

UNITED STATES MARINE CORPS
FIELD MEDICAL TRAINING BATTALION-EAST
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MCECST

**2401-LDR-1008/09/10 THE CODE OF CONDUCT AND YOUR RIGHTS AND
OBLIGATIONS AS A PRISONER OF WAR**

TERMINAL LEARNING OBJECTIVES:

1. Without the aid of references, describe the Code of Conduct, without omitting key components.
(2401-LDR-1008)
2. Without the aid of references, describe your rights as a Prisoner of War (POW), without omitting key components.
(2401-LDR-1009)
3. Without the aid of references, describe your obligations as a Prisoner of War (POW), without omitting key components.
(2401-LDR-1010)

ENABLING LEARNING OBJECTIVES:

1. Without the aid of reference, identify the purpose of the Code of Conduct, in accordance with reference NAVMC 2681 Code of the U.S. Fighting Force.
(2401-LDR-1008a)
2. Without the aid of reference, identify the origin of the Code of Conduct, in accordance with reference NAVMC 2681 Code of the U.S. Fighting Force.
(2401-LDR-1008b)
3. Without the aid of reference, identify the origin of POW Rights, in accordance with reference NAVMC 2681 Code of the U.S. Fighting Force.
(2401-LDR-1009a)

4. Without the aid of reference, identify the POW Rights, in accordance with reference NAVMC 2681 Code of the U.S. Fighting Force.

(2401-LDR-1009b)

5. Without the aid of reference, identify POW obligations, in accordance with reference NAVMC 2681 Code of the U.S. Fighting Force.

(2401-LDR-1010a)

6. Without the aid of reference, identify honors a POW should render, in accordance with reference NAVMC 2681 Code of the U.S. Fighting Force.

(2401-LDR-1010b)

1. **CODE OF CONDUCT:** The Code of Conduct was circulated on August 17, 1955 in response to the behavior of US personnel during the Korean War. The Korean War revealed a need to provide a standard of behavior for American military personnel engaged in combat and in enemy captivity. The Code of Conduct required two things from US military personnel. First, to fight until resistance is useless, and second, to continue resisting their enemy captors when captured.

In March 1988, the Code of Conduct was amended to make the language gender-neutral. The legality and enforcement of the Code of Conduct comes from the Uniform Code of Military Justice (UCMJ).

a. **ARTICLE 1:** *"I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense."*

It is a long-standing tradition of American citizens to willingly answer the call to arms when the peace and security of this nation are threatened. Patrick Henry stated it best in the early days of our country when he said, "Give me liberty or give me death." Nathan Hale, captured by the British during the Revolutionary War and charged with spying, personified the spirit of the American fighting man when he spoke the immortal words, "I only regret that I have but one life to give for my country," just before his execution by hanging.

In December 1967, Marine Corporal Larry E. Smedley led his squad of six men into an ambush site west of the vital military complex at Da Nang in South Vietnam. When an estimated 100 enemy 5-12 soldiers were observed carrying 122mm rocket

launchers and mortars into position to launch an attack on Da Nang, Corporal Smedley courageously led his men in a bold attack on the enemy force which outnumbered them by more than 15 to 1. Corporal Smedley fell mortally wounded in this engagement and was later awarded the Medal of Honor for his courageous actions. His bold initiative and fearless devotion to duty are perfect examples of the meaning of the words of Article I of the Code of Conduct.

Your behavior in combat and as a prisoner of war depends on your loyalty to the United States and our way of life. Your degree of patriotism will determine whether or not you will fight until resistance is useless, or whether you will continue to resist, if captured. Again, former American POWs have revealed that the most tenacious fighters and most determined prisoners are those who show the most loyalty to their country and the righteousness of their cause.

b. **ARTICLE 2: "I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist."**

This is an American tradition that dates back to the Revolutionary War. An individual may never voluntarily surrender himself. If isolated and unable to fight the enemy, he/she is obligated to evade capture and rejoin friendly forces at the earliest possible time. John Paul Jones always comes to mind when one reads Article II of the Code. It was in 1779 that the captain of the *Bonhomme Richard* challenged two British ships of war, the *Serapis* and the *Countess ol Scarborough*. Old, slow, and hopelessly outclassed, the *Richard* was being badly battered, repeatedly set on fire, and rapidly filling with water when the captain of the *Serapis* called, "Do you ask for quarter?"

"I have not yet begun to fight," said John Paul Jones. Hours later, the *Serapis* struck her flag and Jones and his crew boarded and captured the British ship as they watched their own ship sink. Where a unit is involved, the Marine in command may never surrender that unit to the enemy while it has the power to resist or evade. A unit that is cut off or surrounded must continue to fight until it is relieved by, or able to rejoin friendly forces.

Private First Class Melvin E. Newlin was manning a key machine gun post with four other Marines in July 1967 when a savage enemy attack nearly overran their position. Critically wounded, his comrades killed, Private Newlin propped himself

against his machine gun and twice repelled the enemy attempts to overrun his position. During a third assault, he was knocked unconscious by a grenade, and the enemy, believing him dead, bypassed him and continued their attack on the main force. When he regained consciousness, he crawled back to his weapon and brought it to bear on the enemy rear, inflicting heavy casualties and causing the enemy to stop their assault on the main positions and again attack his machine gun post. Repelling two more enemy assaults, Private Newlin was awarded the Medal of Honor for his courageous refusal to surrender his position or to cease fighting because of his wounds.

In June 1966, Staff Sergeant Jimmie E. Howard and his reconnaissance platoon of 18 men were occupying an observation post deep within enemy controlled territory in South Vietnam when they were attacked by a battalion size force of enemy soldiers. During repeated assaults on the Marine position and despite severe wounds, Staff Sergeant Howard encouraged his men and directed their fire, distributed ammunition, and directed repeated air strikes on the enemy. After a night of intense fighting which resulted in five men killed and all but one man wounded, the beleaguered platoon still held its position. Later, when evacuation helicopters approached the platoon's position, Staff Sergeant Howard warned them away and continued to direct air strikes and small arms fire on the enemy to ensure a secure landing zone. For his valiant leadership, courageous fighting spirit, and refusal to let his unit be beaten despite the overwhelming odds, Staff Sergeant Howard was awarded the Medal of Honor.

Marines are not permitted to surrender willingly. If further resistance is useless, it is your duty to escape and evade capture at all costs.

c. **ARTICLE 3: "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."**

The enemy will try to entice individual POWs with special treatment and privileges for propaganda purposes or to make them turn against their fellow POWs. Thus, the Code prohibits cooperating with the enemy and orders you to resist until you are repatriated. In addition, you are obligated to attempt escape or help other attempt escape during your entire captivity. Keep in mind, however, that resistance beyond what is

required will usually result in torture or harsh punishment for violating POW camp rules and regulations.

Medical personnel and chaplains are classified "detained personnel" and do not have this duty. They should not encourage anyone to stop resisting.

d. **ARTICLE 4:** *"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 in every way."*

The misfortune of being captured by the enemy does not end your usefulness to this country. It is your duty to continue to resist the enemy by all possible means, and to escape and assist others to escape. You may not accept parole from the enemy or special favors such as more food, warm clothes, fewer physical restrictions, etc., in return for promises not to escape, or informing, or providing information to the enemy. Informing, or any other action endangering the well-being of a fellow prisoner is forbidden. Prisoners of war will not help the enemy by identifying fellow prisoners who may have knowledge of particular value to the enemy, and who may, therefore, be made to suffer brutal means of interrogation.

Strong leadership is essential to discipline. Without discipline, organization, resistance, and even survival may be extremely difficult. Personal hygiene, sanitation, and care of sick and wounded prisoners of war are absolute musts. All United States officers and noncommissioned officers will continue to carry out their responsibilities and exercise their authority if captured. The senior line officer or noncommissioned officer within the prisoner of war camp or group of prisoners will assume command according to rank or date of rank, without regard to service. He/she is the lawful superior of all lower ranking personnel, regardless of branch of service. The responsibility to assume command must be exercised by the senior. If the senior officer or noncommissioned officer is incapacitated or unable to command for any reason, command will be assumed by the next senior person.

e. **ARTICLE 5:** *"When questioned, should I become a prisoner of war, I am required to give my 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."

POWs may fill out a Geneva Convention Capture Card, but are not required to. They may also write letters home and talk with the enemy about matters of health and welfare. They will neither say nor sign anything that may hurt their fellow prisoners, their country, or its allies.

It is unrealistic to expect a POW to remain in captivity for months and even years, and just recite his or her name, rank, social security number, and date of birth. There are many POW captivity situations in which certain types of conversations with the enemy are permitted. However, a POW should be aware that his or her captors might use any statement or confession for propaganda purposes or as an admission of war crimes. If a POW discloses sensitive information under torture or coercion, the POW must recover and resist with a new line of mental defense.

f. **ARTICLE 6**: ***"I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and the United States of America."***

Article VI and Article I of the code are quite similar. The repeated words "I am an American, fighting in the service of my country" are perhaps the most important words of the code, because they signify each American's faith and confidence in their God, their country, and their service. Since John Paul Jones made his defiant reply, "I have not yet begun to fight," to the present, Americans have traditionally fought the enemy wherever he was found and with whatever weapons were available. When captured, the POW continues the battle in a new arena.

When facing interrogators they are under fire just as though bullets and shell fragments were flying about them. Disarmed, the POW must fight back with mind and spirit, remaining faithful to his fellow POWs, yielding no military information, and resisting every attempt of indoctrination. It is the responsibility of each Marine to honor these traditions by carefully adhering to the meaning of each article of the Code of Conduct. The many Americans who have accepted this responsibility are heroes in the finest sense of the word.

In February 1966, Lieutenant (JG) Dieter Dengler, USNR, was on a bombing mission over North Vietnam when his aircraft was badly damaged by ground fire. LT Dengler crash-landed his

aircraft in nearby Laos and attempted to evade capture. After successfully evading for one day, he was captured and led to a village where he was interrogated and told to sign a Communist propaganda statement condemning the United States. LT Dengler's repeated refusal to give more than his name, rank, service number, and date of birth, or to sign any statements, resulted in severe beatings. When he continued to refuse to answer questions, he was tied behind a water buffalo which dragged him through the brush. The interrogations and beatings continued for three days, but LT Dengler refused to give in. Later, he escaped from his guards but was recaptured and again severely beaten. After six months in captivity, LT Dengler successfully escaped, killing several enemy guards in the process. On the 17th day, a pilot who escaped with him was killed, and LT Dengler had to continue alone. Although suffering from malnutrition, jaundice, fatigue, and badly cut and swollen feet, LT Dengler refused to give up. Finally, on the 22nd day after his escape, he managed to lay out a crude SOS on a bed of rocks and attract attention of a United States Air Force aircraft. Later a rescue helicopter plucked him to safety and ended his ordeal.

g. In review, Articles 1 and 2 of the Code of Conduct orders Marines and certain Sailors to fight to the last man or woman. Articles 3, 4, and 5 state that if you are captured, that you will continue to resist the enemy. POWs will find faith and strength with their fellow U.S. or allied prisoners. Article 6 states that you are responsible for your behavior while in enemy captivity. The Marine Corps, under the legal authority of the Uniform Code of Military Justice, will prosecute and punish Marines or Sailors who willingly surrender and/or collaborate with the enemy.

2. **THE RIGHTS OF A PRISONER OF WAR (POW)** The rights of POWs are primarily derived from the 1949 Geneva Conventions. POWs cannot be prosecuted for the mere fact of having participated in an armed conflict, although they may be prosecuted for war crimes. POWs must be repatriated at the end of the active hostilities. The detaining power is responsible for the well-being of their POWs.

a. POWs have twelve distinct rights:

(1) A prisoner of war has the right to receive sanitary, protective housing and clothing.

(2) A prisoner of war has the right to receive a sufficient amount of food to sustain good health.

(3) A prisoner of war has the right to receive adequate medical care.

(4) A prisoner of war has the right to receive necessary facilities for proper hygiene.

(5) A prisoner of war has the right to practice religious faith.

(6) A prisoner of war has the right to keep personal property except weapons, military equipment, and military documents.

(7) A prisoner of war has the right to send and receive mail.

(8) A prisoner of war has the right to receive packages containing non-contraband items such as food and clothing, or educational, religious, and recreational materials.

(9) A prisoner of war has the right to select a fellow POW to represent him or herself.

(10) A prisoner of war has the right to receive humane treatment.

(11) A prisoner of war has the right to have a copy of the Geneva Convention and its annexes, including any special agreements, posted where it can be read. The Geneva Convention and its annexes, etc., must be written in the proper language and available upon request.

(12) A prisoner of war has the right to have a copy of all camp regulations, notices, orders, and publications about POW conduct posted where it can be read. Regulations, notices, etc. must be in the proper language for POWs to understand and available upon request.

3. MINISTRY TO ENEMY PRISONERS OF WAR PERSONNEL AND DETAINED PERSONNEL

- a. Are permitted freedom of religious observances.
- b. Allow the possession of religious objects.

- c. Allow worship services within the camp.
- d. Support detained enemy clergy with religious supplies and ecclesiastical needs.
- e. Support detained enemy clergy with transportation for ministry to working detachments or hospitals.
- f. US personnel may not attend services with EPW's.

4. **OBLIGATIONS AS A PRISONER OF WAR (POW)** If captured, POWs are not freed of their military duties and responsibilities. POWs are still required to observe protocol and military discipline, and to respect the authority of senior prisoners. POWs must abide by the rules and regulations of the Detaining Power and POWs must provide specific information predetermined by applicable treaties.

If captured, you are only required to give:

- a. Name
- b. Rank
- c. Service number (SSN)
- d. Date of birth

If captured, you also have the responsibility to perform labor that meets the following criteria:

- a. Is not military in nature
- b. Is not degrading
- c. Is not dangerous
- d. Is not unhealthy

POWs must also:

- a. Obey the lawful rules and regulations of the camp
- b. Maintain military discipline in accordance with the rules and regulations governing the U.S. armed forces
- c. Maintain courtesy and honors to all officers, regardless of the officers' nationality or branch of service

The degree of your knowledge and understanding of your rights and obligations as a prisoner of war and the Code of Conduct will determine whether you endure captivity with dignity and return home with honor.

5. OBLIGATIONS OF CHAPLAINS AND RP'S AS POW'S

Chaplains who are captured are not combatants and as such may expect, if the enemy chooses to acknowledge the Geneva Convention a different level of treatment than other POW's. Under the Geneva Convention chaplains are considered as "DETAINED" clergymen. In this capacity, they must be utilized for ministry functions.

RPs who are captured by the enemy are considered POW's. The chaplain may try to obtain their service, but this may not be allowed. Anyone having religious certification (i.e. ordination licenses to preach) can be considered as ministers to their faith group members in captivity, and should be afforded the same rights for ministry as detained chaplains (article 36, chapter V, Geneva Convention, August 12, 1949).

REFERENCE (S) :

Code of the U.S. Fighting Force, NAVMC 2681
The Law of Land Warfare, MCRP 5-12.1A