

George C. Wilson

Revising the Code of Conduct

Before the cheering stops and some cold questions begin, the U.S. government could do itself and its returning prisoners of war a service by re-examining the Code of Conduct for American fighting men in the light of the realities.

The code, issued in 1955 in hopes of making it easier for future American prisoners to cope with the type of brainwashing the enemy practiced during the Korean War, has proved painfully untenable for many men. The executive officer of the U.S.S. *Pueblo*, for example, attempted suicide in 1968 while held captive by the North Koreans. He chose death, he said later, once he concluded he could not live up to the code under the steadily escalating torture.

American prisoners in Vietnam, as their broadcasts from Hanoi have demonstrated, have not always lived up to the language of the code. Presumably, we will soon learn what pressures our

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prisoners were under to sign statements and make broadcasts. And Pentagon officials have said repeatedly over the past few months that the Nixon administration has no intention to prosecute prisoners for any propaganda statements they did make.

In that sense, it sounds as if the Code of Conduct already has been lifted. Article V of the code states: "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."

But, as members of the *Pueblo* crew recall with bitterness, they, too, were told right after their release from captivity the men would not be held accountable for the Code of Conduct. The Navy's trial counsel at the Court of Inquiry, Capt. William R. Newsome, said the *Pueblo* men had been illegal detainees—not prisoners of war. Thus, he reasoned in a public statement, the code did not apply. But the Navy brass in Washington contradicted Newsome.

The harshest moments of the Navy's Court of Inquiry in 1969 for many of the *Pueblo* men was having five admirals ask them why they had not been able to live up to the Code of Conduct. Several of the sailors broke into tears and sobs when the question was put to them. They found it impossible to communicate to the admirals how the Ko-

reans broke them down through psychological and physical torture.

In the end, the North Koreans broke every one of the 82 *Pueblo* prisoners—including those who endured all kinds of torture as they resisted signing false statements.

To this day, five years after the *Pueblo* capture, the U.S. Navy's leadership has done little to assuage the guilt feelings of many of the *Pueblo* crew about not being able to live up to the Code of Conduct. Cdr. Lloyd M. Bucher, skipper of the *Pueblo*, recommended medals for many of his men for their performances, including enduring torture without disclosing any sensitive military information. But the Navy has yet to act on Bucher's recommendations.

Ironically, the U.S. government itself violated the Code of Conduct by signing a false statement that the *Pueblo* had intruded into North Korean territorial waters. This was done to get the crew back. But the limbo the Navy has left the *Pueblo* men in since their release suggests that the same government faults them for signing the same kind of false statements.

State Department officials dealing with prisoners of war matters are openly critical of the Code of Conduct as now written, calling it ambiguous and unfairly burdensome on men confined. One argument made against revising it in the middle of the Vietnam War, however, was that some of our prisoners might have gone through great pain in trying to live up to the code. Rewriting the code before their release, the argument went, might have demoralized the men who tried hardest to live up to it.

Soon, as things stand now, the United States will not have any American servicemen imprisoned in Vietnam. The argument about holding off action on such left-over questions as the *Pueblo* medals and the Code of Conduct will no longer apply.

One idea advanced by those trying to lessen the incentive for an enemy to exploit American prisoners of war is to repeal the name, rank, serial number stricture of the Code of Conduct. The U.S. government, under this proposal, would announce to the world that its servicemen would be allowed to make statements in captivity but that such statements should be regarded as propaganda forced out of prisoners in violation of the Geneva Convention.

Bucher, after the Navy's *Pueblo* inquiry in 1969, said the code he and others on the ship found so burdensome should be re-examined. The Navy leadership, embarrassed by the *Pueblo*'s capture, said at the time that the code was satisfactory as written. This time, with the wider experiences of the Vietnam POWs for source material, the country has a right to expect a more thoughtful look at the Code of Conduct.