he have the misfortune to be captured, and how, when reasonable, to concentrate all his resources toward escape by himself and others.
- (3) In enemy interrogation methods and techniques.

This instruction should:

- (a) Include description of the adverse physical and mental conditions under which these methods and techniques are effected.
- (b) Explain how resistance can be accomplished under the varying interrogation techniques and degrees of coercion which may be utilized by an enemy in order to assure the Serviceman's ability to adhere to the provisions of subparagraph (c) below.
- (c) Explain that dogmatic refusal to answer a question of an interrogator with: "I will not answer your questions;" "I will not say anymore;" "My orders are to give my name, rank, Service number, and date of birth; I will not give you anything else;" or to claim inability to think, to claim ignorance, to claim inability to talk, and to claim inability to comprehend, constitute adherence to name, rank, Service number, and date of birth.

This instruction will be so explicit that each serviceman understands:

1. The consequence of not holding to name, rank, Service number, and date of birth.
2. That the wording of Article V of the Code of Conduct providing that the individual will evade answering questions beyond name, rank, Service number, and date of birth "to the utmost of my ability," is binding on all military personnel. It is a principle that once a man is placed in a position where it is beyond his ability to resist answering further questions, further responses are made entirely on his own responsibility.
- (4) In Prisoner of War Camp Organization, to include a need for overt and covert systems of organization; the physical and mental aspects of captivity with respect to survival techniques and well being; the conviction that informing and voluntary collaboration are treasonable conduct which will result in the rejection of the individual both by his fellow prisoners and by his nation.
- (5) That should he be subjected to extremes of coercion, he will avoid the disclosure of any information, the making of any oral or written statement, or the performance of any act harmful to the interests of the United States or its Allies, detrimental to fellow prisoners, or which will provide aid or comfort to the enemy.
- (6) In the provisions of the Geneva Convention of 12 August 1949 relative to the treatment of prisoners of war.
- (7) That the Uniform Code of Military Justice applies at all times.
- (8) That the Government will make every possible effort to secure his release and that his dependents and members of his family will be furnished with such information concerning his whereabouts as may be available and will be provided all the support and care to which they are entitled under the laws of the United States.

II. INSTRUCTIONAL MATERIAL

- A. The instructional materials developed in the support of Code of Conduct training will be designed around examples of heroism taken from the history of the United States and from the annals of the Armed Forces.
- B. To the maximum extent possible the materials will foster:
 - (1) Faith in one's God and country
 - (2) Pride in Service
 - (3) Confidence in one's ability to withstand hardship, enemy interrogation and indoctrination, and in the fidelity and courage of fellow members of the Armed Forces of the United States.

1300.7 (Incl 2)
Jul 8, 64

GUIDANCE FOR INSTRUCTION IN EACH ARTICLE
OF THE CODE OF CONDUCT

I

I AM AN AMERICAN FIGHTING MAN, I SERVE IN THE FORCES WHICH GUARD MY COUNTRY AND OUR WAY OF LIFE. I AM PREPARED TO GIVE MY LIFE IN THEIR DEFENSE.

A member of the Armed Forces is always a fighting man. As such, it is his duty to oppose the enemies of the United States regardless of the circumstances in which he may find himself, whether in active participation in combat, or as a prisoner of war.

II

I WILL NEVER SURRENDER OF MY OWN FREE WILL. IF IN COMMAND I WILL NEVER SURRENDER MY MEN WHILE THEY STILL HAVE THE MEANS TO RESIST.

As an individual, a member of the Armed Forces may never voluntarily surrender himself. When isolated and he can no longer inflict casualties on the enemy, it is his duty to evade capture and rejoin the nearest friendly forces.

The responsibility and authority of a commander never extends to the surrender of his command to the enemy while it has power to resist or evade. When isolated, cut off, or surrounded, a unit must continue to fight until relieved, or able to rejoin friendly forces, by breaking out or by evading the enemy.

III

~~IF I AM CAPTURED I WILL CONTINUE TO RESIST BY ALL MEANS AVAILABLE. I WILL MAKE EVERY EFFORT TO ESCAPE AND AID OTHERS TO ESCAPE. I WILL ACCEPT NEITHER PAROLE NOR SPECIAL FAVORS FROM THE ENEMY.~~

~~The duty of a member of the Armed Forces to continue resistance by all means at his disposal is not lessened by the misfortune of capture. Article 82 of the Geneva Convention pertains and must be explained. He will escape if able to do so, and will assist others to escape. Parole agreements are promises given the captor by a prisoner of war upon his faith and honor, to fulfill stated conditions, such as not to bear arms or not to escape, in consideration of special privileges, usually release from captivity or a lessened restraint. He will never sign or enter into a parole agreement.~~

Reverse

III

IF I AM CAPTURED I WILL CONTINUE TO RESIST TO THE BEST OF MY ABILITY BY ALL MEANS AVAILABLE. I WILL MAKE EVERY REASONABLE EFFORT TO ESCAPE AND TO AID OTHERS TO ESCAPE. I WILL ACCEPT NEITHER RELEASE NOR SPECIAL FAVORS FROM THE ENEMY WHICH COULD JEOPARDIZE THE WELL BEING OF MYSELF OR MY FELLOW PRISONERS.

Article 82 of the Geneva Convention pertains and must be explained. He will make every reasonable effort to escape if able to do so and will assist others when appropriate. Release agreements are assurances given the captor by a prisoner of war to fulfill stated conditions, such as not to bear arms or not to escape, in consideration of special privileges, usually release from captivity or a lessened restraint. He will not sign or enter into a release agreement which could jeopardize the well being of himself or his fellow prisoners.

IV

IF I BECOME A PRISONER OF WAR, I WILL KEEP FAITH WITH MY FELLOW PRISONERS. I WILL GIVE NO INFORMATION OR TAKE PART IN ANY ACTION WHICH MIGHT BE HARMFUL TO MY COMRADES. IF I AM SENIOR, I WILL TAKE COMMAND. IF NOT I WILL OBEY THE LAWFUL ORDERS OF THOSE APPOINTED OVER ME AND WILL BACK THEM UP IN EVERY WAY.

Informing, or any other action to the detriment of a fellow prisoner, is despicable and is expressly forbidden. Prisoners of war must avoid helping the enemy identify fellow prisoners who may have knowledge of particular value to the enemy, and may therefore be made to suffer coercive interrogation.

Strong leadership is essential to discipline. Without discipline, camp organization, resistance, and even survival may be impossible. Personal hygiene, camp sanitation, and care of sick and wounded are imperative. Officers and noncommissioned officers of the United States will continue to carry out their responsibilities and exercise their authority subsequent to capture. The senior line officer or noncommissioned officer within the prisoner of war camp or group of prisoners will assume command according to rank (or precedence) without regard to Service. This responsibility and accountability may not be evaded. If the senior officer or noncommissioned officer is incapacitated or unable to act for any reason, command will be assumed by the next senior. If the foregoing organization cannot be effected, an organization of elected representatives, as provided for in Articles 79-81 Geneva Convention Relative to Treatment of Prisoners of War, or a covert organization, or both, will be formed.

V

WHEN QUESTIONED, SHOULD I BECOME A PRISONER OF WAR, I AM BOUND TO GIVE ONLY NAME, RANK, SERVICE NUMBER, AND DATE OF BIRTH. I WILL EVADE ANSWERING FURTHER QUESTIONS TO THE UTMOST OF MY ABILITY. I WILL MAKE NO ORAL OR WRITTEN STATEMENTS DISLOYAL TO MY COUNTRY AND ITS ALLIES OR HARMFUL TO THEIR CAUSE.

When questioned, a prisoner of war is required by the Geneva Convention and permitted by this Code to disclose his name, rank, service number, and date of birth. A prisoner of war may also communicate with the enemy regarding his individual health or welfare as a prisoner of war and, when appropriate, on routine matters

1300.7 (Incl 2)
Jul 8, 64

of camp administration. Oral or written confessions true or false, questionnaires, personal history statements, propaganda recordings and broadcasts, appeals to other prisoners of war, signatures to peace or surrender appeals, self criticisms or any other oral or written communications on behalf of the enemy or critical or harmful to the United States, its allies, the Armed Forces or other prisoners are forbidden.

It is a violation of the Geneva Convention to place a prisoner of war under physical or mental torture or any other form of coercion to secure from him information of any kind. If, however, a prisoner is subjected to such treatment, he will endeavor to avoid by every means the disclosure of any information, or the making of any statement or the performance of any action harmful to the interests of the United States or its allies or which will provide aid or comfort to the enemy. Under Communist Bloc reservations to the Geneva Convention, the signing of a confession or the making of a statement by a prisoner is likely to be used to convict him as a war criminal under the laws of his captors. This conviction has the effect of removing him from the prisoner of war status and according to this Communist Bloc device denying him any protection under terms of the Geneva Convention and repatriation until a prison sentence is served.

VI

I WILL NEVER FORGET THAT I AM AN AMERICAN FIGHTING MAN, RESPONSIBLE FOR MY ACTIONS, AND DEDICATED TO THE PRINCIPLES WHICH MADE MY COUNTRY FREE. I WILL TRUST IN MY GOD AND IN THE UNITED STATES OF AMERICA.

The provisions of the Uniform Code of Military Justice, whenever appropriate, continue to apply to members of the Armed Forces while prisoners of war. Upon repatriation, the conduct of prisoners will be examined as to the circumstances of capture and through the period of detention with due regard for the rights of the individual and consideration for the conditions of captivity. A member of the Armed Forces who becomes a prisoner of war has a continuing obligation to remain loyal to his country, his Service and his unit.

The life of a prisoner of war is hard. He must never give up hope. He must resist enemy indoctrination. Prisoners of war who stand firm and united against the enemy will aid one another in surviving this ordeal.