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MILITARY STUDIES PRISONERS' CODE

Pueblo Case Found to Show
No Need Yet for Change

By WILLIAM BEECHER
Special to The New York Times

WASHINGTON, Feb. 21 — Defense officials are reviewing the code of conduct governing the actions of American prisoners of war in light of the experiences of the crew of the intelligence ship Pueblo. But so far the officials have found no reason for basically altering the code.

Several Pueblo officers and crewmen have testified that they signed false confessions of illegal activities, in many cases after torture while captives of the North Koreans. The code of conduct forbids American captives to give the enemy more than their name, rank, service number and birth date.

Frank A. Bartimo, the Pentagon's assistant general counsel for manpower, said, "We haven't seen anything yet, in the Pueblo court of inquiry, requiring that the code be changed."

Mr. Bartimo, who is charged, among other things, with keeping a close watch on prisoner

conduct, noted in a recent interview that the court of inquiry still had quite a bit of testimony to take.

He said that nothing turned up so far in the Pueblo case, nor in reports from 40 to 50 prisoners who have returned from the Vietnam war, suggested that fundamental revisions might be needed in the code, drawn up in 1955 after the Korean war.

One of the code's six provisions reads: "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."

Coercion Is Forbidden

Some Congressmen and others have urged that, because of the extraordinary pressure that can be brought to bear on war prisoners, the United States should reduce the burden on them. They have suggested doing this by counseling all servicemen to admit anything after capture with the understanding that the United States would publicly disavow all such statements as being the product of duress.

But Mr. Bartimo and other Pentagon officials say that such a course could be not only more embarrassing to the

United States but also more hazardous to the prisoners themselves.

They point out that the Geneva Conventions of 1949 require a war prisoner to tell his captives only his name, rank, service number and birth date. This custom apparently stems from the Crusades, when such information was vital in trying to arrange for ransoming important captives.

The same conventions also forbid the use of coercion to try to get additional information from prisoners of war.

The Soviet Union and other Communist bloc nations, including North Korea, while acceding to the Geneva Conventions, have stated a major reservation. They maintain that a prisoner who may be convicted of an alleged war crime loses the protection afforded by the conventions.

Thus, defense officials say, if a prisoner signs a confession or makes any statement that can be used against him under the laws of his captors, he can be convicted and punished as a war criminal and is not subject to repatriation until after his sentence has been served.

Finds Incidents Similar

Mr. Bartimo said that he worked with the special advisory committee that spent two months in 1955 interviewing Korean War prisoners, psychiatrists, clergymen, civic leaders

and senior military men before drawing up the code of conduct.

Nothing has come out of the Pueblo case thus far that is markedly different from incidents in Korean War prison camps, he said.

"But we have an open mind of this," the official said. "Not all the testimony is in. Besides, we hope to talk to a lot more Vietnam returnees before deciding whether changes in the code may be indicated."

The code, Mr. Bartimo pointed out, does not have the force of law. "It is a creed of conduct," he said.

Anyone who violated any of the code's tenets would not be subject to court-martial, he said, unless he also violated some element of the Articles of War.

In past cases, he said, if there was evidence of duress, the benefit of the doubt was almost always resolved in favor of the prisoner in deciding whether to hold a court-martial.

Tricia Nixon Is 23

WASHINGTON, Feb. 21 (U) —Tricia Nixon celebrate 23d birthday today by a four-layer yellow s with patients at C pital. The Pr daughter cha who gave home-m draw self