AIR COMMAND AND STAFF COLLEGE

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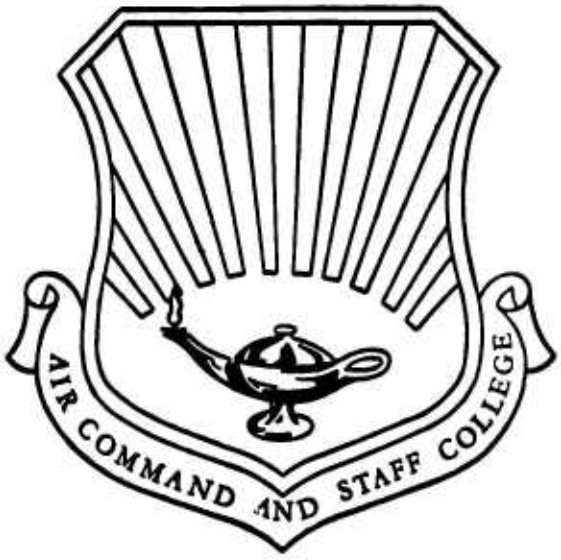

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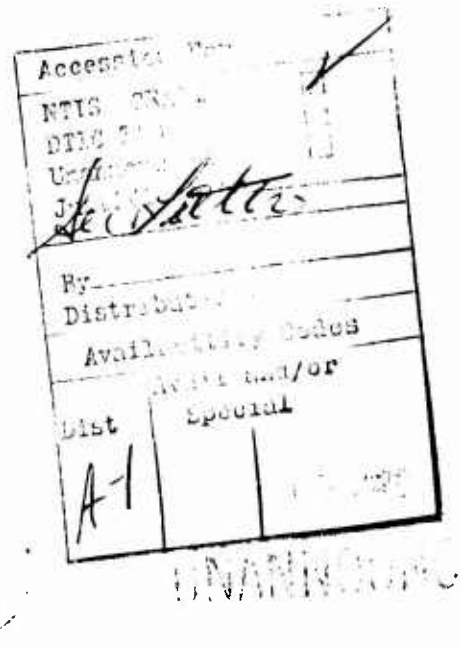

AIR COMMAND AND STAFF COLLEGE

THE CODE, DOES IT HAVE LIMITS?

By

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Major, USAF, 1933 -

A RESEARCH STUDY SUBMITTED TO THE FACULTY

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AIR UNIVERSITY

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ABSTRACT

The validity, or limits of the Code of Conduct as it applies to the US fighting man have come under question many times. This study endeavors to seek answers to some of these questions. The study progresses through the concepts of the Code as they evolve through the history of warfare up to the present. The Code is then closely examined article by article to provide an understanding of its meanings and requirements. The study concludes that the Code has no limits and is infinitely valid.

PREFACE

"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. . . ," and so goes the Code. Every member of the armed forces has been introduced and trained as to the concepts and meaning of the words of the Code. It is a document containing 247 words which clearly describe the standards of conduct for every member of the armed forces while he is in combat or captivity.

The words of the Code of Conduct are not new, they echo the words of Nathan Hale, Abraham Lincoln, and the rest of the founders of this country along with the fighting men who laid down their lives for the concepts of freedom and patriotism which make up the Code. Yet there are those who question its validity--its reason for existence.

The writer believes that many officers and men of the United States Armed Forces believe the Code is meaningless--that it is degrading and an insult to be continually reminded of their duties by such a document. They further believe that if it must be in existence,

then it needs to be re-written--that it demands too much of an American fighting man. Additionally, the American public-at-large does not understand the meaning and concept of the Code. They quickly generalize and condemn any utterance of a prisoner as an act of treason, or an indication that he is a turncoat.

The public is aware--vaguely--of the existence of the Code, but they are unaware of their responsibilities to that Code as promulgated by President Eisenhower in August of 1955. In his promulgating address under Executive Order 10631, President Eisenhower stated: "No American prisoner of war will be forgotten by the United States. . . ." In this address he charged the American people with the responsibility of obtaining the release of our prisoners of war ". . . by every available means."

This writer submits that the Code of Conduct is valid as it is written, but that, if it has limits, those limits are not the sole responsibility of the prisoner in his cell; the responsibility lies equally with the American people to insure that his limits are never tested, and that he knows that he is not forgotten.

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CHAPTER I

INTRODUCTION

> And fear not them which kill the body, but are not able to kill the soul.
>
> Matthew 10:28

The words of Matthew in the New Testament give an insight into the reason for the Code of Conduct. For it has never been questioned that a prisoner of war would or could be tortured, or even executed--that has historically been the prisoner's plight. What has not been historically true is the killing of the soul which Matthew alludes to. It is this relatively new concept of prisoner treatment that established the need for a published set of standards--a code of conduct that outlines the prisoner's responsibility to himself, his fellows, and to his country, and gives him the basis of conviction to resist under the mind-warping techniques of the Communists.

In past wars our fighting men have had only to maintain the courage to endure physical hardships--even death in the service of their country. Today he must also have the inner strength and knowledge to guard

against the death of his mind by interrogation techniques never before witnessed by man. The mechanics of indoctrination, brain washing, and thought control practiced by the Communists in North Korea yielded startling results that indicated mass treason and complete erosion of patriotic standards by our prisoners. It was not until after hostilities were ceased that these techniques were known and could be understood. Faced with this new challenge, the only weapon that was devised to combat its insidious threat was the Code of Conduct. By virtue of its very source--the President of the United States, and its foundation on the concepts of freedom and patriotism, it is a powerful weapon against the enemy. It is common to every US fighting man and provides the inner strength and courage to resist against all attempts to rob him of his mind and soul.

In spite of the implications and facts that led to its publication, the Code of Conduct <u>is</u> something Americans, and especially the armed forces, can be proud of. The words used resound, and remind one of the unity and dedication of the United States. Words that describe actions by prisoners that can only be done by great courage and faith of convictions. Words that impart the responsibilities of the prisoner to his country, and to

his God, and in turn impart the responsibilities of the nation to its prisoners of war. It is a document born in the turmoil of a nation's heartbreak and mistrust of its military men, yet it has grown and matured into the foundation of resistance by those who honor it.

The Problem

Specifically, the problem is to determine whether or not a POW can reasonably be expected to abide by the Code of Conduct under all conditions of captivity. Although the guidelines are not well defined for a study of this depth, the writer will attempt to conclude the possible limits of POW endurance under extended periods of sub-human environment and treatment. In this way the study will address not only the limits of the man but also the limits to which the Code can be expected to be appropriate.

Objectives

The initial objective of this study is to critically examine the need for a code of conduct both historically and in the present sense. Once that is established, the objective becomes one of over-riding importance--to answer some of the questions that are raised about the Code. What are the limits of the validity of the Code?

Can its burdens be carried by only the strongest? Do the articles impart the needed strength to resist in every fighting man? And finally, how can a prisoner apply the Code in terms of his own personal ethics and honor when confronted by captors whose philosophies are far removed from his own?

Limitations

The approach to a study of this type will deal in intangibles, with emotions and feelings, with thoughts and words that may or may not have any real meaning, but may only serve to present the innermost concepts of their author. Unless historically appropriate, the study will deal primarily with POW cases extracted from the Korean War period. The study is made for the military reader interested in the history, concepts, and need for a Code of Conduct. It is assumed that the reader will have a nominal background and knowledge of the Code of Conduct.

Assumptions

It is assumed that the need for the Code of Conduct was predicated not so much by historical events, but rather by the degree of success the Communists enjoyed in Korean prisoner of war camps. That if the enemy in any other past conflict had employed the concepts of

indoctrination, brain washing, and thought control as effectively as the Communists used them in the Korean War, the outcome would have been just as alarming. Further, the need for the Code was not predicated by an erosion, or disintegration of the US fighting man's ideals of patriotism, but rather by a significant change in treatment by his captors. A change so complete that he was not prepared, and had inadequate defenses to cope with it.

Definitions

To make understanding of this study easier, and more complete, certain commonly used terms should be defined.

1. The term "Code of Conduct" will be used interchangeably with the word "Code" throughout the study. The reference will be made to Executive Order 10631 issued by President Eisenhower on 17 August 1955, which promulgated the "Code of Conduct for Members of the Armed Forces of the United States."

2. The terms "brain washing" or "menticide" refer to the systematic indoctrination that tends to change or undermine one's political and moral convictions.

3. The term "enemy" describes an opposing armed force, whether or not engaged in declared or undeclared war with the United States.

4. The terms "prisoner," "prisoner of war," "PW," or "POW" will be used interchangeably. They refer to any individual or group held captive by an opposing armed force in armed conflict with the United States.

5. The term "Rules," when capitalized, refers to the 1949 Geneva Convention Rules.

Organization of Study

To provide a firm foundation for the study and for the reader's understanding, Chapter II will address the historical significance of prisoners of war and their treatment through the ages. It is felt that an understanding of the development of the ethical military concepts of prisoner treatment is basic to the understanding and meaning of the Code of Conduct.

Chapter III will investigate the history and techniques of menticide and brain washing. Particular emphasis will be placed on the methods employed by the Communists in the Korean Conflict.

Chapter IV will present the Code of Conduct in its entirety, with descriptive discussion explaining the reasons, or concepts, of each major passage.

Chapter V will present the conclusions of the study and make appropriate recommendations.

CHAPTER II

HISTORICAL ASPECTS FOR A STUDY OF THE CODE OF CONDUCT

> The term prisoner of war, often abbreviated as PW or POW, is commonly used to mean any person captured or interned by a belligerent power during war. In the strictest sense it is applied only to members of regularly, or organized armed forces but by broader definition it has also included guerrillas, civilians who take up arms against an enemy openly, or noncombatants associated with a military force. (17:562)

Such is the definition of prisoner of war by the Encyclopaedia Britannica, it is factual and straight forward--and refers only to the prisoner's immediate concern of "captured or interned." The definition gives a precise meaning of "what" and "who," but goes no further, no hint of what happens after. . . . Another definition, not quite as precise, but with some insight into what might befall the prisoner is offered by the Secretary of Defense's Advisory Committee on Prisoners of War, they state:

> Fighting men speak of the "fortunes of war." In combat, luck cannot smile on all participants. Some are bound to lose. The man taken captive is one of the unlucky--a Soldier of Misfortune. (15:1)

Armed with these definitions, one might ask, "Now we know what he is and why he became one, but what happens to him? Is he forgotten? Is he still a concern of the United States although in the hands of the enemy? What is his lot--his hardships?" To answer these probing questions one must look to history for some of the answers.

Clearly POWs cannot be generalized about, they are individuals and cannot be lumped into a single slot with conclusions drawn from "some to all." The "single slot" generalization is easy to handle and because of this the public tends to settle for the "some equals--all" deduction. These handy, simple, and quick deductive devices serve only to distort factuality, and misconceptions result. Misconceptions that are dangerously untrue can happen if the public has been led to believe generalities based on misinformation or lack of information. When this happens, as it often does, public thought, concern, and opinion may go far askew. (15:1)

In the early history of warfare there was no recognition of a status of a prisoner of war. The captive, whether or not an active belligerent was completely at the mercy of his captor. His survivability was dependent on such factors as availability of food and his usefulness

to his captor. It was fairly typical for the enemy to ruthlessly slaughter prisoners periodically as a vehicle to terrify the other side. The soldier of ancient warfare could be certain of one of two things. He would be victorious and live or lose his life in battle. The alternatives of capture could not be realistically considered, as the best he could hope for was a lifetime of slavery at the hands of his captor. (17:562)

Even the Scriptures professed no humane treatment. One finds in 1 Samuel 15:2-3, "thus saith the Lord of Hosts . . . go and smite Amalek and utterly destroy all they have, and spare them not." During these ancient wars Saul was considered disobedient because he took Amalekite prisoners; Hemocritus of Syracuse was exiled for refusing to slaughter all Athenian captives. But from this darkness it seemed that mankind could have a conscience; a voice in India, called the ancient Code of Manu (200 B.C.), enjoined the Hindu warrior to do no injury to the defenseless or the subdued enemy. (15:1)

During Medieval times, as warfare changed, and the rise of chivalry became the dominant social force, the treatment of prisoners also changed. In the Dark Ages, soldiering was savage, brutal, and bloodthirsty, with little or no value put on human life--especially if he

represented the enemy. But the codes of knighthood chivalry tempered the wrath of the warrior's steel, no longer did the knight slaughter for slaughter's sake. He could be merciful to a gallant opponent whom he had conquered--his prisoner was not considered a pawn, or plaything meant only for sadistic entertainment. (15:2)

Under the Code of Chivalry the knight assumed the obligations of noblesse oblige, or noble obligation to remain true to his king or cause, even if he were subsequently captured. He faced retributive punishment should he break his vows of knighthood--which would be considered acts of open treason. Thus, these first rules, or codes, for the fighting man in combat or captivity were linked to knightly concepts of duty, honor, and country--and they remain so today. (15:2)

Along with the emergence of this fighting man's code of conduct, there emerged rules involving prisoner treatment. Especially noteworthy are the rules involving interrogation. The captive knight was required, and permitted, only to divulge his name and rank. This was necessary for purposes of identification and ransom, and was the forerunner of the more modern Geneva Conventions ruling that a prisoner is bound only to give his name, rank, serial number, and date of birth. (15:2)

But as history would prove, the codes adopted during the days of the mounted knight would fall into disuse. The British and American treatment of prisoners of war during the American Revolution demonstrates that the lessons of history are not always observed.

General Washington's message to British General Thomas Gage illustrates the way prisoners can be used as hostages, or pawns, by local commanders who do not have a basic framework of international laws and customs to guide and direct them. In part, General Washington said that the colonists would regulate their conduct toward British prisoners "exactly by the rule you shall observe toward those of ours now in custody." (17:563) As a result, American and British treatment of prisoners was frequently harsh and inhuman.

It was not until 1863, during the Civil War, that the question of humane treatment was again specifically addressed. The War Department's General Order No. 100, or the so-called "Lieber Code," (named after Francis Lieber, the man who drew up the Order) outlined the basic principles of treatment towards prisoners. In general, these newly adopted rules re-instated the need for proper food, clothing, quarters, and treatment. (16:604e) The important aspect is that adoption of the

"Lieber Code" signaled the first official adoption of rules and regulations involving prisoner treatment by the United States. (16:604e)

Also, later in 1863, the United States, plagued with desertions to the other side, drew up General Order No. 207. Its stated purpose was to stop the widespread practice of surrender to the enemy with a subsequent parole to escape further combatant service. Most significantly, it outlined the duty of a captured prisoner, and could be called the first US Code of Conduct. Among other things the order specifically provided that it was the overwhelming duty of a prisoner to escape--not unlike the Code of today's prisoner of war. (15:5) Some of the conditions requiring punishment for misconduct under this order were:

--Misconduct where there was no duress or coercion.

--Active participation in combat against Federal Forces.

--Failure to return voluntarily.

(15:5)

Thus the responsibilities of the prisoner as well as the responsibilities of the captor power were somewhat established by the US in General Orders 100 and 207. But it was not until nine years after the Civil War that the first attempts were made toward adopting an

international code of prisoner treatment. In 1874 representatives of fifteen European nations met at Brussels to study, and adopt standards concerning the prisoner of war problem. Although the declaration drafted was never ratified by the participationg nations, it set standards that were to be followed and adopted by subsequent treaties among international communities.

The most notable outcome of the Brussels Declaration was to specifically identify responsibility for prisoners. It stated that the custody, and responsibility, of prisoners of war was vested in the government whose forces had effected their capture and not in the individual or corps responsible for their actual seizure. Although this rule had been established long before the Brussels Congress, it was generally regarded as a principle rather than a binding international rule, or law. As a result, war captives had traditionally been regarded as in the power of the individual and not of the state. (16:604e) (15:5)

A historical sketch of this era would not be complete without a discussion of one of the blackest pages in the history of the United States. Inhuman acts and treatment of prisoners that would rival any act of man's

brutal treatment of man down through the ages--that page in time is the Andersonville Prison. In spite of the great strides forward by the US Army and Francis Lieber during 1863 with his "Lieber Code," it appears that much was ignored, or at least not practiced in all cases. There is still much speculation about that most notorious prison in Southwestern Georgia. But it is known that between 14 February 1864 and 5 May 1865 that over 13,000 Union prisoners of war died at this Confederate Prison Camp in Andersonville, Georgia. Stories of death, starvation, and torture are still told that would sicken and defy the conscience and imagination of the strongest of listeners. Ovid Futch relates the grim stories of many inmates that survived. One prisoner tells this story:

> Men actually starved to death here for want of food. We are now getting scant rations of beef, some of the wormiest types I ever did see, and one-quarter ration of cornbread, one spoonful of salt a day and not one-fifth enough wood to cook with. Hungry men killed low-flying birds and ate them raw as soon as they were dead. (7:37)

Conditions were investigated by a medical commission appointed by the Confederate War Department and eventually all but some 4,000 prisoners were transferred to more suitable camps. The important point that research

has revealed about Andersonville is that without proper supervision and control prison camps can sink to Dark Ages levels of human depravity. In this case, the prison superintendent, a Swiss, Captain Henry Wirz, was charged with cruelty and mismanagement, and was hanged. The cemetery where the prison dead were buried is now a national cemetery and the grounds have been made into a national park. (1:662)

As the United States emerged from the Civil War, some historians could rightfully say that progress had been made toward humane treatment of prisoners. But, in light of Andersonville it was also obvious that the United States could regress to primitive conduct with respect to prisoner treatment. The outlook was soon to take on new meaning though, for during the turn of the century two significant international conferences took place. These Hague Conferences gave an indication that many nations were concerned about the problems of prisoner treatment and conduct.

The Hague Regulations are a product of these two conferences held in 1899 and 1907. The Regulations were not specifically aimed at answering the prisoner of war problem, but they were, nevertheless, a valid sign that the civilized nations of the world were constructively

attempting to resolve the problem of humanity on the battlefield and in the prison camps. (15:5) (44:12) The conferences were generally called to codify and resolve disputes over international law. Since the prisoner problem did have international implications, the conferences adopted guidelines covering the care of the sick and wounded captured during warfare. (10:617)

Of all the wars the American fighting man has seen combat in, World War I is the cloudiest in respect to official documentation on prisoner of war treatment. Research has turned up little beyond that which can only be speculated on. The books and articles published by former prisoners are perhaps the most credible information to draw upon. They tell of wounded British prisoners being herded onto cattle cars and left to suffer for the many days of bitter cold travel to Germany. (8:26) Camp conditions are described as being sub-human and degrading with reports of " . . . no heat in the barracks, rancid black bread and thin, watery, tasteless soup morning, noon, and night." (8:26-27) It is fairly certain, however, that the US and its Allies adopted prisoner treatment consistent with the guidelines laid down by the 1874 Brussels Congress and the conferences held in Hague during 1899 and 1907. (12:141)

As noted earlier, the Hague Regulations established guidelines pertaining to captivity in war, but they were vague and could be compromised. The importance of the Hague Conventions was that the discussions there proved a need for the prisoner of war problem to be more directly and precisely addressed. This need, recognized by the international community in large part, led to the Geneva Convention of 1929. (15:5)

The Geneva Convention did not specifically prescribe the conduct which a nation may require of its personnel who become prisoners, but it did directly address the treatment of prisoners of war. The 1929 Geneva Convention set forth in detail the rights and protections which should be afforded prisoners by the captor power, or nation. Although in much more detail, the rulings of the Geneva Convention centered around the basic guidelines as presented during the Brussels and Hague Conventions held earlier. (16:604e) The Geneva Convention ruled that a prisoner is the responsibility of the captor government, and not of the soldier or corps that had physically captured him. The convention also outlined in detail the humane treatment required by the captor power. The Convention ruled on specific prisoner conduct and established that he is responsible

for the laws, regulations, and orders that were standing in the captor country when he was taken prisoner. (15:5) (16:604e)

It was during the 1929 Geneva Convention that the rules of what the detaining power could require of a prisoner during interrogation were set down. He was required only to divulge his name, rank, service number, and date of birth. (16:604e) (15:5) Although to be somewhat expanded in later conferences, the international rulings made by the 1929 Geneva Convention are, in large part, still appropriate today.

Thus, historically up to the 1929 Geneva Convention there was little or no widespread agreement as to the treatment of prisoners under international law. And even the 1929 Geneva Convention, widely accepted, agreed upon, and ratified by most western nations including France, Germany, Great Britain, and the United States, was notably abstained and not ratified by Japan or the Soviet Union. (17:563)

As the world entered World War II, it was to be the most "total" of all the wars in history. The war generated new heights of intensity and nation-state involvement. The objective, on the part of opposing forces, for unconditional surrender generated an absolutism

where the opponents mutually depicted the other as representing everything alien and detestable. These total extremes in nationalism, imperialism, or ideological conflicts not only spawn the conflicts, they generate intense hatred between the opponents that grow in intensity proportionally with the intensity of the conflict. (28:79) Even with these considerations one cannot explain the atrocious acts of the Japanese guards supervising the Death March after the fall of Bataan, or the treatment of Jews in the POW camps in Germany. This is not to introduce a discussion of these heinous crimes but to remind the reader of the total depravity that a supposedly civilized nation can fall to in times of conflict. Such treatment is motivated by the nature of the warfare, by historic, cultural, and political customs and characteristics of the captor power. In many cases the inhuman treatment was a result of the battlefield commander's interpretation as to what is necessary treatment to protect his own forces and provide for the completion of his nation's objectives, or mission. (28:79-80)

With regard to Germany, most authoritative documents agree that American prisoner of war treatment at the hands of the Nazi's was generally consistent from

camp to camp--captive to captive. Prisoner organizations were allowed and the prisoners were compelled to form a military corp among themselves and in precise order of rank. Such things as Red Cross packages, mail, sports, and recreational programs were often allowed. (15:58) (40:14)

In terms of interrogation, Germany may have "skimmed" the top of "brainwashing" techniques. Their method of getting information, at least initially, began with the friendly approach--a cigarette, offered by a smiling, well dressed officer interrogator who spoke flawless English attempted to "break" the prisoner with kindness, and overtures of "we're here to help you" tactics.

If that proved fruitless, it was generally known that beyond loud and continuous threats of death and torture no real physical harm was likely to happen to the captive. (16:604e-604f)

Conversely, the Japanese were notorious for their inhuman treatment of prisoners. Throughout the Southwest Pacific the soldiers of the Emperor erected monuments of their atrocities--the "Bataan Death March" will forever live as a testimony to Japanese treachery and inhumanity. (42:14) Unlike the Germans, where treatment

of Americans seemed to be punctilious enough, the Japanese employed widespread brutalizing techniques, especially by the soldier or group that made the capture. Americans captured by General Homma's forces on the Bataan Peninsula and at Corregidor counted themselves extremely fortunate to just reach a prison camp alive. The veneer of a civilized race was microscopically thin on the Emporer's soldiery. In their triumphs of conquest in the Southwest Pacific the veneer peeled like varnish. (15:58) Because it was felt that they possessed more information of value to the enemy, airmen and submariners bore the brunt of Japanese interrogation ordeals. When pilots and submariners were captured they "got the works." The Japanese did not bother to employ the subtle interrogation the Germans did. Nor did they employ methods associated with "menticide." Prisoners received brutal floggings and torture, they were exposed to the worst punishments of Oriental concept that the judo experts and hatchet men could devise. Accounts of horror that defy description cover everything from cigarette burning, bamboo splinters under the fingernails, beheadings, and being burned alive abound throughout the tales of the war in the Pacific. (15:58)

In retrospect, with history being unfolded thus far, can any analysis be drawn? Has man progressed in his

treatment of man? Certainly civilization progressed since ancient times. One could rationalize Moses when he interpreted the word of the Lord saying:

> . . . you shall save alive nothing that breathes, but you shall utterly destroy them. . . .
>
> --Deuteronomy 20:16-17

Or the ancient Greek view as related by Plato:

> And he who allows himself to be taken prisoner may as well be made a present to his enemies; he is their lawful prey, and let them do what they like with him.
>
> (5:170)

But to bring acts that resound the sayings of the ancients to the near modern, and modern concepts of life, humanity, and treatment of our fellow man, one can only wonder about the atrocities at Andersonville Prison, Bataan, and the gas chambers and ovens in Germany.

It is here that this study will depart from what has been considered to be the historical "fortunes of war" that a prisoner of war must endure, such as brutality, torture, starvation, enslavement, and ultimately death at the hands of his captor. It is here that the Korean conflict must be addressed. It must be handled as an entity, a "oneness" that separates it apart from all the wars and conflicts of history. A war separated not only by the battlefields on which it

was fought--but by the manner in which it was considered. It was not a war in the total sense appreciated by the American people--its ends and motives were vague. The causes of the war, the United Nations' objectives, and the need for American intervention were not clearly delineated in the public's mind. This lack of understanding prevailed among citizens as well as the American fighting men serving on the battlefields of Korea. No longer were they fighting a war of total commitment--no longer were the objectives unconditional surrender of the enemy, but rather something vague--a cessation of hostilities, an "honorable peace"--not won on the battlefield, but negotiated in "peace" talks with the enemy. But if the terms and conduct were new, the treatment of POWs was also "new." A subtle and insidious type of treatment that embraced not only the historic brutalities of prisoner treatment, but also a technique of mind control devised in hell and designed to rob America's fighting men of their mind and soul.

CHAPTER III

KOREA: A NEW HELL

> I have never seen anyone die for the ontological argument. . . . A world that can be explained even with bad reasons is a familiar world. But, on the other hand, in a universe suddenly divested of illusions and lights, man feels an alien, a stranger. His exile is without remedy since he is deprived of memory of a lost home or the hope of a promised land.
>
> --Albert Camus

It was like Bataan revisited--except for the bitter, driving cold. Three-hundred and twenty started the long march of 300 miles through the body-killing terrain and weather of North Korea. Only 120 would survive, with 200 American fighting men, captured in the valley of the Yalu, to be left to die a graveless death in the winter wasteland of North Korea. (28:79)

Such is an introduction to the totalness of depravity of the Korean War and of the enemy. Perhaps it was the national frustration over the lack of a clear victory, or the bloody see-sawing up and down the Korean Peninsula, or the frustrating and painful negotiations which dragged on and on at Panmunjom, which led Americans to be dismayed, and critical of the government, of

the military command, and of the armed forces in general. But it was the letters purported to be written and signed by American POWs, which were circulated to the world press, in which the POWs expressed lack of faith in the United States, sympathy for the Communist cause, regret for the "barbaric acts" perpetrated by the Americans against the freedom loving people of North Korea, that left the nation stunned and raised questions about the patriotism, integrity, and courage of our fighting men. It is this black mark against the US fighting man that sets Korea apart, for now it appeared that the American was soft, unable to withstand the rigors and punishments of prisoner life that his forefathers had endured for over 170 years. (4:323)

The alledged deterioration of American moral fibre during the Korean War needs closer inspection, for it is not based on deterioration of moral fibre, but a planned conquest of the American POW's mind, a deterioration of his thought control--but not of his conscious courage, or integrity. Perhaps the case of Col Frank H. Schwable of the United States Marine Corps will give some insight into what happened.

Colonel Schwable was a dedicated professional, highly decorated for courage on the battlefield during

World War II. Yet he signed a well-documented "confession" after months of intense psychological pressure and physical degredation. In his "confession" he stated that the United States was conducting bacteriological warfare against the enemy. (14:19) What could make a strong man sink to such despicable limits? Why would he cast grevious untruths extremely harmful to the United States? Had he lost his mind? Had he turned traitor? What happened? In his sworn statement after repatriation, he indicated that he had indeed "lost his mind," but not in the ordinary sense--he had lost control of it; it belonged to the North Koreans. He said in part: "The words are mine but the thoughts were theirs." (14:20)

The Schwable case is not unique, its general outline is similar to hundreds, if not thousands, of other cases, it differs only in details. As an officer of the United States Marine Corps, fighting with and for the United Nations in Korea, he was captured by the enemy. The colonel expected to be protected by international law and by the regulations covering officer prisoners of war. His treatment, however, was very different from what he had expected. It was a slow, subtle, and insidious difference. The enemy was treating him

not as a prisoner of war, something he was prepared to cope with. They were treating him as a victim who could be used for propaganda purposes. (14:31)

This violation of a man's integrity is defined by such words as "brain washing" and "menticide," words which describe something evil, and to be understood need clearer definition. "Brain washing" involves a precise and elaborate ritual of systematic indoctrination. An indoctrination so complete in its attack on the mind that the conversion and self-accusation implanted in the prisoner's most inner thoughts can effectively be used to change anti-Communists into non-thinking, submissive followers of the party line. (14:27) Menticide has an even deeper, and more evil meaning. It is derived from mens, meaning the mind, and caedere, to kill. (14:27) Menticide is an old crime against the human mind and spirit, but under the Communist techniques it is systematized anew. It is an organized system of psychological intervention and perversion through which a powerful opponent can imprint his own opportunist thoughts upon the minds of those he plans to use and destroy. One important result of this procedure is the great confusion created in the mind of the victim. In the end he cannot distinguish truth from

falsehood—reality from fantasy. He is no longer in control of his mind. (14:28)

The use of menticide techniques to supplement and accelerate the brain washing of victims is not new; from time immemorial tyrants and dictators have needed "voluntary" confessions to justify their own evil deeds. The knowledge that the human mind can be tamed and broken down into servility is far older than the modern dictatorial concept of enforced indoctrination. (14:25) In an attempt to better understand modern mental torture, we must keep in mind the fact that from the earliest days bodily anguish and the rack were never meant merely to inflict pain on the victim. In the cases of obtaining a "witch's" confession of guilt, it was common in medieval times to submit the accused to torture and the brutalities of the rack. After suffering the most intense pain the witch would not only confess consorting with the devil, but would herself gradually come to believe the stories she had invented and would die convinced of her guilt. (14:26)

Korea and the techniques used to obtain propaganda "confessions" are merely a refinement of the medieval rack, putting it on what appears to be a more acceptable level. But it is a thousand times worse and a

thousand times more useful to the Communist inquisitor. (14:28) From these medieval techniques, perhaps a look into the use of menticide and brain washing during the Second World War might shed more light on the development and use of the techniques of mind-robbing.

Cardinal Joseph Mendszenty, a Hungarian, was accused of misleading his people and of collaborating with the enemy by the Gestapo. He was to undergo intense psychological "processing" by the Nazis. The three phases of the process developed by the Germans for use against political prisoners is quite parallel to the "processing" done by the Communist in North Korea. (14:28) First the prisoner, in this case Cardinal Mendszenty, is bombarded with questions day and night. He is inadequately and irregularly fed. He is not allowed to rest and is kept in the interrogation chamber for hours on end while the interrogators take turns with him. (14:29) After 66 hours of constant hammering of questions, never being able to even sit down, the Cardinal was almost unrecognizable, his feet and legs had swollen to such proportions that he could not move them. He was unable to speak coherently, and the only words he could utter were, "Kill me! I am ready to die!" (14:29)

The horrors that the accused victim suffers from without must be added to the horrors from within, for

the enemy knows that, far below the surface, human life is built up on inner contradictions. He uses this knowledge to defeat and confuse the brainwashee. The continual shift of interrogators makes it even more impossible to believe in consecutive thinking. The constantly reiterated suggestion of his guilt urges him toward confession. From within and without he is inexorably driven to sign the confession--any confession, just to get some peace, to be left alone. (14:30) After the rapid-fire and continuous deluge of interrogation in the first--or softening up phase, which by the way is often accelerated by the use of drugs, the victim is trained to accept his own confession, the same as an animal would be trained to perform tricks. Fabricated admissions are reread, repeated, again and again--hammered into his brain. He is forced to detail in his memory again and again the fantasied offenses, fictitious details which ultimately convince him of his criminality. In the first stage he was forced into mental submissiveness by the pressures of others. In the second stage he has entered a state of auto-hypnosis, where he is his own accuser and he convinces himself of his guilt in the fabricated crimes. (14:30) According to Swift, in his book The Cardinal's Story:

> The questions during the interrogation now dealt with details of the Cardinal's "confession." First his own statements were read to him; then statements of other prisoners accused of complicity with him; then elaborations of these statements. Sometimes the Cardinal was morose, sometimes greatly disturbed and excited. But he answered all questions willingly, repeated all sentences--once, twice, or even three times when he was told to do so. (19:131)

In the third and final phase of interrogation and menticide, the accused, now thoroughly pre-conditioned and ready to accept his own imposed guilt, is taught to bear false witness against himself and others. He now speaks "his masters voice." He becomes submissive, remorseful, and willing to be sentenced. As Meerloo puts it in his book The Rape of the Mind: "He is a baby in the hands of his inquisitors, fed as a baby and soothed by words as a baby," (14:31)

With Cardinal Mendszenty's case in view, a discussion of the controversial question of the "breaking point" can be made. When discussing either mental or physical collapse of a captive's will to resist the breaking point of a man, or men, invariably becomes a case in point, and needs clarification. Does every man have a breaking point? When comparing, or discussing the terms "break" and "breaking point," research reveals that there is an infinitely wide range of breaking points

and different ways or styles of breaking. It depends heavily upon what the interrogator's objectives are as well as the prisoner's personal definition of what actually constitutes breaking in his own mind. In Korea those prisoners who had accepted rigid standards of personal conduct felt they had "broken" or were on the verge of breaking when they had yielded only in a very slight degree. (22:138) While others might find themselves yielding quite easily during interrogation at one time and then refuse to give the slightest information at all, even when under extreme duress at another time. (22:138)

In some cases physical abuse can even serve to give the victim added strength and increase his resistance. However, to withstand mental torture over a slow, deliberate, and lengthy process, an individual must have more than a strong personality. He must be armed with an inner strength, a conviction so deeply imbedded that it can serve as a source of strength, a platform of reference, and an ultimate standard that he might draw on when all else is confusion, and lost. (14:27)

Now let us look at the rape of Col Schwable's mind and compare what is known of menticide through history with the menticide of North Korea.

The colonel was subjected to constant pressures by the North Koreans immediately after capture. These pressures were devised to break him down mentally. He suffered rough, inhuman treatment, humiliation, degradation, intimidation, hunger, and exposure to extreme cold. All were used to erode and crumble his will and to physically soften him, to make him a tool in their propaganda machine. (14:31) He felt completely alone in this worst of all situations he found himself in. He was surrounded by cold, filth, and vermin. He was forced to stand for hours as his persecutors fired endless questions at him. He was a middle-aged man and developed severe arthritic spasms and convulsive diarrhea. He was not allowed to wash or shave. This kind of treatment extended into what he felt were endless weeks--maybe months. Then the hours of systematic, repetitious, body, and mind killing interrogation increased. He could no longer even trust his own memory--his world had become a dark hole of confusion. There were new interrogation teams sent in each day. Each one was more critical, more cutting than the last. Each one pointed out his increasing errors and mistakes. He could not sleep--he began to doubt his will to resist, to fight back--or to even survive the next interrogation.

Mentally and physically he had been weakened, and each day the Communist "truths" were hammered at him and became imprinted on his mind. (14:32) The colonel had, in fact, become hypnotized; at the continued insistence of his jailers he could reproduce bits and pieces of the "confession" they had fashioned for him. Eventually, all the pieces fit together and formed part of a document which was in fact prepared beforehand by his captors. When this now-familiar document was placed in the colonel's hands, he was even allowed to make minor changes in the phrasing before he signed it.

At this point he was completely broken, he had given in--all sense of reality was gone--identification with the enemy was complete. All he wanted at this stage was to sleep, to have some rest from it all. (14:33)

As with Cardinal Mendszenty and Colonel Schwable, many times a prisoner will try to hold out beyond the limits of his physical and mental endurance in hopes that his tormentors will realize the enormity of their crimes and leave him alone. This, of course, is a delusion when confronted by captors such as the Communists. The only way to strengthen one's defenses against such an organized attack on the mind and will

is to understand better what the enemy is trying to do and to outwit him. As Meerloo states: "In my opinion hardly anyone can resist such treatment. It all depends on the ego strength of the person and the exhaustive technique of the inquisitor." Nobody can predict for himself how he will react when he is called to the test.

The official United States report on brain washing, as reported in the New York Times, 18 August 1955, admits in part that ". . . virtually all American POW's collaborated at one time or another in one degree or another, lost their identity as Americans . . . thousands lost their will to live." (14:33) A British report, along the same lines as the United States report, attempts to further analyze the treatment and conduct of the prisoners. (14:33) Also, a report published in the New York Times, 27 February 1955, describes in a more extended way some of the sadistic means used by the enemy:

> If a prisoner accepted Communist doctrines, his life became easier, according to the men's stories. But if a prisoner resisted Communist doctrines, the Chinese considered him a criminal and reactionary deserving of any brutalities. The tortures applied to the "reactionaries" included:
>
> Making a prisoner stand at attention or sit with legs outstretched in complete silence from 4:30 A.M. to 11:00 P.M. and constantly waking him during the few hours allowed for sleep.

> Keeping prisoners in solitary confinement in boxes about five by three by two feet. A private of the Gloucester Regiment spent more than six months in one of these.
>
> Withholding liquids for days "to help self-reflection." Binding a prisoner with a rope passed over a beam, one end fixed as a hangman's noose around his neck and the other end tied to his ankles. He was then told that if he slipped or bent his knees he would be committing suicide.
>
> Forcing a prisoner to kneel on jagged rocks and hold a large rock over his head with arms extended. It took a man who had undergone this treatment days to recover the ability to walk.
>
> At one camp North Korean jailers pushed a pencil-like piece of wood or metal through a hole in the cell door and made the prisoner hold the inner end in his teeth. Without warning a sentry would knock the outer end sidewise, breaking the man's teeth or splitting the sides of his mouth. Sometimes the rod was rammed inward against the back of the mouth or down the throat.
>
> Prisoners were marched barefooted to the frozen Yalu River, water was poured over their feet and they were kept for hours with their feet frozen to the ice to "reflect" on their "crimes." Other camps devised even more heinous crimes against the prisoners. . . .
>
> (14:33,34)

Isolation, time, fear, and continued pressure by the inquisitor are known to create a menticide hypnosis. The conscious part of the body, or personality, no longer takes part in the act of confession. The brainwashee lives in a trance, repeating the words pounded into him by someone else. But as the victim returns to normal surroundings, and circumstances, the panicky and hypnotic spell evaporates--and he again begins his journey back to reality.

This is what happened to Colonel Schwable. It is true that he confessed to crimes he did not commit, but he repudiated his confession as soon as he was returned to a familiar environment. (14:34)

As Dr. Meerloo stated, when called upon to testify as an expert on menticide during the military inquiry into the Schwable case,

> I told the court of my deep conviction that nearly anybody subjected to the treatment meted out to Colonel Schwable could be forced to write and sign a similar confession.
>
> "Anyone in this room for instance?" the colonel's attorney asked me, looking in turn at each of the officers sitting in judgement on this new and difficult case.
>
> And in good conscience I could reply, firmly: "Anyone in this room."
>
> (14:34)

During the Korean War 7,190 Americans were captured by the enemy. Of these 6,652 were Army troops; 263 were Air Force; 231 were Marines; and 40 were Navy. Of the 7,190 captured and imprisoned, 4,428 survived. Only 192 of the survivors were found chargeable of any offense against comrades or the United States. Another way of putting it would be to say only 1 out of 23 American POWs was found suspect of any serious misconduct. (15:vi)

To provide a parallel, or contrast to these figures, one might compare the FBI statistics on the American

public--the man on the street. According to figures during and shortly after the Korean War, the FBI concluded that 1 in 15 persons in the United States had been arrested and finger printed for the commission, or the alledged commission, of serious criminal acts. (15:vi)

Thus, the parallel has been drawn, but what is its meaning? By virtue of the traitorous and treasonable conduct of United States prisoners of war in Korea, the need for an instrument or weapon to combat such treasonable acts was considered imperative by the public; a public far removed from the battlefield or miserable POW camps in Korea; a public that although not treasonable had a far worse criminal record than the record of their fellow men who were being tortured and were dying in a distant, foreign, foreboding, and hostile land.

Such was the national feeling when the President directed the Secretary of Defense to form an advisory committee to study the problem of the Korean prisoners of war and provide recommendations to combat a re-occurrence of what happened there.

It is on this note of past disgrace, a black mark on the spirit and integrity of our fighting men, that the

Code of Conduct was born. Born because of public outrage and misconceptions. It was then, and still considered by many, to be a slap in the face for the military, an iron-fisted code that would serve to correct, by constant remindings, that the United States would not tolerate such unpatriotic acts in the future. This author believes, as did the Defense Secretary's Advisory Committee after carefully weighing all the facts, that the prisoners of war in Korea were not found wanting. When weighed in perspective with a cross-section of the national population, and of the tremendous pressures the American POWs were under, the record they set in Korea was fine indeed. (15:vi)

On 17 August 1955 the Code of Conduct for the United States Fighting Man was born, it is a code with deep and abiding meaning. It cannot be easily understood by even those who are committed to its every word. It is on this note of a necessity to gain a clearer understanding of the Code that this study will turn to a detailed analysis of the six articles of the Code.

CHAPTER IV

THE CODE--REVISITED*

To search for any limits the Code may have, the reader must have more detailed knowledge of the meaning of the Code. It is the purpose of this chapter to provide an examination into each article for its real meaning and purpose, and its relation to the Geneva Convention Rules.

It is well to remember that although all of the services had regulations, the US Armed Forces have never had a clearly defined code of conduct applicable to American prisoners after they had been captured. Through the history of the United States military there have been piecemeal legal restrictions and regulations but not a comprehensive codification. Despite this lack of a code, however, the American troops have demonstrated through all their wars that they do not surrender easily, they have never surrendered in large bodies, and they have in general performed admirably in their country's cause as prisoners of war. (15:6)

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*The Code in its entirety and in proper sequence is presented in Appendix A.

Prescribed by the President in 1955, the Code is young in terms of age, yet it has a timelessness that reaches back through all of this country's history. American fighting men have honored its provisions in all the wars this country has fought. The Code is a source of inner strength to those imprisoned, and those serving in a battlefield situation. It will continue to serve and strengthen future generations of American fighting men. To those under the guidance of the Code it serves as a weapon and a shield. Honoring it in word and spirit enables them to look any man, friend or foe, squarely in the eye. (37:1, 4)

For convenience, the six Articles of the Code will be discussed out of sequence in this chapter. For better understanding it will be divided into four sections: The first section, General, will set the current cold war scene and will present Articles I and VI; Article II will be the subject of the second section, Battlefield; and Articles III, IV and V are discussed in section three under Prisoner of War Compound. The last section, A Coat of Armor, will summarize the Code in its completeness--as a shield built by tradition and the courage of those who have gone before.

This particular arrangement for discussion should by no means be interpreted as a distinction between

combat and noncombat situations. The prisoner of war, by definition, is as much in a combat situation as the man on the front line. The only difference lies in the weapons he uses. (37:2)

The Code was never intended to provide detailed and exhaustive guidance for every aspect of military life. The Uniform Code of Military Justice, military regulations, rules of military courtesy, and the well established traditions and customs of each of the Services provide for that.

If read as it is written, in the form of a creed, Articles I and VI of the Code are general statements that affirm dedication to American security and a continued devotion to American principles. Resistance provides the keynote of the message of Article II, and prescribes the behavior required on the battlefield. It is Articles III, IV, and V which describe the actions and conduct expected of an American fighting man who has been captured by the enemy. (37:2) It is the latter three Articles which are widely misunderstood, and they are the recipients of most of the criticism hurled at the Code. Because of this a large part of the discussion on the Code will be devoted to prisoners of war in an attempt to clarify their meaning and concept.

General

"I AM AN AMERICAN FIGHTING MAN"

> 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.
>
> Article I, Code of Conduct

Each American in military service is personally committed to the task of defending the security and principles of his homeland. He is trained to fight. Thus, it is his duty to resist any foe of the United States, even if he must give his life in that task. (37:12)

The protection of "our way of life" could mean many things and has been described in many ways. But they add up to freedom based on respect for human dignity and the inherent rights that each individual has. These freedoms and rights are guaranteed by the Constitution and Bill of Rights. When an American fighting man protects "our way of life," he is in fact defending the meaning and ideals behind the documents that outline and guarantee the freedom and way of life each American enjoys.

"I am prepared to give my life in their defense." Words such as these reflect the intense patriotism of the American fighting man. A patriotism that had its

birth under the Colors of the first battle for independence. A patriotism reflected by the immortal words of Nathan Hale, "I only regret that I have but one life to lose for my country.", as he stood in the shadow of the gallows soon to take that life. (37:14)

Article I, as with Nathan Hale and American fighting men throughout this country's history, describes in words and action the feeling of the last full measure of devotion to one's country. A devotion not implanted by dictatorial methods, but a devotion that springs from the innermost portion of an American fighting man's being, or reason for being. It is a devotion based upon an ingrained sense of duty that freely commits him to sacrifice everything for his country if need be. (37:15)

The number of gallant American fighting men that have given their life freely in battle as their last full measure of devotion may have started with Nathan Hale, but the list grows with every conflict in which the American fighting man has served--be it on these or foreign shores.

Many gallant American fighting men such as these speak in the eloquent words by John McCrae:

> Take up our quarrel with the foe:
> To you from failing hands we throw
> The torch; be yours to hold it high.

If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

(37:16)

RESISTANCE, RESPONSIBILITY, AND FAITH

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.

Article VI, Code of Conduct

Article VI, the closing Article of the Code resembles in many ways the opening Article. It was written this way purposely to return the reader to the true purpose of the Code. The repeated words "I am an American fighting man" are the most important words of the Code. They signify not only trust and faith, but they describe the purpose and reason for the man and the cause to which he belongs and is responsible: his God, his country, his service, and himself. They are proud words, words with great meaning and history, words that envelope a man like a suit of armor. (37:17, 18)

The provisions of responsibility for one's actions apply not only to the fighting man and his conduct on the battlefield, but continue to apply to members of the armed forces while they are prisoners of war. The circumstances surrounding an individual's capture as

well as his conduct while in captivity are subject to investigation. Any man may face overwhelming odds. If this happens and explains a person's capture, his government will be understanding. (37:19)

While he is a PW, his conduct will be weighed not only by his country, but by his fellow prisoners as well. Additionally, he will weigh his own conduct. He will know whether or not he is acting and meeting his responsibilities, as that which is expected--and demanded--of an American fighting man. (37:20)

The principles embodied in Article VI are the principles that made our country free.

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. . . .

These hallowed, and immortal words of the Declaration of Independence contain the essence of this country's democratic faith. These principles heartened the soldier in the Revolutionary War, and they serve as a time-tested standard for today's American fighting man. (37:21)

It is the duty of every American fighting man captured in battle to continue to wage war against the

indoctrination and interrogations that would serve to undermine and destroy the image of these principles. Communism reflects the exact opposite of that which the Declaration of Independence so eloquently affirms to be basic to every American. (37:22)

To allow these principles to be destroyed, or tarnished, an American PW would be desecrating the greatest heritage on earth. So long as these principles are cherished and protected, this country's free and representative government will endure. These are principles which inspire and give strength to those who seek human freedom and who believe in the dignity and worth of every human being the world over. Such principles are worth fighting for--continuously. (37:22)

"I will trust in my God. . . ." These words defy description for they come from the heart and are a constant source of strength and faith regardless of one's religious or non-religious feelings. Few men can totally deny God, for when He is the only one to turn to, man will turn to Him.

Most religious teachings consider valor and patriotism virtues of the highest order. The man armed with deep and firm moral convictions and the courage to defend them is the man that is capable of defending

himself and his integrity against any odds, and at any price.

The United States while still young and floundering for independence, recognized the power of strength of a belief in God, a supreme being that is omni-present and will answer the call for help with the needed strength, courage, and convictions. The words which proudly proclaim the belief of this nation as a whole are simply stated, "In God We Trust," but infinitely true. (37:22)

Many centuries ago a soldier wrote:

> Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me.
>
> Psalms 23:4

Even those American fighting men who do not formally subscribe to any religious belief or creed recognize the presence of God, a supreme being, who rules the world with justice and mercy. It is this God that he has faith in--a faith that is ultimately personal and stems from the deepest regions of every man's heart. (37:23)

For the American fighting man a trust in his country is almost as deeply imbedded as his trust in his God. Some battles will be lost, some men will fall prisoner, but they do not despair for they know that although the going may be tough, America has never lost a war.

This trust in country is mirrored in the most reflective moments of an American fighting man's life. Such reflective thoughts are demonstrated in many ways. One such are the words contained in a letter from an American fighting man in Vietnam to his wife; written shortly before his death. He solemnly says: "Above all, this is a war of mind and spirit. And it is a war which can be won no matter what present circumstances are. For us to despair would be a great victory for the enemy. We must stand strong and unafraid and give heart to an embattled and confused people."--Captain James Spruill. (37:23) Such are the free and typical words of not a literary genious, but an American--an American fighting man with faith and trust in his country--a faith he gave his life in defense of. (37:23)

Such faith in one's country is understood by but few people in the world. The faith is freely given--yet it reflects the commitment of every American citizen. Such a commitment is presented in the promulgation address of the Code of Conduct when the President's words were

> 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 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.
>
> (37:23-24)

Such are the words of one person that state a position of the United States as one--in commitment to their fighting men.

The Battlefield

"NEVER SURRENDER . . .", an American tradition.

> 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.
>
> Article II, Code of Conduct

The tradition of "never surrender" born and proven by the courage of the men who fought and died in the Revolutionary War. It has survived, and grown in strength through our every conflict.

The words of John Paul Jones, when asked if he were ready to give quarter, are representative of the spirit of every American fighting man. Those words were, "I have not yet begun to fight!" The words then as now rang true, for in the ensuing battle Jones captured the British ship after defeating them against overwhelming

odds. Such are the famous words of an American general who, though completely surrounded and faced with imminent defeat, answered "Nuts!" when offered a chance to surrender his troops to the Germans.

"I will never surrender!" has silently been shouted by the many men who have fought their way out of impossible conditions; who have slipped through enemy lines after being overrun. Such is the shout of the American airmen who, though shot down deep in enemy territory, have walked hundreds of miles, living off natural foods from the land and avoiding capture, in order to reach friendly territory--to fight again. The driving spirit to never give up, to never quit, to fight again is instilled in every soldier, sailor, airman, or marine, and it is never stronger than when he is "trapped"--in the eyes of the enemy. (37:28)

To surrender goes against the will and spirit of our fighting men, and it will never be "of your own free will. . . ." To surrender is to temporarily cease fighting in the eyes of instant death or destruction should the fighting man or commander elect not to. Such a surrender is not to give up--it is to continue the battle at a different place under different circumstances. Surrender is a legal word not recognized,

beyond a period of minutes or seconds, by American fighting men. For the battle will continue with or without weapons, within or outside a prison camp--until the enemy surrenders. For he is the only one who recognizes the meaning of the word. (37:28)

If in command, whether private or general, can a commander surrender his men to prevent loss? Loss of life is the price that every man under that command recognizes and accepts. There is a difference between loss of men and suicidal resistance. Resistance leading to ultimate and purposeless loss of life for resistance sake is not required by the Code.

The primary alternative is to fight--to make the battle purposeful, to hold a position, to never dismay. The commander must not only have, but must continually demonstrate the will to fight on, to drive the enemy back, to impart the moral and physical strength to his men to turn the battle into their favor. (37:28)

The spirit of the Code does not imply suicide; it does imply continuous battle, led by consecutive commanders, down to the last man if necessary, to gain or to hold an objective or mission of that command. In this light command knows no rank, and with it come certain responsibilities. His job, in short, is to

keep his men fighting as a unit as long as they can fight. (37:29)

If individuals and commanders could surrender honorably every time the situation became desperate, it would be an open invitation to all of weak will or depressed spirit.

The responsibility is simply to "never surrender" while the man, or unit, has "the power to resist" or evade. (37:30)

The Prisoner of War Compound

Any discussion of Articles III, IV, and V of the Code of Conduct necessarily requires a short discussion of the Geneva PW rules as an introduction to make understanding of the Code more complete. The rights of prisoners held captive by enemy forces stem from the rules of the Geneva Convention of 1949 relating to the treatment of prisoners of war.

Article 13 of the Rules prescribes the provisions under which prisoners will be humanely treated at all times and expressly forbids treatment that would cause death or seriously endanger the health of a prisoner of war. No intimidation or torture, either mental or physical may be inflicted on prisoners to obtain any kind of information from them. (39:14)

Articles 25-27 prescribe the standards of housing, nourishing food and adequate food that must be provided prisoners. They must be allowed to communicate with their families (Articles 70-71). They cannot, under Article 17, be punished for refusing to answer questions not expressly directed by the Rules. They must be given proper medical care (Articles 29-31) and allowed to worship (Articles 34-37), exercise (Article 38), and participate in sports and intellectual activities (Article 38). (37:32)

The record of the Communists since the 1949 Rules Convention has not been one of the "humanitarian principles" that they agreed to in the writing of the Rules. During the Korean War an investigating committee of the US Senate noted that:

> American prisoners of war were placed in solitary confinement for long periods of time.
>
> They were shackled.
>
> They were subjected to the curiosity and insults of the local populace.
>
> They were physically maltreated.
>
> They were not given adequate medical attention or adequate clothing.
>
> Prisoner of war camps and hospitals were not properly identified.
>
> (37:33)

North Vietnam's "humanitarian" principles of treatment are equally as bad, if not worse. Hanoi acceded to the Geneva Convention early in 1957. The acedant was with reservations, but they have conspicuously violated most of the provisions they had agreed to, (37:33) thus making a mockery of their word and principles as a legal government.

In reprisal for South Vietnam's execution of Viet Cong terrorists in 1965, North Vietnam announced publicly that they had executed three American prisoners of war and had little or no reservations about executing more should the situation present itself. Article 13 of the Geneva Convention expressly prohibits reprisals against prisoners. Hanoi's reply is that the prisoners were not prisoners of war, but "war criminals." Thus they were not under the protection of the Rules.

Handcuffed American prisoners have been photographed being paraded through jeering and assaulting crowds in the streets of Hanoi. Such treatment of prisoners is a direct violation of the Geneva Rules. They have been isolated in solitary confinement; they have been denied adequate, or proper, medical treatment; they are denied the minimum essential physical exercise to maintain their health, both physically and mentally.

These are but a few of the known injustices and acts of criminal inhumanness that the North Vietnamese are guilty of. The whole truth may not be known until our prisoners are released from the "Hanoi Hilton." (37:33-34)

Every American fighting man should clearly understand his rights and obligations as outlined in the Geneva Convention Rules. Through this knowledge he will be able to more forcibly employ the power of the Code of Conduct, for then and only then will he know, not only his moral and spiritual responsibilities to the United States, but he will know his legal position under international law.

Some of the more important, and widely misunderstood rules of the Convention are the following:

> The prisoner of war must give his name, rank, service number, and date of birth (Article 17). *He is required under the Rules to answer no other questions proposed by the enemy.

Rights:

> He may inform his family and the Central Prisoners of War Agency of his capture, address, and state of health by filling out a card addressed to each to be sent by the detaining power (Article 70).
>
> He may not renounce any of the rights to which he is entitled under the Geneva Convention (Article 7)

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*Added by writer for emphasis.

He is to receive medical inspection at least once a month (Article 31).

Obligations:

If he is a physician, a surgeon, a dentist, a nurse, or a medical orderly, he may be required to care for PW's who need his services even though not attached to the medical service of his country's armed forces (Article 32).

He must salute officers of the enemy and show them any other mark of respect required of their own forces. However, officer PW's must salute only officers of higher rank . . . except for the camp commander, who must be saluted regardless of rank (Article 39).

Enlisted PW's who are physically fit may be required to work. However, NCO PW's may only be required to do supervisory work. Officers will under no circumstances be required to work. No PW will be compelled to do physical labor that would tend to enhance the enemy's capability to wage war. (Articles 49-54, 62)

The prisoner is subject to the laws, regulations, and orders in force in the armed forces of the detaining powers. If accused of a violation he may be brought to trial (Article 82). **This does not include attempts to escape. The Geneva Convention recognized that the prisoners are bound by their country to escape. As a result, if caught trying, the punishment is limited to a mild disciplinary type. (37:36)

Another point to remember when examining the Code of Conduct as it applies to prisoners of war, is the United States, as a sovereign nation, may prescribe its own rules or laws of conduct. Such laws or unbreachable rules are contained, not only in the Code of Conduct, but also in the Uniform Code of Military Justice.

**Added by writer for clarity.

Article 105 of that Code reads:

> Any person subject to this code who, while in the hands of the enemy in the time of war--
> (1) for the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or
> (2) while in a position of authority over such persons maltreats them without justifiable cause; shall be punished as a courts-martial may direct.
>
> (37:38)

The American fighting man who is captured and made a prisoner of war is expected and required to abide by the PW provisions of the Code of Conduct, the Uniform Code of Military Justice, and the Geneva Convention Rules. He must honor these provisions whether or not his captor abides by the Geneva Rules. He must demonstrate to the enemy and to the world that Americans are men of honor--as individuals and as a nation. (37:38)

CONTINUE FIGHTING

> 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.
>
> Article III, Code of Conduct

Resistance by the prisoner deprives the enemy of his main weapon against the prisoner--fear. The conquest of fear relieves the prisoner from being torn

between hope and fear, and allows him to stay alert and seek ways to survive, escape, and continue the battle.

At times the prisoner's best means to resist may be passive--he might have to accept insults and torments, but he will know if he is resisting. It is of the utmost importance that he keep his will to resist alive at all costs. The importance of this as a weapon of the prisoner is demonstrated by the lengths that the Communists went to to destroy it. (37:60)

It is important for him to know he is not alone. He need only to repeat to himself the words of the Code to communicate with his fellow Americans. From this he knows America is behind him, that he is keeping faith with his fellow fighting men of the past. And from these sources he draws the necessary strength to resist his tormentors. (37:60)

". . . escape!" He must escape--this is his overwhelming responsibility. Whether or not he succeeds he must concentrate all his mental and physical resources towards escape. He must never stop thinking of ways to escape, for this is his strongest bond with reality--this he can concentrate on at all times. There are many types of escape dictated by the situation, some bad, some good, some possible, some impossible. Most of the

time they will fall into the latter situation. That is not important; the important event is that the prisoner of war is actively thinking, of perpetrating a situation to outwit the enemy, of never giving up hope of escaping. (37:61-63)

A "favor" or parole by the enemy should be considered by the prisoner as comparable to picking up a red hot horseshoe from a blacksmith's forge. Regardless of the situation, it is inconceivable to accept either parole or favor from the enemy. For one acceptance is like picking up that first horseshoe for "just a second" only to find that his hands have clenched it and that one second leads to far more torment and torture.

The PW has no alternatives. Either he resists, to his death if necessary, or he submits to the captors. He may not know he has submitted, but he will know when he loses the will to resist. When that happens he has submitted. Death is not any less likely in submission than in resistance--so the prisoner cannot allow himself to generalize on those terms. He, in fact, cannot generalize in any terms of submission to the enemy. In the PW camp, as in the battle--there is no room for cowards or the weak willed. In either situation the eternal watchword is, "Keep up the Fight." (37:65)

NEVER LOSE FAITH

> If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information nor 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.
>
> Article IV, Code of Conduct

Beyond faith in God and country, what other faith is necessary? It is the faith in one's fellow prisoners--a faith that tells each prisoner that his fellows will never give up, will never stop resisting the hated captors.

The Communists try in many ways to turn prisoners into informers, and at the same time to break down each prisoner's faith in his fellow PW. Despite the tactics of the enemy to create an atmosphere of collaboration by one or more of his fellow prisoners, the Code instructs the PW to never lose faith--to always believe that the "created" collaborator is, and will remain, true to the cause of the Code. (37:67, 68)

The Code also instructs the prisoner to take no action which could harm his comrads. If he never submits he will never harm his fellows. In the past it was those who, though innocently, submitted to demands by the enemy, subsequently and unwittingly did harm to

their fellow prisoners. The standard is to never submit--never stop fighting against the cause of the enemy in spite of the artificial appearance of innocence they have created. (37:68)

The Code directs senior prisoners to take command and for junior prisoners to obey those above them. The fighting man understands this. Without organization and structure there can be no commonality, nothing to bind the prisoners together except their misery. Together as a temporary restricted fighting unit there is great strength, and a bond of dedication that no interrogator can penetrate or compromise. Group or unit strength, even as prisoners, is many times the multiple of their number, and the closer the unity of their command and discipline the greater the multiple of their strength to resist. (37:70-75)

DO NOT TALK

> 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 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.
>
> Article V, Code of Conduct

Article V is the Article that receives the brunt of the criticism hurled at the Code. It is felt by many

recruits and a large number of military men that the restrictions of all but silence in the presence of the enemy is not a realistic form of guidance. They feel that it stretches a prisoner's capability to resist beyond the bounds of human strength. They would recommend the elimination or rewriting of Article V to bring the Code into "acceptable" limits.

The reason for the Code, and especially for Article V is to give the enemy no quarter--not one tiny bit of useful information beyond that required by the Geneva Convention. To allow a relaxation beyond this is to invite greater consequences, and to inflict infinite harm on the United States and its allies. (37:77)

The need for the initial communication of name, rank, serial number, and date of birth is obvious. To fulfill his obligations under the Geneva Convention, the captor must know who his prisoner is. Moreover, they need to know his precise identity so completely that he will not be mistaken for someone else.

Under Article 70 of the Geneva Convention the captor must provide proper capture cards to a PW to expedite this initial communication. It must be noted that there are additional blank spaces beyond name, rank, serial number and date of birth on the card. They are;

Item 1. Power on which the prisoner depends:
Item 4. First name of father:
Item 6. Place of birth:
Item 9. Address of next of kin:
Item 10. Taken prisoner on:
Item 11. State of health:
Item 12. Present address:
Item 13. Date:
Item 14. Signature:

To be in concurrence with the Geneva Convention the prisoner may complete the entire card without fear of violating the Code of Conduct. However, the Code recommends against this, as the additional information, such as next of kin, could be used to further coerce the prisoner. He is required only to fill in items 2, 3 (name), item 5 (date of birth), item 7 (rank), and item 8 (service number). All other blanks he should strike out. (37:78)

It should be further pointed out the capture card is just that--a card not a sheet of paper. To prevent what could be made to represent a violation of the ". . . no written statement . . ." portion of the Code, the prisoner should write on, or sign nothing that is not a small (approximately 4 x 6 inches) card. (37:78)

There are some isolated instances where prisoners resisted interrogation attempts by playing stupid, and answering questions with "I don't know," or "I don't understand" answers, but this tactic is not recommended

by the Code. There is no better way to resist than to confine all discussion with the enemy to name, rank, serial number and date of birth. (37:79) These words reflect the spirit and essence of the Code. It is from Article V that the prisoner can legally and continually intimidate, and actively resist all efforts of his captors to rape him of his mind and soul.

A Coat of Armor

The Code of Conduct is the US fighting man's invisable shield of armor, forged by generations of American fighting men who have gone before him. A tradition hammered out by men of selfless devotion to duty and country. Men who considered integrity, honor, and devotion to country as more important than life itself. (37:83)

This suit of armor was not something the ancient warrior did without, or that the soldier who died at Gettysburg was denied, but the Code of Conduct has made that suit tangible, and infinitely more resistant to the forces of the enemy.

Countless acts by individuals and units in today's war reflect the precepts and strength of the Code. Sometimes they are publicized, but more often they are

noted but counted only as they should be--typical acts of devotion to duty by the American fighting man. (37:83)

The lot of the American fighting man is a thankless one for the most part. He is required only to give his life, if need be, in the defense of human freedom and dignity. Throughout history the plight of the fighting man has been fraught with uncertainty and conflicting pressures during the heat of the battle and, if unfortunate, during captivity. The Code of Conduct brings these conflicts into perspective, an understandable 247 words that spell resistance, even in the face of death. (37:84)

Some of the weaker continue to say that "Every man has his breaking point." If by this they mean to say that a man can be broken physically, driven to the point where he collapses from pain of torture, hunger, or lack of rest, the generalization is true, but it is not true if in generalizing the man decides he is at his breaking point and willingly does or says things to dishonor himself and his country. (37:86)

The man who dies resisting is not broken. When he dies for something dear to him, he dies for a purpose--a purpose that he might know, but cannot explain; a

purpose that drives him to infinite and unparalleled victory even in the face of death at the hands of a disbelieving enemy. An enemy who cannot fathom or approach the level of courage and conviction of the American fighting man. (37:86)

CHAPTER V

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

In an endeavor to search out the answers to the questions posed in Chapter I, and to build the necessary background to examine the Code, this study has spanned history from the earliest beginnings of recorded history to the present.

Included in the study were the earliest beginnings of moral values being introduced into warfare. The first recorded code for humanitarian treatment of the enemy on the battlefield or in captivity was the Code of Manu, made binding to the soldiers of India as early as 200 BC.

The Code's evolution then continued through the knightly codes of chivalry, with additional rules imposed on the captor as well as the captured. Its historical concepts and rules were sometimes disregarded as with the British and American treatment of prisoners during the Revolutionary War. The slow and sometimes backwards evolution continued until 1863, when, under General

Order 207, prisoner conduct was specifically addressed by the United States, and official rules of conduct were drawn up to prescribe boundaries of conduct for US prisoners held by the enemy.

Although the code drawn up in 1863 could be called the first written Code of Conduct for American fighting men, it was not a complete document in the sense of today's Code, and only addressed areas such as escape and desertion. Yet it was considered adequate for many years, and throughout the First and Second World Wars it was never considered necessary to arm the American fighting man with additional rules of battlefield and prisoner conduct.

It was not until the end of the Korean War that the United States realized that our men taken prisoner faced a new, a totally foreign type of captivity and internment. It was because of this insidious errosion, or destruction, of the minds of our prisoners of war in Communist captivity that a new weapon had to be devised to combat it. That weapon was the US Fighting Man's Code of Conduct, promulgated in August 1955 by President Eisenhower. Although young in years, the Code represents historical rules of combat and prisoner conduct that have existed since man first began recording

events of warfare. The Code, born in 1955, and as it stands today, is the natural evolution of all the codes of humane treatment and combat conduct through history.

It is toward this latest, and most restrictive code of conduct that the questions in Chapter I were directed. In an attempt to answer all the questions objectively, they will be addressed in the same order they were posed.

1. As to the limits of the validity of the Code of Conduct, it is concluded that the Code as envisioned and promulgated in 1955 by President Eisenhower has no limits, and is infinitely valid as a guide to the American fighting man. It is a document whose sources are from history. Its words and precepts are from the Holy Bible, the Constitution, and the Bill of Rights. Its basis is on a belief in God, country, and the principles of the Declaration of Independence. For one to conclude otherwise would be to place limits on the heritage, history, and foundation of the United States and that which it stands for.

If the Code has no limits, then it must be concluded that if limits are conceivable, they are the limits of the man. As long as the man can maintain control of his thoughts and innermost consciousness, the Code will

give him strength, as will his God and moral convictions. If he is tortured beyond the limits of physical and mental endurance, and is reduced to a vegetable, capable only of echoing the programmed words of his tormentors, then nothing, save death, could help him or release him from his hell.

Additionally, it is concluded that men driven beyond the limits of human endurance are not traitors or turncoats. Further, they should not be exploited as disgraces to their country. Men driven to these limits have not breached the boundaries of conduct specified by the Code. It will continue to serve them, to return them to reality if anything, short of God, can do it.

2. The second question is concerned with who among the US fighting men can carry the burdens imposed by the Code. Can it be carried only by the strongest?

It is concluded that the Code of Conduct does not belong to only the strongest, or the favored few. It is the possession of every US fighting man. It does not abandon him in time of need, or when he breaks. It is his to reach for anytime, anywhere. It will respond as a light in the darkness, as the truth in confusion, and as the voice of his country when all else is silent.

3. The third area in question is how the Code imparts the needed strength to resist in every fighting man. To address this area specifically would be to try to surmount the impossible, for the Code is infinitely personal, and each fighting man will draw the strength of its articles and concepts in his own individual way, at his individual time of need. To receive the strength to resist, to continue fighting, to never give up, one must only believe in the Code and the greatness of its words.

The Code of Conduct is a treasure so valuable and so perfect as to defy description. No other fighting man in the world is armed with such a weapon, a weapon manifold in the combined strength of all the people of the United States, their heritage, and the principles his forefathers gave their lives freely to protect.

4. The last question addresses the area of appropriateness of the Code. Can it be applied continuously by a prisoner even when confronted with the most foreign of philosophies? Can it be applied continuously in the highest of standards of personal ethics and honor when the American fighting man is faced with the torment and torture inherent with the application of such philosophies?

It is concluded that the Code of Conduct is infinitely appropriate in its application. It is a code that is universal in its heritage to every American fighting man, its every word represents a direct link to the prisoner's countrymen. As such its application is limitless, the American fighting man will find its strength and presence appropriate in any combat situation. Because it is a continuous link to his countrymen and their combined strength, the Code cuts across all philosophies, no matter how strong or foreign, and imparts strength directly to its bearer--the US fighting man.

It is further concluded that the application of the Code in any situation imparts the highest of personal ethics and honor, for the Code is based on the traditional spirit of honor and bravery of all of our history; of all of our forefathers who have fought to preserve and protect the precepts of life, liberty, and human dignity. The Code represents a gift to the US fighting man from his country. A gift to be worn as a shield of honor, to protect him from the physical, mental, and moral onslaughts of his enemies. The Code is meant to be kept in a place of honor, its precepts to be cherished as are the precepts of freedom and

dignity of all mankind. It is a code to be used in times of great need, to serve as a source of inner strength, a conviction so deeply imbedded that it serves its holder as a weapon against the enemy, a platform of reference, an ultimate standard, and a method of communication with his country when all else is darkness and confustion.

5. As a final, and general conclusion to address a question not specifically raised in Chapter I, but underlying the inferences of the proceeding questions, the author will direct his comments toward the question: Should the wording of the Code be changed to reflect a more reasonable approach to the rules of battlefield and prisoner conduct?

On this issue it is concluded that the 247 words contained in the six articles of the US fighting man's Code of Conduct are infinitely appropriate. Each word echos the dreams and hopes of his country. It stands for the principles held tightly by all freedom loving people of the world. To change one word would be to rob the US fighting man or prisoner of war of his last vestige of resistance. To change its meaning or concepts would be to undermine and destroy the faith the people of the United States hold for their fighting men.

As it is written and presented each word is a pearl, perfectly polished to its most brilliant luster by the lives of our forefathers and the principles of freedom and liberty they fought and died for.

Recommendations

Recommendations that grow out of this paper, whose initial purpose was to investigate and conclude as to the validity and limits of the Code of Conduct, necessarily will be very limited, as new or proposed courses of action were not presented as an objective.

The over-riding conclusion of this paper that the Code is entirely valid and has no definable limits leads to only one recommendation. That recommendation is that the Code not be changed in any way. It should remain strong and purposeful as it was designed to be in 1955.

As a closing statement, the author points out one area of weakness in the Code that was not addressed by this study. In almost every particle of source material used in research, training stood out as the biggest offender in the proper and continuous application of the Code. This is not to introduce or comment on the type or appropriateness of the present training programs. It is, however, designed to signal a need for additional study and research in this area. DOD directive 1300.7 clearly outlines the course that Code of Conduct training will take. The question is whether or not that directive is being carried out.

APPENDIX

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

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.

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.

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.

ARTICLE IV

IF I BECOME A PRISONER OF WAR, I WILL KEEP FAITH WITH MY FELLOW PRISONERS. I WILL GIVE NO INFORMATION NOR 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.

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.

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.

Executive Order 10631
17 August 1955

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