

By S. L. A. Marshall

BIRMINGHAM, Mich. — While the heads-up, manly bearing of the American P.O.W.'s returning from Hanoi should command our admiration, it will be both untimely and unfair to contrast this showing with what is remembered of American behavior in the Korean P.O.W. camps some twenty years ago.

That story has grown more dismal with the years. Who now remembers that only 14 per cent of those prisoners behaved this creditably? While the majority of today's returnees are disciplined professionals, the greater number of Americans subjected to the Korean ordeal were drafted youngsters not even half-trained for the combat field. Almost untouched by their military experience, they could not be expected to organize for self-help and collective resistance when they became prisoners.

The military code of conduct was written and promulgated, not with the hope that it would stop derelictions and reform scoundrels, but would direct American fighters, when taken prisoner, to stand together for the common good.

According to Col. Raymond J. Merritt, one of the senior officers returned from Hanoi, it had that effect. Asked what kept the men going, he credited the code, saying: "If we follow that, we have a way to live," and then went on to explain that the seniors took command and the others fell in line.

On the other hand, the columnist George C. Wilson of The Washington Post wrote that the code had proved to be a yoke around the P.O.W.'s neck, since it held him to a standard of conduct that was totally unrealistic.

As the writer of the code, I am equally interested in these wholly opposite views. Here I need explain that I was chairman of the three-man subcommittee that drafted the code on July 5, 1955. Most of the language is mine and I was the penman, though I was guided over-all by the wisdom of Gen. John E. Hull, the acting chairman of the commission.

While Colonel Merritt credits the code for instituting organization of the group under the senior military leader, that was no innovation of the code, but simply reaffirmation of a traditional responsibility.

The basis of Mr. Wilson's attack on the code is that it virtually binds the P.O.W. to respond to interrogation like a robot. The truth is that the code was written to free him from having to behave that way. The words, "I am bound to give only name, rank, service number and date of birth," mean simply that under law he is required to give this information; it does not mean that he is therefore prohibited from talking with his captors, so long as he does not disclose vital information.

I grant that there is an intentional ambiguity here, to which I objected at the time the code was written. But the commission's view was that the wording had to stand that way since each service had a different problem. For example, the average rifleman could discuss almost anything that came into his mind, whereas a bomber pilot would have to be most guarded in his statements.

The commission was unanimous that this should be the training approach for all of the services. The chiefs of service all knew that this was the controlling idea. But once President Eisenhower proclaimed the code, the Army arbitrarily returned to the old Spartan code as did the Navy, which gave code training little more than lip service. The Air Force alone kept faith with the training doctrine outlined by the directive. Its training center in Nevada was so ideal that in 1956 I recommended its use by all of the services.

Within five years, however, this center was scuttled by Secretary of Defense Robert McNamara for purely budgetary reasons. His office had been

By Arnold Whitridge

NEW HAVEN—On the question of amnesty, one of those disagreeable questions which refuses to go away, most of us probably stand midway between Mr. Nixon's never-never, and the extraordinary demand made by a deserter and a draft evader on the Op-Ed page Feb. 28 for immediate and unconditional amnesty for all those who, like themselves, had defied the laws of the United States. The effect of these two letters was to make us more sympathetic with the President's categorical No, but that is not the last word on the subject either.

We can, if we like, sweep the whole question under the rug by saying that each case must be decided on its merits, but passing the buck to innumerable draft boards and judges all over the country can hardly be called a solution. This is a question with which the President of the United States has to grapple. Mr. Nixon has never found any difficulty in changing his mind, and no doubt his sober, second thought will suggest to him a

The military code of conduct: standing together for the common good.

And after the prisoners return, what of the deserters and draft dodgers?

charged to see that there would be uniform training under the code by all services: in fact it did nothing. In 1962, the Joint Chiefs of Staff in effect countermanded what the White House had directed.

When the record says plainly enough that higher authority thus capriciously failed the program, I see no justice in holding sternly to account minor offenders against the letter of the code. P.O.W.'s who under duress made statements that may have sounded helpful to the enemy did not in fact aid him half as much as several United States Senators. So punish them additionally because they are of the military, when prison itself is the worst of punishments?

But if there were deliberate acts of betrayal, P.O.W.'s who ratted on their comrades, or who habitually stole their food, etc., and there are witnesses who insist that they be given a court trial, I cannot see that anyone has the moral right to overrule them, simply to sweeten the record. This is neither a call for vengeance nor for compliance with the code, but a reminder of our plain duty to those honorable men who kept the faith.

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compromise. It will be a test of his well-known flexibility to come up with a compromise that will not strike Senator Kennedy as a pitiless vendetta, or Senator Thurmond as a gratuitous insult to every man in the armed services.

If Mr. Nixon will re-read one of the classics he must have read as a boy, Edward Everett Hale's "The Man Without a Country," he just might find a solution to his problem. It deals with a fictitious Army lieutenant, a certain Philip Nolan, who apparently was heard to say: "Damn the United States. I wish I may never hear the name of the United States mentioned again." Whereupon he was court-martialed and condemned to life-long exile. He spent the next fifty years at sea, being constantly transferred from one naval vessel to another.

"The Man Without a Country" is the tragedy of a man who gets exactly what he wanted. Maybe the moral can be applied to our amnesty problem: the deserters and the draft evaders have all damned the United States. If they now want to come back to the country they have damned let them do so on the understanding that they have forever forfeited their American citizenship.

Others

How many of them there are we don't know. Presumably there is a record of those who went into hiding, or left the country, rather than appear before their draft boards. Not many of them can have been genuine conscientious objectors. If they had been they would not have panicked and run away. They would have appeared before their draft boards and made a frank statement of their religious convictions. In that case they would have been assigned to some noncombatant duty either at home or abroad. In this way they would have answered the call of their country without losing their self-respect.

The problem of deserters is more complicated. Some of them are comparatively innocent — men who got separated from their patrols, lost their bearings, took refuge with civilians, and only rejoined their units after thirty days' absence. In Army parlance a man is a deserter if he is absent without leave for more than a month. Technically, then, these men are deserters, but obviously not to be treated the same way as those who, for one reason or another, went into hiding or made their way into some neutral country with no idea of ever returning to duty.

Among all these deserters there were very few, if any, actual traitors—men who can be proved to have gone over to the enemy and betrayed their comrades. If there were any such, and if they are caught and convicted, there can be no question of leniency. They belong with all other traitors in the lowest circle of hell.

Both groups, the draft dodgers and the deserters, convinced themselves they acted as they did because they disapproved of the war and wanted no part in it.

Now the war is over. Far from being repentant of what they have done, they are proud of it, but they want to come home. The question is whether they are to be greeted with open arms like any other returning soldier, whether they are to be made to work their passage by some form of service to the state, or whether they are to be kept out forever. No one of these solutions is satisfactory. We do not have to be in any hurry to bring them back, but we don't want either to be in the position of telling them they can never hope to see their families again. Let us say to them in due time when the prisoners are home and have settled down: Come back if you wish but do not expect to play any part in American life. You will never be allowed to vote or to hold office. You have sacrificed the right to enjoy any of the privileges that American citizenship implies. That is the way you wanted it, and that is the way it is going to be.

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