

The Code of Conduct

Robert K. Ruhl

Code of Conduct for 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. 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 all my fellow prisoners. I will give no information or take part in any actions 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 required to give 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.

**By Executive Order signed on November 3, 1977, President Carter amended the original statement in the Code which read, "bound to give only name, rank, service number, and date of birth."*

In the dark battlefield of men's souls, the lonely war of conscience rages on, unabated by time and place.

The very intensity of the shadowy struggle did come to light for a brief time two years ago but, sadly, the public record of the haunted, released last fall, has gone all but unnoticed.

For them—mostly former prisoners of war (POW) in Southeast Asia, those who had endured the unspeakable—the war has nothing to do with winning and losing in combat. Rather, it was—and is—the interminable hell of measuring themselves against the deceptively simple tenets inherent in the six articles that make up the fighting man's creed, the Code of Conduct for the Armed Forces of the United States.

Some had lived gallantly to uphold the Code, many with a rigid tenacity born of a dogma-like understanding of its precepts. Some have died doing the same. A very few have failed those same precepts miserably and suffered the out-cast's dishonor.

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But all, the more than 800 who returned from North and South Vietnam, Cambodia, Laos, the People's Republic of China, and the repatriated crewmen of the ill-fated USS *Pueblo*, had given the enemy more information than they had wanted to or at one time thought possible.

It was for them and for those in the future who might find themselves in the desperation of captivity that the Defense Review Committee for the Code of Conduct first met in Washington, D.C., in May 1976 to consider changing the Code.

The assigned duty of the committee was to relate the experiences of those once captive to the high standards of the Code, the aim being to help the services "produce a better prepared, better disciplined, better informed, and better guided fighting man."

The result, after seven months of discussion, meditation, and interviews with some 50 former prisoners and experts in several fields, was as deceptively unpretentious as the Code itself.

In Article V, the most controversial of the six, one word was changed and one was deleted; a broad guideline was produced for future Code training, and three sections of the Manual for Courts-Martial were amended to give the senior ranking officer or noncommissioned officer in captivity legal authority over all US servicemen.

Last November 3, President Carter approved the committee's recommendations by signing two executive orders and thereby tacitly answered the sad-wise question of Shukhov, the prototype prisoner of Communist tyranny in Solzhenitsyn's *One Day in the Life of Ivan Denisovich*: "How can you expect a man who is warm to understand a man is who cold?"

For the committee, as well as any could, had understood both the man who is warm and the man who is cold.

In the words of Committee Chairman Dr. John F. Ahearne, a former Air Force officer who was then the acting assistant secretary of defense (Manpower and Reserve Affairs) and now an assistant to the secretary of the Department of Energy, by changing Article V "we tried to make it clear that a human being can be pushed beyond human tolerance."

In that context, the committee of 11, composed of seven active duty or retired military members, including recently retired Air Force Medal of Honor recipient Col George E. (Bud) Day (see "All Day's Tomorrows," *Airman*, November 1976) and three other former prisoners, broadened the whole of the Code to encompass compassion.

No longer would the American POW feel he was "bound to give only name, rank, service number, and date of birth" to a captor—the Big Four statement that had tormented prisoners in Southeast Asia because of the services' differing interpretations of the two words.

Future POWs would be *required* to give the same information to comply with the 1949 Geneva Convention but the deletion of the word *only* would allow captives a flexibility of response and action that would help them maintain their self-respect after being pushed "beyond the limits of human tolerance."

Coerced past those limits, they will be able, with the full sanction of their country and their service, to "bounce back" with dignity and try again and again to resist giving important information to their captors or cooperating with them.

The word changes were also a reaffirmation of the intent, never properly promulgated, of the Defense Advisory Committee on Prisoners of War that first formulated the Code in 1955 as a direct response to the public outcry over the well-publicized germ warfare "confessions" and turncoat actions that tainted the return of POWs from Korea.

But it was not to assuage guilt feelings, both real and imagined, that Article V was changed. No, it was a sober recognition of the plight of POWs under the grinding heel of Communist captors. It was the recognition by civilized men of brutality meted out often for brutality's sake.

"There is no man who will not break under Communist interrogation," Army Lt Col Floyd J. Thompson, who spent nine years in prison, the longest of any US serviceman in Indochina, told the committee. "They have complete control over your environment to make life a living hell for the sake of obtaining a very simple statement to the effect that I'm well treated and these are nice folks and why don't we go home and leave them alone."

It was this use of American POWs in Korea for political and propaganda purposes—the first time this had ever befallen American servicemen in our nation's history—that led to the establishment of the Code.

By signing Executive Order 10631 in 1955, President Eisenhower directed that "each member of the Armed Forces liable to capture shall be provided with specific training and instruction designed to better equip him to counter and withstand all enemy efforts against him, and shall be fully instructed as to the behavior and obligations expected of him during combat and captivity."

That the establishment of the Code, the only one like it in the world, was an overreaction to biased press reports and speeches at home concerning the alleged misconduct of large numbers of POWs in Korea wasn't clear until the late 1960s when a definitive study, contracted for by the Air Force, concluded, that, in fact, American POWs had done as well as their predecessors in past wars.

"Had the Department of Defense waited for the Air Force study, I don't think we would have a Code of Conduct today," explained Claude L. Watkins, an Air Force Intelligence operations specialist and former World War II POW who is a highly regarded expert with 28 years of experience in all phases of survival, evasion, escape, and resistance while in captivity.

A graying man of medium build who speaks with disarming casualness while all the time driving home facts with mallet force, Watkins served the review committee as an observer, consultant, advisor on Code training, and finally as executive secretary before closing the doors on committee business in the Pentagon last January.

Years earlier he had set up the program to debrief returning Air Force POWs from Southeast Asia, a portion of which was adopted by all the services.

The theme of those who were writing and lecturing about the Korean War POWs was that "Americans were all screwed up; they couldn't do anything right, and that they were putty in the hands of the Communists," according to Watkins, a member of the Air Force's 7602d Air Intelligence Group, Fort Belvoir, Virginia.

"We heard about brainwashing, dissension, the 'confessions,' but the truth is that the Chinese went all out to politically indoctrinate Americans, who were mostly lower ranking Army troops, and failed miserably. They quit trying a year before the POWs came home. As you recall, just 21 prisoners decided to stay in Communist hands, and there were more than 7,000 prisoners, 223 of whom were Air Force members.

"Considering that our troops hadn't been trained to combat the pressures that no other American had ever been subjected to before," he continued, "they did very well."

Code or not—and Watkins noted that many in Vietnamese prisons "wouldn't have made it without the Code—training is the key element to survival under Communist captivity. But training, or lack of it, has been the Code's dilemma from its inception.

Although the framers of the Code had intended that any confusion over the precise meaning of the words and state merits would be clarified in training, those intentions were thwarted by lack of monitoring and training guidance.

In the years following the establishment of the Code, the services took differing positions. The Air Force, for the most part, taught methods of “ruses and stratagems” that encompassed bounce-back techniques, which the service believed to be the intention of the Code’s founders. The other services generally took a hard-line stance embodied in the refrain, “Big Four and nothing more.”

From the start the Air Force was concerned with training aircrews for hazardous missions. As then-chief of staff, Gen Curtis E. LeMay, contended in 1963, the Air Force had a higher percentage of officers vulnerable to capture and with a considerable amount of technical education and expertise that made them particularly attractive targets for enemy interrogators. The Air Force POW was also very likely to be subjected to exploitation for propaganda purposes.

The Army and Marines felt the Big Four was more appropriate for training large numbers of combat troops, and the Navy determined that its members most vulnerable to capture—carrier pilots—would be flying short fighter missions and their chances of becoming prisoners for long periods were remote.

But the harsh tales of brutality and deprivation told by the early returnees from Southeast Asia in the late 1960s caused the Army, Navy, and Marines to reassess their approach to Code training.

The capture of the USS *Pueblo* in March of 1968 was an added factor. A House subcommittee that studied the circumstances recommended that the Department of Defense (DOD) consider training that would better equip servicemen to deal with captivity.

Speaking before the Defense Review Committee in 1976, the now-retired *Pueblo* commander, Mark Lloyd Bucher, said he felt he was in violation of the Code from the start because he went beyond the Big Four and gave it cover story. He explained he had signed a “confession” that his ship had entered North Korean territorial waters because the enemy threatened to kill his men, starting with the youngest.

With all the services in harmony after 1968 over the necessity of extending Code training, they determined that a thorough study of the Code should be made but that such a study and any definitive training guidance that resulted would be deferred while Americans were still in Communist prisons.

Today DOD, including representatives from all the services, is working to develop future Code of Conduct training doctrine.

Where does the Air Force stand with respect to training in the Code? What should the Air Force be doing? These are questions Lt Col Stevenson E. (Steve) Bowes is asking himself and others. In his assignment with the Deputy Chief of Staff, Plans and Operations, Colonel Bowes chairs the Air Staff committee that monitors the entire scope of Air Force

involvement in survival, evasion, resistance, and escape—SERE—activities.

“If we are going to tell an individual that his country has established standards that he’s expected to live up to,” Colonel Bowes said, “then I think it’s incumbent upon institutions that represent his country to him, primarily his service, to examine themselves and see to it they’re helping him as much as possible before he becomes its prisoner, while he’s in prison, and afterwards.”

The review committee in 1976 recommended the designation of the Air Force as the executive agent to train future Code instructors for all services. DOD is presently considering that recommendation and is looking at the form and content of training.

The committee proposed different levels of training that take into account a military member’s combat specialty and his risk of being captured.

Depending on the type of conflict, aircrews, various special forces groups, members of long-range reconnaissance patrols, and others, may receive more intense training than the normal infantryman. But the problem of putting teeth into the amended training directive boils down to policy and resources, according to Bowes.

“We’re talking about who—for example, the Office of the Secretary of Defense, the Joint Chiefs of Staff, or others—is going to have their hand on the policy throttle,” he explained. “Who will determine what Code training is going to encompass, what the substance of that training will be, and how the results will be measured?”

There are, of course, resource implications for all the services. The Army, for instance, doesn’t have survival schools akin to those of the Air Force. The Army approaches Code training, according to Colonel Bowes, as an element of unit training

And those working out the training concepts also realize the differing maturity levels, intellectual acuity, age, years of service, and others, that come into play.

“The guy who punches out of a plane over enemy territory has a different problem than the infantryman who is about to be captured in a group,” noted the former chief of an interrogation team in Southeast Asia.

“For the infantryman about to be captured with his unit and near his own lines, training probably ought to stress that fighting his way back obviates a lot of concern about surviving, evading, resisting, or escaping. But think about the pilot who might go down in the Ural Mountains. Telling him to fight his way back to friendly hands takes some examination. Shooting his way out must run counter to both his own and his nation’s interests.

The word among pilots who came back from Southeast Asia was, “I didn’t think it was incumbent on me to start an Asian ground war in the middle of North Vietnam. Better that I evade rather than fight.”

Future Code training must also take into account the various theaters where war is possible and the money spent

on a proportionately small number of servicemen who become prisoners.

As one ex-POW told the committee, “6 1/2 million served in Vietnam; 56,000 died; about 1,500 went down over North Vietnam; 546 came home. How much time and money do you spend on so small a percentage as the prisoners represent?”

The quality of training, then, becomes a most important consideration. Claude Watkins feels “the ultimate goal is a school for high-risk personnel. It should have the best qualified instructors from all the services, use the best training aids and materials, and employ the most realistic training.”

The Intelligence specialist, who probably knows more former POWs than any other man alive, noted that he never heard one say he gave only Big Four information. He feels strongly that there should be heavy emphasis on “taking all you can take, giving the least amount of information you can, and then bouncing back.”

He also thinks the high-risk serviceman should understand the probable chain of events after he’s captured—the trauma, disorientation, the abuse, interrogation methods, the techniques of political exploitation—and acquire rudimentary skills in primitive medicine and a knowledge of how to establish covert communications.

“You’ve also got to know the enemy doesn’t want to starve you to death,” he said. “The food may be unappetizing, but eat every damned bit of it. Mainly, though, just hang in there, man, and be faithful to each other and support each other.”

Surprisingly, many POWs, while still in prison, thought the Code was legally binding rather than a set of standards to be followed. But the testimony of most former POWs and experts before the committee was overwhelmingly in favor of letting the Code stand as it was intended. As in the past, the Uniform Code of Military Justice will form the basis for any legal prosecution.

Like the others working on training doctrine, Colonel Bowes fully recognizes the difficulty in trying to train military members in a code of conduct with inherent open-ended strictures. But, he noted, “Americans tend to be a two-valued people. If you don’t win, then you’re a loser. That may or may not be true. We are fond of saying close only counts in horseshoes, but there are more horseshoes in life than we often recognize.”

He also said he thought the Code has been “looked at by a lot of guys in such a way that it becomes a source of guilt.

Take a guy who jumps out of his damaged airplane. “Geez, I’ve lost my airplane,” he says. “Now I’ve got to evade.”

After six hours a little old lady with a pitchfork nabs him. He feels he’s got two failures now—he’s lost his airplane and he’s been captured. He’s psychologically disoriented, a lot’s playing on his mind, and the people who have him have

less than a wholly constructive intention concerning his welfare and his uses to them.

Now he’s in a resistance situation and thinking about the Big Four, “Can I ask that guy if I can go to the ‘head’ or get medical attention?” he asks. If he does, he thinks he’s failed again.

Later he says to himself, “I tried not to, but they worked on me, manipulated my wounds, beat me, put me in ropes, did to me what they wanted, and I screamed, and I cried, and I soiled myself. I have absolutely debased myself, I have failed again.”

It’s that kind of thinking, Colonel Bowes said, “that we’ve got to turn around. We’ve got to point out in training that if you really tried, if you’ve made your best effort, then you must not let your own perspective of failure turn you into your own worst enemy. Maybe the POW has to approach the situation like a recovered alcoholic. One step, one day at a time. No promissory notes for tomorrow.”

The seriousness with which he views Code of Conduct training is apparent in Bowes’s approach to the subject. “Two philosophical precepts say a lot to me about Code training. The first is, ‘There’s only one way to learn to play the flute, and that’s by playing it.’ But you may play it badly.” Code training is fundamental combat training. It prepares the fighting man to be just that, and it must be done well. We have a wealth of material—history, actual experiences, various studies, and analyses—on which to build. We need to be very sensitive about what we use and how we use it in our efforts to sustain and improve Code of Conduct training.

And, secondly, “You shouldn’t expect a more precise answer than the subject matter of the question will allow.” In Code training we’re not counting two and two and we’re not counting beans. We’re dealing with what goes on in a guy’s mind and whether we can help him stay in control of himself under what I think are probably the most difficult situations he or any man may ever have to face.

The Defense Review Committee for the Code of Conduct understands the same intangibles.

“We spent more than half our time wrestling with the changes in Article V, Chairman Ahearne said. “We came to the understanding that once you give this amount of information, you don’t just fall into damnation. There is no precipice. It’s not just a black-and-white, all-or-nothing situation. You resist, you do the best you can, and then you bounce back.”

With it all, then, there does seem to be a dawning of understanding, one that may yet drive the dark from the battlefield of many men’s souls and lead others in the future to higher, surer ground.

The man who is warm does, after all, understand the man who is cold.