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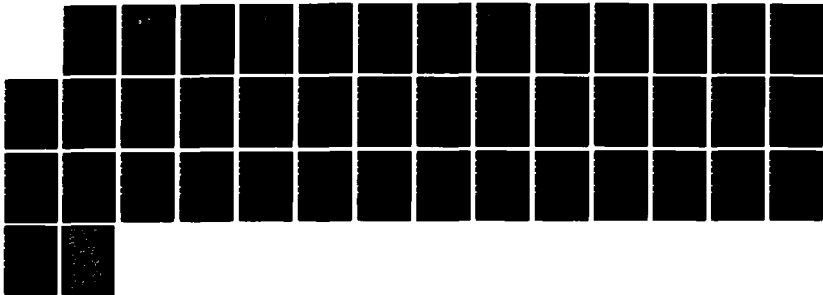
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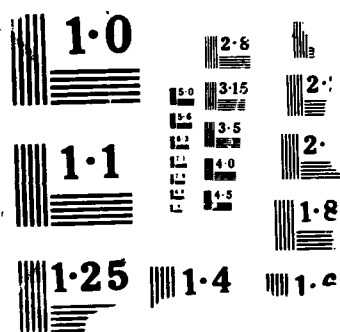
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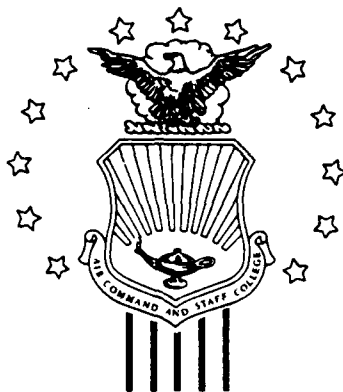


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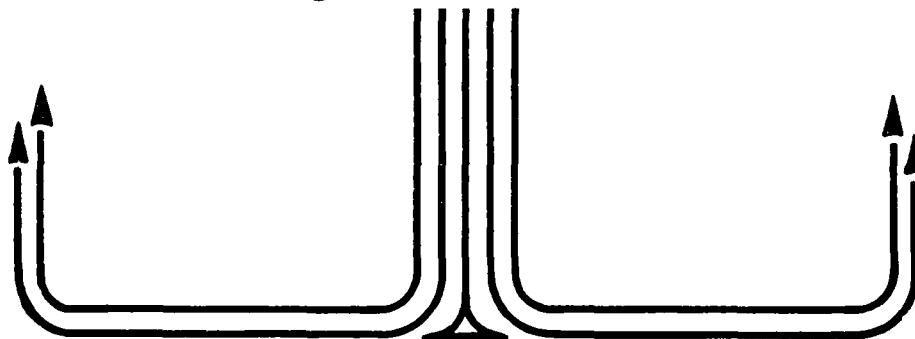
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AIR COMMAND AND STAFF COLLEGE

STUDENT REPORT

THE CODE OF CONDUCT--33-YEARS-OLD
MAJOR KIMBERLY J. DALRYMPLE 88-0635
"insights into tomorrow"



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TITLE THE CODE OF CONDUCT--33-YEARS-OLD

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Submitted to the faculty in partial fulfillment of
requirements for graduation.

**AIR COMMAND AND STAFF COLLEGE
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<p>The Code of Conduct was developed in 1955 as a result of American prisoner of war problems during the Korean War. The first wartime test of the Code was the Vietnam War. This historical analysis reviews the Code's development and specific incidents of its use during the Vietnam War. The paper outlines why the Code was changed after the Vietnam War and then discusses the Code since 1977, specifically the training requirements for military personnel. The paper concludes that the Code of Conduct is a necessary document in the profession of arms, but that training is inadequate.</p>				
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PREFACE

It was not until after the Korean War that the United States established a set of guidelines for American prisoners of war (POWs) to live by--the Code of Conduct. The objectives of the Code were to ensure the national security of the United States, to enhance the POW's chances for survival, and to prevent POW problems that were seen in the Korean War. For the history of the development of the Code of Conduct, one should read Chapters One and Two.

The six articles of the Code of Conduct seem simple on the surface but the American POWs in Vietnam soon discovered that differences lie between the "intent" of the Code and the "letter" of the Code. Chapter Three cites examples of Americans who tried to uphold the Code and the effect of the Vietnam experience on the Code.

Familiarity with the Code of Conduct is not sufficient for military personnel. Each military member should understand the Code. Chapter Four explains the training policies of the Department of Defense, shows how there are shortcomings in those policies, and recommends changes.



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From 1984 to 1987, Major Dalrymple was a joint staff officer with the Defense Communications Agency as the Executive Officer for the Comptroller and Resource Management Directorate.

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"insights into tomorrow"

REPORT NUMBER 88-0635

AUTHOR(S) MAJOR KIMBERLY J. DALRYMPLE, USAF

TITLE THE CODE OF CONDUCT--33-YEARS-OLD

I. Background: During the Korean War, many American prisoners of war (POWs) experienced problems coping, both mentally and physically, with the conditions of the POW camps. In fact, 38 percent of the American POWs died in captivity. Some of the problems were due to lack of leadership and organization. Some POWs, upon repatriation, were tried for collaborating with the enemy. The United States saw the need to establish a set of guidelines for American military personnel taken prisoner. This set of guidelines put into effect in 1955 is known as the Code of Conduct.

II. Problem: The first true test of the Code of Conduct was during the Vietnam War. Although they had been briefed on the Code, most POWs found it extremely difficult to live by the "letter" of the Code. After the Vietnam War, the Department of Defense studied the Code of Conduct and, in 1977, one of

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the six articles of the Code was changed. A question still exists as to whether the Code of Conduct is needed today or will be needed in the future.

III. Data: During the Vietnam War, the Viet Cong exacted cruel torture on American POWs to "persuade" them to give military information or propaganda statements. Most POWs tried to resist "giving in" to the enemy but the more they resisted the more severe the punishment became. Most POWs realized that to survive imprisonment, they would have to abide by the "intent" of the Code of Conduct to the best of their ability. Despite difficulties with the Code, most POWs found that it was an excellent set of guidelines for them. After repatriation, they stressed a need for retaining the Code. Since Vietnam, the United States has not been involved in a war per se but has been involved in a number of hostile incidents all of which involved military personnel. With military personnel stationed around the globe, possibilities for U.S. military members to become involved in hostilities abound. Yet a review of the military directives reveals that training on the Code of Conduct for anyone other than front line combat personnel is only required during entry-level training and refresher training is not mandatory.

IV. Conclusions: There is a need for the Code of Conduct. With military personnel stationed throughout the world, there is always the chance of a conflict into which military personnel could be drawn. It is extremely important that each military member thoroughly understand the Code of Conduct, yet the training requirement in each military service is inadequate.

V. Recommendations: The U.S. Air Force, as the Department of Defense's executive agent for the Code of Conduct training programs, must reevaluate the content and frequency of training for all military members. Each military member must understand the relationship between the Code of Conduct and the Uniform Code of Military Justice, and the relevance of the Code of Conduct to the individual military member and to the group. This information must be imparted to the member in a forum of interested and knowledgeable instructors and reinforced by the member's commander. The Department of Defense should conduct annual Code of Conduct training for all military personnel as originally stipulated by the founders of the Code.

Chapter One

ORIGINS OF THE CODE OF CONDUCT

Throughout the history of mankind, the treatment of prisoners of war (hereafter referred to as POWs or PWs) has varied. One can find many instances of barbaric treatment in ancient days when the captors killed their enemies rather than take them prisoner. Then there was a period when it was more convenient to make the conquered enemy slaves, but often the treatment of the slaves was little better than death. With the spread of Christianity, the enemy began using captives as bargaining chips to trade for their own men who had been captured. No matter the period of time, the captors questioned the prisoners to obtain information to help them in battle. However, it was not until the Korean War that there was evidence of the captors trying to indoctrinate the prisoners into their way of thinking and believing; that is, trying to get the POWs to turn against their own country and way of life. It was because of this new type of "warfare"--the warfare of the mind--that the United States considered laying down rules of conduct for its soldiers taken prisoner during war.

Long before the Korean War, the American soldier had some basis for his behavior while a captive. During the American Revolution, "the United States established the death penalty for those prisoners who, after capture, took up arms in the service of the enemy." (52:4) During the Civil War, the War Department issued an order that "it was the duty of a prisoner of war to escape." (52:5) Although there had been no formal listing of rules for POWs to follow to uphold the principles of their country's beliefs, the captured soldiers have, on the whole, not been an embarrassment to the United States. As the Korean War was the stimulus for instituting a Code of Conduct, it is proper to review the statistics for that war.

"A total of about 1,600,000 Americans served in the Korean War." (52:vi) Of the 7,190 Americans who were captured, 4,428 survived Communist imprisonment. (52:vi,8; 3:4) Of those, only 23 refused repatriation and an additional 11 were convicted of serious offenses against fellow prisoners or the United States. (28:95) Aside from the fact that some soldiers were convicted, one must deal with the fact that 2,730 of the POWs died in captivity--38 percent. (3:4) Perhaps, many more Americans would have survived Korean POW camps if they had had adequate leadership. (8:10)

Some officers refused to assume leadership responsibility, [therefore,] organization in some of the POW camps deteriorated to an every-man-for-himself situation. Some of the camps became indescribably filthy. The men scuffled for their food. Hoarders grabbed all the tobacco. Morale decayed to the vanishing point. Each man mistrusted the next. Bullies persecuted the weak and sick. Filth bred disease and contagion swept the camp. So men died for lack of leadership and discipline. (52:12)

Part of the Korean POW problem may have been that the soldier did not understand why he was fighting. The United States had not been attacked as at Pearl Harbor. Its troops were in Korea to support a United Nations' action. Many young men did not understand, nor had been taught, how the United States fit into this "big picture" of fighting Communism. The following from the Defense Advisory Committee on Prisoners of War, the committee which composed the Code of Conduct, described the events in Korea:

A large number of American POWs did not know what the Communist program was all about. Some were confused by it. Self-seekers accepted it as an easy out. A few may have believed the business. They signed peace petitions and peddled Communist literature. It was not an inspiring spectacle. It set loyal groups against cooperative groups and broke up camp organization and discipline. It made fools of some men and tools of others. And it provided the enemy with stooges for propaganda shows.

Ignorance lay behind much of this trouble. A great many servicemen were "teen-agers" [sic]. At home they had thought of politics as dry editorials or uninteresting speeches, dull as

ditchwater. They were unprepared to give the commissars an argument.

Some of the POWs--among them men who became defectors--had heard of Communism only as a name. Many had never heard of Karl Marx. And here was Communism held up as the salvation of the world and Marx as mankind's benefactor.

The committee heard evidence which revealed that many of the POWs knew too little about the United States and its ideals and traditions. So the Chinese indoctrinators had the advantage. (52:12-13)

Confused, hungry, lonely, and without leadership, many POWs either succumbed to the wishes of the Communists or to death itself. (53:22) In contrast were those POWs who were interned with others from their military units and those POWs who had officers or senior noncommissioned officers who gave them guidance and inspiration and thus fared much better.

Many servicemen exhibited pride in themselves and their units. . . . If a soldier were sick, his fellow soldiers took care of him. They washed his clothes, bathed him, and pulled him through. They exhibited true fraternal spirit[,] comradeship, [and] military pride. These soldiers did not let each other down. Nor could the Korean Reds win much cooperation from them. (52:14)

It is interesting to note here that the Turkish soldiers who fought as part of the United Nations force in the Korean War were treated better than anyone else in the POW camps and lost no men in the camps. (7:42) General John E. Hull, USA, was Commander-in-Chief of U.S. Army Forces Far East and United Nations Command from September 1953 to March 1955 and then Vice Chairman in 1955 of the Defense Advisory Committee on Prisoners of War. He believed Turkish POWs survived because they were well-disciplined, were used to a rugged life, and spoke a language unfamiliar to the Korean interrogators. (8:10) One wonders if the United States troops would have had fewer casualties had they been as well disciplined.

Concerned about what had happened during the Korean War and concerned that Americans would become involved again in complex and demanding conflicts, Secretary of Defense Charles E. Wilson on 17 May 1955 appointed a committee to develop a Code of Conduct. In his words, "Our national military needs must be met. This requires that each member of the Armed Forces be thoroughly indoctrinated with a simple, easily understood code to govern his conduct while a prisoner of war." (52:37) The Defense Advisory Committee on Prisoners of War was composed of active duty and retired military members and civilians of the Defense Department. The committee heard over 70 witnesses during its deliberations. (8:10) Their report was delivered to the Secretary of Defense on 29 July 1955. (52:v) President Eisenhower signed an executive order approving the Code of Conduct (hereafter referred to as the Code) on 17 August 1955. (32:1)

Chapter Two

A LOOK AT THE CODE OF CONDUCT

Quoting the Code of the U.S. Fighting Force: "The Code of Conduct is an ethical guide." (50:2) "Fundamentally, the Code of Conduct . . . was not a new set of commandments but rather the first clear, compact statement of those ideals on which American fighting men were supposed to have based their conduct since the beginning of the Republic." (1:48) General S.L.A. Marshall goes on to say:

In spirit, it hardly goes beyond what the citizen swears in pledging allegiance to the flag. The essence of the six articles is that the American fighter will hold his honor high and inviolate, howsoever he be assailed. He will not quit the fight, he will never say or do what might hurt the United States or demean its uniform; in the worst circumstance, he will join with other loyal Americans to help them and himself, and to strengthen resistance by the whole. In short, come hell or high water, he will behave like a man. (1:48)

"In 1907, the Hague Regulations established rules pertaining to captivity in war. These regulations led to the Geneva Conventions of 1929 and 1949. . . . The Conventions set forth in detail the rights and protections which should be afforded prisoners, but they do not specifically prescribe the conduct which a nation may require of its personnel who may become prisoners." (3:4) For the first time, with the Code of Conduct, the American serviceman would have a uniform set of standards for his behavior in the event of capture--standards which would apply across the board, whether officer or enlisted, Army, Navy, Air Force, or Marine.

WHAT CAN A POW SAY?

While developing the Code of Conduct, the committee had the most difficulty in dealing with what information the POW could divulge to his captors. The committee reviewed many previous policies and practices.

The practice of giving only name, rank, and serial number is actually ancient. "Sometime during the Crusades, the rule evolved that a captive knight was permitted to divulge his name and rank--admissions necessitated by the game of ransom." (44:35)

As early as World War II, there were documented policies concerning what behavior was expected of an American held captive. Major General Carl A. Spaatz, USAAF, in his "Instructions for Officers and Men of the Eighth Air Force in the Event of Capture" repeatedly forbade telling more than name, rank, and serial number. In bold print were the following:

- Tell only your Name, Rank and Serial Number.
- You can outwit him only by saying nothing.
- No facts are harmless.
- ... any fact you reveal may cost your friends their lives.
- ... Name, Rank and Number.
- ... Name, Rank and Number. [repeated in actual text]
- ... keeping silent. (49:1-3)

Additionally, in bold print were the words: "he can do a lot to make you talk." (49:2-3) These instructions listed many ways in which the enemy (in this case the Germans) could persuade the captive to give information but it never hinted at the brainwashing and torture POWs would later experience in Korea and Vietnam.

The Geneva Convention of 1949 included a provision that captured soldiers were required to give only name, rank, service number, and date of birth. (23:34) "Long before the Korean War began, military officials had realized that prisoners in World War II (American, German, Japanese, and virtually all other nationalities) had given captors far more information than required by international agreement." (30:10)

During and subsequent to the Korean War, the Army and the Air Force had different ideas about what information could be given to the captors. "We had, consequently, the chance that a man would be punished in one service for actions which were approved as standard conduct in another service." (10:15)

In 1955, Adm D. V. Gallery proposed that POWs be allowed to sign any paper their captors put before them and that the U.S. government should officially announce that our men were free to sign or broadcast anything they liked. He was not implying any treasonable acts but he urged that POWs have this freedom which he still feels would deflate the propaganda value of any such statements or papers and save servicemen from futile resistance and torture. (34:63)

One Air Force and one Army officer expressed it this way: "We should warn the world in advance that Americans will sign anything--thus nullifying propaganda effect of 'confessions' and saving our men from 'brainwashing.'" (17:7) However, General Lemuel C. Shepherd, Jr., USMC, disagreed: "The PW stockade is only an extension of the battlefield where they [the PWs] must be taught to carry on . . . struggle with the only weapons remaining . . . faith and courage." (17:9) Some members of the American public did not believe that any American POW in Korea had been brainwashed, therefore, there was no need for any American POW to give out any information and any who did should be prosecuted for collaboration. (17:7-9)

The committee realized there was opposition to including in the Code of Conduct the provision that a captured American soldier should give only name, rank, service number, and date of birth, but it decided on this stringency anyway.

The committee agreed that a line of resistance must be drawn somewhere and initially as far forward as possible. The name, rank, and service number provision of the Geneva Conventions is accepted as this line of resistance.

However, in the face of experience, it is recognized that the POW may be subjected to an extreme of coercion beyond his ability to resist. If in his battle with the interrogator he is driven from his

first line of resistance he must be trained for resistance in successive positions. And, to stand on the final line to the end--no disclosure of vital military information and above all no disloyalty in word or deed to his country, his service, or his comrades. (52:18)

OBJECTIVES OF THE CODE OF CONDUCT

The objectives of the Code of Conduct were threefold: "(1) to insure the national security of the United States, (2) to enhance the POW's chances for survival, and (3) to prevent the recurrence of POW misconduct in future conflicts." (53:88-89)

By reviewing the articles of the Code of Conduct, one can understand how the Code supports those objectives. The articles as published in 1955 were:

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.

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.

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.

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.

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.

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. (52:19-23)

These six articles serve to support the first objective of insuring the national security of the United States by reinforcing the ideals of the nation and instilling pride in the individual serviceman and the military unit. The Code states the importance of not giving away any information which might ultimately be harmful to the United States. It tells the serviceman to strive for freedom and to resist oppression.

To support the second objective of enhancing the POW's chances for survival, the Code mandates that the senior serviceman will take command. To any military member, taking command has the inherent responsibility of ensuring the safety, health, and morale of the troops, whether those troops are in a POW camp or a regular military unit.

The third objective of preventing the recurrence of *POW* misconduct in future conflicts is supported by the fact that the Code lays down guidelines that apply to every serviceman. The Code is the foundation on which the serviceman can base his actions during combat, while evading the enemy, and while in captivity. It stresses that the serviceman's performance is important to the nation and to his fellow service members.

TRAINING THE MILITARY ABOUT THE CODE

It is not enough to develop and publish the Code of Conduct. Training is paramount to the success of the use of the Code. The committee which developed the Code realized this and prescribed that the training program should be two-fold. There must be general training that is "motivational and informational to be conducted throughout the career of all servicemen during active and reserve duty." (52:15) Secondly, there must be specific training "designed for and applied to combat-ready troops." (52:15) In short, "a code

of conduct must apply uniformly to all Services, and training must be uniform among the Services to the greatest degree practicable." (52:15)

The committee intended much more than mere rote knowledge of the articles. It wanted to ensure that each member understood the articles and the underlying principles--the principles for which they might someday fight. Instilled in every serviceman should be pride in his country, a sense of honor, and a sense of responsibility. (52:15) As the committee reported to the President: "Above all, it must be presented with understanding, skill, and devotion sufficient to implant a conviction in the heart, conscience, and mind of the serviceman that full and loyal support of the code is to the best interests of his country, his comrades, and himself." (52:15)

Two years after the Code of Conduct was approved by the President, Gen Hull, vice chairman of the committee which drafted the Code, said in an interview:

I feel very strongly that we are derelict in our schools in teaching the youth of this nation enough about what we stand for and what communism stands for. I have a very firm belief that the youth of this nation, if they fully understood the Communist system, would never question our system. Our system can stand the light of day. But I do think that Communist soldiers are much more fully indoctrinated than ours are.

The schools have a responsibility here. When an American youth enters the military service he should know what his country stands for. The services should not be called upon to teach it to him.

Meanwhile, the code is here to stay, and the implementation of the code in training. But the code is here to stay. (6:11)

Is the Code here to stay? The next chapter will show instances of use and misuse of the Code during the Vietnam War. It will also examine the effect that the Code had on the American serviceman in Vietnam and the effect that the Vietnam experience had on the Code.

Chapter Three

THE CODE OF CONDUCT AND THE VIETNAM WAR

When the Code of Conduct was put into effect, the Department of Defense mandated that there would be annual training of all personnel with concentrated training in survival and prisoner indoctrination for crewmen vulnerable to capture. (13:14) This training held into the 1960s when there was much discussion about the true intent of the Code. There were many articles published in military journals about the clause of "name, rank, serial number, and date of birth." The Code was not changed but the training was. The Department of Defense stated, "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." (14:24) The American serviceman was trained on the Code of Conduct in this light but the Communist North Vietnamese and Viet Cong camp commanders and indoctrinators knew the Code just as well as the American serviceman. The Vietnamese deliberately devised rules which would cause a POW to go against the Code. Then they would "work on" the POW's guilt feeling. (21:40-41) In one camp, the Vietnamese drafted a set of camp regulations to counter the Code of Conduct, article for article. (47:27) The POW was caught between abiding by the Code of Conduct and the camp regulations, knowing that failing the Code of Conduct would cause him mental pain but failing the camp regulations would cause him bodily pain.

Faced with an enemy which was prepared to lodge a propaganda war as well as an armed war, many of the POWs valiantly lived up to the letter of the Code of Conduct, many lived up to the "intent" of the Code as they and their fellow captives understood it, and a few could not bear up under the pressure. This was the first time the American serviceman lived under the Code in time of war. The remainder of this chapter will examine the effect the Code had on

the American serviceman in Vietnam and the resultant effect of Vietnam on the Code.

THE VIETNAM POW AND THE CODE

To examine the effect of the Code of Conduct on the American serviceman in Vietnam, specific examples are cited for each of the articles of the Code.

Article 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.

Although not every POW has been accounted for to date, there is no evidence of any American serviceman denying his country and choosing to stay in Southeast Asia. It is difficult to judge if every POW felt prepared to give his life for his country, but many did.

Article 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.

One serviceman who was exemplary in this regard was Captain Lance P. Sijan, USAF. Shot down over Laos in 1967, Capt Sijan suffered multiple injuries--"a skull fracture, a mangled right hand with three fingers bent backwards to the wrist, and a compound fracture of his left leg, the bone protruding through the lacerated skin." (25:11) Yet, without food, water, or medical treatment, he persevered for 45 days in the jungle underbrush, propelling himself backwards through thorns, vines, and leeches for three miles to evade the enemy. (2:134-148) Capt Sijan was caught but never surrendered. He later died in captivity.

Article 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.

Almost every POW in his own way resisted when captured. Most were either caught in compromising positions, such as dangling from a parachute, or were so severely injured that resistance upon capture was difficult. Continuous resistance in a POW camp was also difficult due to the lengthy

duration of the captivity. "Virtually every POW can be made to do something he did not think he could be made to do if the treatment is sufficiently harsh and prolonged." (18:102) To some POWs, the term resistance had an absolutism to it. As Major General Delmar T. Spivey, USAF, said in 1965:

I believe it is foolish and unrealistic to expect a prisoner or group of prisoners to resist by all means available. . . . If taken to the letter this would amount to suicide in many instances. I have seen individual prisoners resist reasonable orders [in World War II] just for the sake of being contrary and thus bring great discomfort and distress to their fellow prisoners with profit to none. Completely senseless. (16:54)

However, once interned most POWs resisted the enemy--refusing favoritism and not succumbing to the Communist propaganda--continuing to fight to stay alive and return to the American side.

Many POWs attempted escape when initially captured and just ended up being recaptured. Such were the cases of Captain Sijan and Major James N. Rowe, USA. Maj Rowe was held captive in South Vietnam from 29 October 1963 until 31 December 1968. (20:32) Though he attempted to escape in 1965 and was recaptured, he again seized the opportunity in 1968 and succeeded. (20:32-38)

Although the Code specifies that a POW will attempt escape, "the Code . . . did not foresee U.S. prisoners sick from malnutrition, trying to escape from an Oriental country with mountains, rice paddies and monsoon seasons, where they stood a head taller than the local citizens." (9:29) Some POWs attempted escape despite these odds and despite what might happen to the POWs left in the camp. Lieutenant Colonel John Dramesi, USAF, was known for his daring manners. Yet his escape attempts became controversial:

Many POWs admired Dramesi's strength and courage; others considered him immature, selfish, and intolerant, and they believed that his activities were counterproductive. Richard Stratton [Commander, USN] dubbed him a gadfly who irritated others with his exalted standards and superior will power. . . . By the Code of Conduct standards, Dramesi may have been a model POW; but he was also

arrogant, abrasive, and inconsiderate and his actions brought added hardship to his fellow POWs. The entire compound suffered severe punishment in retaliation for Dramesi's second escape attempt. The shakedown that followed led to the breakup of carefully nurtured communication systems and the confiscation of much of the POWs concealed larder of supplies. (15:503)

Most POWs were careful to not accept favors from the enemy, but even that became a confusing issue to the POWs. After many months and then many years in captivity, the POWs needed to have reading and writing material or some type of hobby to pass the time. Many POWs refused to ask or accept any such material, yet other POWs knew that they needed such items to save their sanity. The following is what happened in one camp:

Once the Vietnamese brought some art materials to some of the POWs. What should a prisoner do? If he takes them, he is receiving special favors; yet he has just been requesting these types of things. Most POWs refused to accept these items. This refusal gave the Vietnamese the opportunity and excuse to deny any request. Finally, the decision was made that if a special privilege was offered to a small group of POWs and not to every POW, the group could keep the privilege ... for one week. (47:26)

Parole was another sensitive issue. Every POW desperately wanted to return to the American side, yet not at the expense of another POW. When so very few POWs were being offered the opportunity, it was a hard choice to make. Lieutenant Commander John S. McCain III, USN, was offered a chance to go home. Reflecting back on the Code he felt: "For somebody to go home earlier is a special favor. There's no other way you can cut it. ... the primary thing I considered was that I had no right to go ahead of men like Alvarez, who had been there three years before I [was shot down]." (24:50)

Article 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.

Almost every POW tried to avoid giving information which was harmful to fellow prisoners. Yet some of their actions, such as escape attempts, did result in severe disciplinary action toward others (e.g. Lt Col Dramesi's attempt).

As seen in the Korean War experience, one of the most important elements in any POW camp is that the senior POW take charge. In every camp where communication was possible, the POWs established a chain of command and rules.

A chain of command, working in two directions, formalized and solidified the prisoner society in the camps. The junior officers organized themselves automatically, because they were military men who instinctively looked toward their seniors. On occasion, the senior man had no command experience, or was incapable of, or not motivated toward leadership. Regardless, it was absolutely essential that the senior man take command of those junior to him. Whether he did a good job or a poor job made little difference, as long as he established a command structure. Decisions had to be made and had to be followed as a group to achieve group strength. (12:43)

Taking command was not always easy. Often the senior man was beaten by the captives and had to make unpopular decisions concerning the status of the POWs. Often, he had to limit escape attempts, though he felt that was in violation of the Code, in order to limit repercussions to other POWs in the camp. The enemy also tried to undermine the command structure by addressing issues with the lower ranking individuals. In those camps with a strong cohesive unit, the command structure still survived.

Aside from being the primary interface with the camp officials, the senior man was responsible for establishing a communication system which kept all of the prisoners aware of any and all news. Most times, this communication system was covert and risky. Information was passed via the Morse Code, the tap code, hand signals, cough signals, notes in urinary pots--any and every imaginable way. The POWs realized that communication among them was one of the keys to survival.

Article 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.

This was one of the most controversial articles. Results of POW debriefings revealed that almost every POW gave some information in addition to the "Big Four"--but usually after intense torture. As recounted by Lieutenant Colonel Floyd J. Thompson, USA, who was a POW for nine years:

Their [the North Vietnamese] whole emphasis was aimed at picking up material they could use in a propaganda effort. To do this, to get the propaganda material they needed, they had either to indoctrinate a prisoner with their own beliefs or they had to so torture a prisoner, either physically or mentally, that he would respond favorably on command to his captors' suggestions. . . . And because they were not pressed for time, they could use techniques to indoctrinate or break a man we would consider infeasible. (41:18)

Some POWs refused, no matter what, to give information beyond that allowed by the Code of Conduct. Sergeant First Class John Anderson, USA, was the only broadcast journalist to be taken prisoner during the Vietnam War. After refusing to sign a false document, his captors blindfolded him and put a gun to his head. They fired the gun over his head, but he still never signed the document or gave any information. He remained a POW for five years. (39:27; 22:23-25)

Some POWs who refused to talk were not so fortunate. Major Donald Cook, USMC, even when a pistol was put to his head, refused to talk or sign any documents. He was killed. (27:28) Captain Edwin Atterberry was repeatedly tortured but refused to make any statements and died. (27:28)

Then there is the remarkable and inspiring case of Air Force Lt Col John Dramesi. Like the rest he was beaten. But when they wanted him to make a twenty page statement denouncing the President, he made a twenty page statement denouncing the camp. They beat him again, and again, but he made no statements against

his country. None. So they tortured him, they starved him, they placed him in solitary confinement, they denied him his mail. For six long, miserable years he agonized, he struggled, he wept, but he made no statements, never, not one. Six years is a long time and during that time he nearly died. But finally, they left him alone. They could not conquer him. (27:28)

Some of the most respected of POWs did "confess" to crimes. One can recall Lieutenant Commander Richard A. Stratton, USN, who was filmed bowing slowly, almost robot-like, in a circle before giving a "confession." It was quite evident to psychologists and those who knew LCdr Stratton that this confession was given under duress. "In May 1966, Navy Cdr Jeremiah A. Denton, Jr [now a senator] was paraded before Japanese television cameras in Hanoi. He, too, confessed to 'crimes.'" (46:70) Colonel Robinson Risner, USAF, said: "If they told me to say the war was wrong, I said the war was wrong. If they told me to say they were winning the war, I said they were winning the war. When the pain became sufficient that my will no longer functioned, I did what I was told to do." (9:28) Major George E. Day, USAF, (later a Medal of Honor recipient), after being wounded and tortured, "pretended to break, giving false information." (42:12)

Repeatedly tortured and finally giving in, many of the POWs found out that the torture did not stop. Colonel James Kasler, USAF, was tortured for propaganda use. One leg had been severely broken and lacerated when he was captured. The North Vietnamese concentrated on that leg during beating sessions. After weeks of continuous brutalities, resulting in shredded skin, a ruptured eardrum with blood running down his neck, broken ribs, and a "mouth so bruised that [he] could not open [his] teeth for five days," Col Kasler made a statement. Yet the torture continued. (5:25-26)

If the physical torture did not continue, the mental torture did. After four days of continuous torture in which LCdr McCain's arm was rebroken and his ribs were cracked, he finally agreed to sign a confession.

Finally, I reached the lowest point of my 5 1/2 years in North Vietnam. I was at the point of suicide, because I saw that I was reaching the end of my rope. . . . for the next 12 hours we wrote and rewrote. The North Vietnamese interrogator, who was pretty

stupid, wrote the final confession, and I signed it. It was in their language, and spoke about black crimes, and other generalities. It was unacceptable to them. But I felt just terrible about it. I kept saying to myself, "Oh, God, I really didn't have any choice." I had learned what we all learned over there: Every man has his breaking point. I had reached mine. (24:51)

Many POWs after enduring much torture decided to fabricate stories. It was a conscious decision to stop the torture before losing control of oneself. One ex-POW said, "Fabricating answers to military-oriented questions was commonplace and seemed to be a sensible doctrine to follow. Even though these men did not comply with the Code, they rightfully should not have had to endure feelings of disrespect or self-guilt." (38:36-37) However, the fabrication of stories was not without a price. One former POW told this story of a prisoner who "gave in":

The man agreed to write a letter home saying he was being well treated by his communist captors. However, he added in his letter that Superman and Lois Lane were also doing fine and having fun. The letter was later published in several American newspapers. The North Vietnamese then realized that they had been tricked and promptly punished the prisoner. He was thrown into solitary confinement and not seen again for at least a year. (39:28)

Another account involves Colonel Norman C. Gaddis, USAF, who after torture, broke down and began to lie. His captors did not believe his stories. The result was two more days of beatings, one thousand days in solitary confinement, and no mail privileges. (33:3)

Article 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.

Through the entire ordeal of captivity, a POW must always maintain his dignity and faith in his country and fellow servicemen. The POWs knew that they needed to rely on each other for that inner strength to resist and survive. Captain Ken Cosky, USN, a former POW, stated it this way:

We all broke one way or another. But the first night, the first torture session was not what separated the men from the boys. Stockdale and Jenkins [Commanders, USN] were held in high esteem because they organized the guys. They didn't hide in their cells. When caught organizing they knew they'd be brutalized for weeks, but they'd do it again. Making sure everyone got the word. The interrogation was peanuts, but making the effort to organize and communicate at the threat of brutality, that was the key. (26:61)

Even at the height of indignation, the POWs refused to be "beaten." Major Larry J. Chesley, USAF, who was a POW in North Vietnam for nearly seven years, cited one case among many in which POWs never forgot they were Americans:

An example of keeping self-honor occurred during the Hanoi Parade, 6 July 1966. A group of POWs was taken to downtown Hanoi and marched in the streets. The Vietnamese people, being stirred up by their cadre, started chanting, "BOW, BOW, BOW!" Our senior POW officers kept yelling for the men to hold their heads up and be proud. Teeth were knocked out, eyes were blackened, and men were kicked in the groin, but all "stood tall." (47:26)

Passing the Test

Vietnam was the first test of the Code of Conduct. All in all, the Code held up well. Even those POWs who did not follow it precisely testified that they felt the Code was important and was the "glue" which held them together. Dr William E. Mayer, an authority on problems of war prisoners, said in an interview in 1973, "I haven't seen any evidence among the recent returnees that they have come back with a rather guilty feeling that they had let each other down--a feeling that was common among the Korean prisoner group--or that they let their country down, either." (45:40) The goal of having a Code was to make sure the Korean experience was not repeated. The Code passed the overall test but was in need of review to ensure its continued success.

THE RESULTS OF THE VIETNAM EXPERIENCE ON THE CODE

As early as 1969, the Department of Defense's Prisoner of War Policy Committee was contemplating a change in the Code of Conduct but felt that any change while there were still POWs in Vietnam might be unwise. (43:2) During the Vietnam War, "Article Five was one of the most discussed articles by the POWs because the phrase 'utmost of my ability' is very hard to define. Not one of the prisoners actually knew--in fact, probably no one really knows--what his 'utmost ability' is." (47:28) Experience showed that if a POW wanted to survive the horrors of the Vietnam prison camps, he was going to have to give some information other than name, rank, serial number, and date of birth. The POWs in each camp had unwritten rules on how much or when information could be given--the rules were dependent upon the character of the camp (lenient, strict, survivable). "Prisoners at the 'Hilton' secretly organized to form the 'Fourth Allied POW Wing.' The group's improvised code of conduct permitted the signing of confessions and propaganda statements, but only after being tortured." (9:28) Cdr Stratton had another approach to giving out information after torture. He felt that "the POW should resist to the best of his ability, but should not sacrifice himself completely at any single time. He should attempt to save his mind and body to continue the fight over the long haul." (15:505)

Part of the problem the POWs experienced with the Code was that every service interpreted it differently. "The Air Force, for the most part, taught methods of 'ruses and stratagems' that encompassed bounce-back techniques, which the service believed to be the intention of the Code's founders. The other services generally took a hard-line stance embodied in the refrain, 'Big Four and nothing more.'" (36:23)

In 1969, Brigadier General S.L.A. Marshall, who had worked with the committee which built the Code, wrote his assessment about the Code and what a POW could say:

... the Code frees him to resist by discussing almost anything ... provided he does not betray the interests of the U.S. to its allies, or do anything to hurt his fellow prisoners. ... It was written in 1955 specifically to give the POW this much freedom. ... But minds great and small have become confused by one article of the Code. ... The

key word here is "evade," which is quite different from "avoid" or "refuse." Its sense is that a PW may fence with his captors. . . . there is nothing wrong with the Code. The fault is that the Services, with the exception of the Air Force, did not try to make it work. (16:52)

In 1974, after the incidents with Gary Powers (U-2 shot down over Russia in 1960), the U.S.S. Pueblo (captured by the North Koreans in 1968), and the return of American POWs from Vietnam, the Pentagon decided to study the Code of Conduct. (37:21) "Nearly every American military man detained or held as a PW in the years since 1955--in 'cold war' incidents, the capture of the U.S.S. Pueblo, the war in Southeast Asia--was unable to abide by the letter of the Code as interpreted in the Department of Defense (DoD) publications dealing with it." (16:49)

During the review of the Code, the Army recommended changes to the interpretive material and to the training program, with accompanying word changes in the Code itself. The Navy recommended changes in the training programs and clarity in the role of the senior officer, but recommended that the words or intent of the Code not be changed at all. The Air Force recommended changes in the training policies but thought the Code was clear and needed no changes. The committee then turned to POW interviews. (16:62-63)

Many POWs, even though they did not follow the letter of the Code, recommended that the Code remain as it was. These POWs felt that they understood the intent of the Code and lived up to it. One such POW was Colonel Norm McDaniel, USAF, who said that "the fact that a goal [the Code] is hard to achieve does not invalidate it." (26:62) Colonel Day said: "It is the consensus of a majority of the senior POWs--my view, too--that it is a really beautiful document, one that's about as restrictive and at the same time liberal as a document of that kind can be." (35:32)

Other POWs, such as Rear Admiral James B. Stockdale, USN, thought that "the Code of Conduct was the star that guided us" but made recommendations for changes in training. (31:12; 40:5) Some POWs wanted modifications to the references of legal status, others wanted clarification about the determination of the senior person, and many wanted improvements in training. Lieutenant Colonel Floyd H. Kusher, an Army doctor held as a POW,

received very little training on the Code or on survival. He believed that everyone should be trained in what to expect if captured. (31:12) Of those people who recommended changes, the overwhelming number recommended changes in Article V--about not giving any information other than the "Big Four." As retired Rear Admiral Daniel V. Gallery, USN, an ex-POW said: "We've got to find some better choice for the defenders of our freedom than torture, suicide and disgrace." (9:29)

In May 1976, the Defense Review Committee for the Code of Conduct found that the Code was a viable guide for the serviceman and should be retained. There was one article which was changed, however: "In Article V, one word was changed--'I am required (formerly 'bound') to give name, rank, service number, and date of birth.['] The implication here is the POW must give the big four but is not 'bound' or confined to just those four items." (38:38) President Carter signed the executive order making this change on 3 November 1977. (29:25; 36:22)

Having been ten years since the Code of Conduct was reviewed in depth and changed, it is prudent to evaluate the Code for its relevance today and in the future.

Chapter Four

THE CODE OF CONDUCT SINCE 1977

The United States has not been involved in any "war" per se since Vietnam, but has been involved in a number of hostile incidents--the Iranian hostage drama from 1979 to 1981, the 1981 kidnapping of Brigadier General James L. Dozier in Italy, the liberation of Grenada in 1983, the 1985 airline hijacking in which an American sailor was murdered, and the current U.S. military involvement in Nicaragua. With military personnel stationed around the globe, possibilities abound for U.S. military members to become involved in hostilities. Each of these incidents could have been a test of the Code of Conduct. In fact, when taken captive at the U.S. Embassy in Tehran, Iran, Lieutenant Colonel David M. Roeder, USAF, "adopted the Code of Conduct as his daily guide." (11:6)

Department of Defense Directive (DoDD) 1300.7, Training and Education Measures Necessary to Support the Code of Conduct, designates the Secretary of the Air Force as the executive agent for developing the training material, evaluating the programs, and coordinating uniform training for all of the services. (51:3-4) In that directive, there are three levels of training stipulated. Level A "represents the minimum level of understanding for all members of the Armed Forces, to be imparted during entry level training of all personnel." (51:2-2) Levels B and C focus on personnel whose military roles entail moderate to high risk of capture. (51:2) Air Force Regulation 50-3, Code of Conduct Training, defines high risk personnel as those "whose military job, specialty, mission, or assignment makes them particularly vulnerable to capture by hostile forces, by terrorists, or by unfriendly countries during peacetime." (48:2) Moderate risk personnel, simply stated, are those who are more vulnerable than low risk personnel. These high and

moderate risk personnel receive training upon assumption of such duties. (51:2-2)

Although Level A is the most basic level and only requires training when a person enters the military, DoDD 1300.7 specifies that at this level one must "understand the relationship between the Uniform Code of Military Justice and the Code of Conduct, and realize that failure to follow the guidance of the Code of Conduct may result in violations of the provisions of the UCMJ. Every member of the Armed Forces of the United States should understand that members can be held legally accountable for personal actions while detained." (51:2-11) It would be difficult for a new military member to fully comprehend these concepts during basic training. These concepts can only be fully understood by military experience, study, and discussion.

Training is an element of the Code of Conduct which cannot be taken lightly. As one Marine officer put it in 1983: "Today, inadequate training is the major defect with the Code. For most Marines the only exposure is a one-hour class in boot camp or Officer Candidate School. After that, it's a yearly brushup for the Essential Subjects Test." (19:61) Training is not much better in the other services. In the Air Force, unless a member has a moderate or high risk of capture during peacetime or combat, the only training that member receives is during entry-level training and then again in professional military education (PME) courses. (48:2,5) The problem here is that not all Air Force military personnel take these PME courses and the majority who do, do so by correspondence, not by seminar or in residence in which the Code could be "discussed" to ensure complete comprehension.

With the increasing likelihood of being in the center of a military or political dispute, it would seem that every military member is vulnerable and that the Department of Defense would be interested in having all of its military members cognizant of the Code of Conduct. It is unreasonable to assume that a military member would thoroughly understand his responsibilities under the Code of Conduct from one single review of the Code during basic training. Perhaps, the founders of the Code of Conduct were more farsighted as they stipulated annual training for all military personnel. (13:14) In 1959, the Air Force continued with that trend and told its commanders:

The enemy's intelligence and propaganda functions do not cease during "cold war" periods. Our most effective weapon is conscientious application of the "Code of Conduct." Although the code was written for conditions encountered in a "hot war," its standards are equally applicable to situations normally met in morally underdeveloped nations. Obligations prescribed in the code are basic, traditional, and appropriate for situations wherein its application will deny valuable intelligence or propaganda to the enemy. . . . Commanders and inspectors [are responsible for] assuring that annual refresher code of conduct training is effective. (4:2)

The Department of Defense must reevaluate the content and frequency of training for all military members. Annual training for all personnel is what the founders of the Code envisioned and is what should be done. When conducting the training, the services must ensure that the articles are discussed in depth. The Air Force has stipulated in AFR 50-3 that when the training is conducted the following should be covered: "basic responsibilities of rank and leadership; military bearing; order and discipline; teamwork; devotion to country; faith in fellow servicemembers; and duty in combat situations, in captivity, peacetime detention, or in hostage situations." (48:1)

As seen in the Vietnam War experiences, some personnel can become obsessed with the "letter" of the Code and not understand the "intent." Each military member must understand the history of the Code, the relationship between the Code of Conduct and the Uniform Code of Military Justice, and the relevance of the Code of Conduct to the individual military member and to the group. It naturally follows that the only way to fully understand these very important elements is to study and discuss the Code in a forum of interested and knowledgeable instructors. Maj Chesley, a POW for nearly seven years, said in 1977: "One cannot develop the proper attitude through a one-hour lesson on the Code in Leadership Laboratory or at Air Force survival training. This attitude is a life-long process; its foundation is built at home, at church, and at school." (47:26) Therefore, it behooves the commanders and supervisors to not only brief and teach the Code, but to live the Code as well.

In its initial stages, the Code of Conduct accomplished its purpose: to ensure that the Korean experience is never permitted to happen again. (52:32) The lack of group cohesiveness and support, the lack of leadership, the lack of

understanding of the purpose of the fight, the lack of understanding of the enemy--these were not nearly as prevalent in the Vietnam War as in the Korean War. The Code of Conduct helped the POW in Vietnam. It helped hostages since Vietnam--those hostages who knew and understood the Code. Yet, the teaching of the Code seems to have been shelved--just collecting dust until we need it again--in which case, the training may come too late. With more emphasis on training, the Code of Conduct can help in future hostage situations and military conflicts. The Code should be an integral part of every servicemember's continuing training. The Code of Conduct is needed.

"I will return with honor or I will not return at all."

- Colonel George E. "Bud" Day

(35:43)

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