

Echoes of War

Combat Trauma, Criminal Behavior, and How We Can Do a Better Job This Time Around









★ VDP ★



Veterans Defense Project

The Coming Tsunami

Escalating numbers of veterans are entering the criminal courts across the country.

History tells us this will continue for the foreseeable future, creating an increasing public health and public safety risk.

Lessons from Vietnam

Of the **3 million Americans** who served in **Vietnam**, **1 to 1.5 million** suffered **psychological injuries**.



Lessons from Vietnam

Half of those **psychologically-injured** veterans later had **contact** with the **criminal justice system**.



Lessons from Vietnam

Blamed for an unpopular war –
demonized and
discarded within the
justice system.



Lessons from Vietnam

Hundreds of thousands still incarcerated, homeless or addicted, more than 40 years after their war.

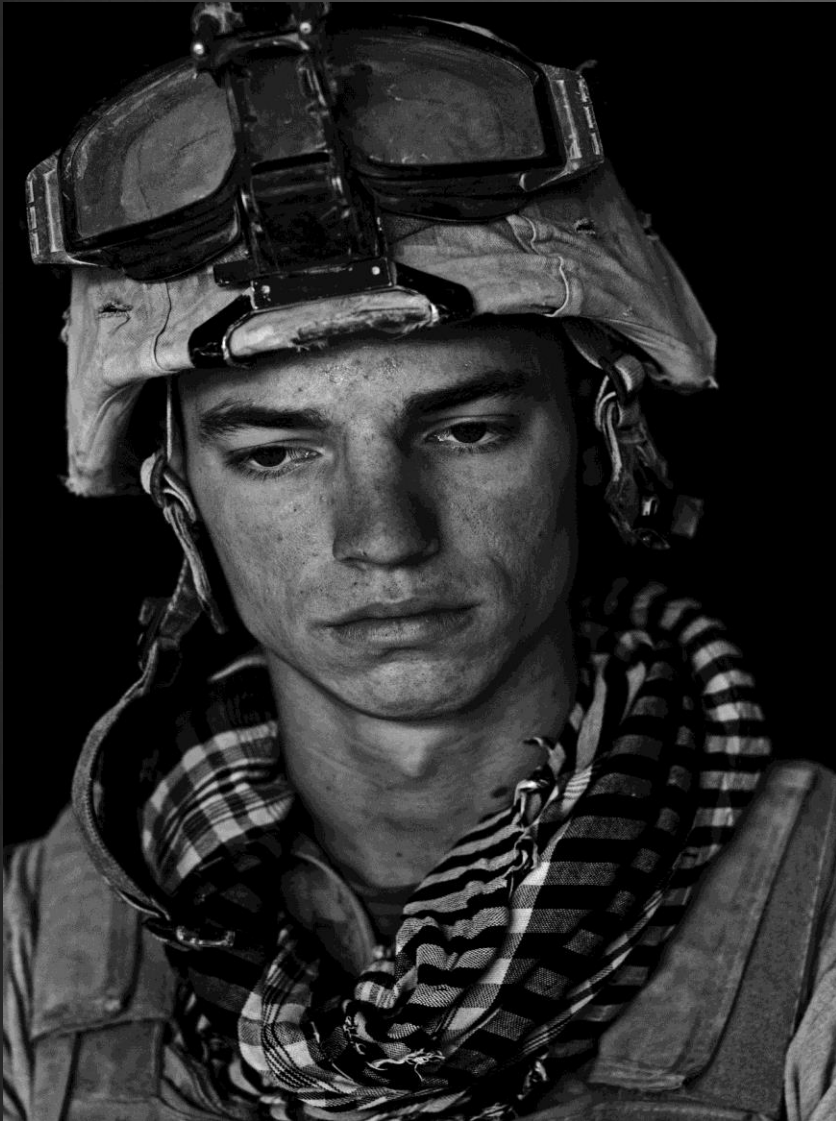


Lessons from Vietnam

While **58,000** Americans **died in Vietnam**, some estimate that up to **150,000** Vietnam **veterans** committed **suicide after the war**.



Current Numbers



2.6 million Americans have served in **Iraq** or **Afghanistan**.

IOM (Institute of Medicine). 2012. *Treatment for posttraumatic stress disorder in military and veteran populations: Initial assessment*. Washington, DC: The National Academies Press.

Current Numbers



Up to **500,000** are suffering from **Post-Traumatic Stress Disorder (PTSD)**.

IOM (Institute of Medicine). 2012. *Treatment for posttraumatic stress disorder in military and veteran populations: Initial assessment*. Washington, DC: The National Academies Press.

Current Numbers



Less than half have **reported** their invisible injury or **sought help** for it.

IOM (Institute of Medicine). 2012. *Treatment for posttraumatic stress disorder in military and veteran populations: Initial assessment*. Washington, DC: The National Academies Press.

Current Numbers



Louie Palu

As of August, 2012, **suicide rates** in the **active duty forces** have risen to an average of **one per day**

The VA currently estimates that **20 veterans** commit **suicide per day** and another **33 attempt suicide per day.**

Over 300,000 American Women have
Served in Iraq or Afghanistan





Gervasio Sanchez – Associated Press



20% Diagnosed with PTSD



PTSD Rates Will Likely Top Vietnam

- In Vietnam, draftees served one 12-month combat tour.



PTSD Rates Will Likely Top Vietnam

- In Vietnam, draftees served one 12-month combat tour.
- Today, No Draft = Small Military Force Recycled Over and Over



David Furst - Agence France-Presse

PTSD Rates Will Likely Top Vietnam

- In Vietnam, draftees served one 12-month combat tour.
- Today, No Draft = Small Military Force Recycled Over and Over
- Many have now served 2 or 3 combat tours.



Michael Kamber

PTSD Rates Will Likely Top Vietnam

- In Vietnam, draftees served one 12-month combat tour.
- Today, No Draft = Small Military Force Recycled Over and Over
- Many have now served 2 or 3 combat tours.
- Some have served 4, 5, 6, 7, even 8 tours.















PTSD rates climb with each additional tour.



“We’re killing these kids, we’re breaking the Army!”

Our soldiers are still redeploying at a frenetic pace that cannot keep up with reality—and the cracks are showing.

“The competing requirements for standard, conventional army units—to say nothing of the overstretched Special Forces—in 2018: balancing Russia in Eastern Europe, deterrence rotations in South Korea, advise and assist missions in Africa. Add to that deployments to the usual hotspots in Syria, Iraq, and Afghanistan. He was genuinely concerned about the physical and emotional toll on the active-duty force, pushed to its limits by 17 years of perpetual combat.”

The American Conservative

January 17, 2018



Caren Firouz - Reuters



Balaza Gardi, Daylight Magazine



Joe Raedle - Getty Images



David Furst – Agence France Presse



Luis Sinco - LA Times

AMERICA IS NOT AT WAR

AMERICA IS NOT AT WAR

**THE U.S. MARINE CORPS IS AT
WAR**

AMERICA IS NOT AT WAR

**THE U.S. MARINE CORPS IS AT
WAR**

AMERICA IS AT THE MALL

94% Received Incoming Small Arms Fire



John Moore - Getty Images

94% Received Incoming Small Arms Fire



94% Received Incoming Small Arms Fire



94% Received Incoming Small Arms Fire



48% Killed an Enemy Combatant



48% Killed an Enemy Combatant



48% Killed an Enemy Combatant



Marco Di Lauro - Getty

48% Killed an Enemy Combatant



48% Killed an Enemy Combatant



51% Handled Human Remains



51% Handled Human Remains



51% Handled Human Remains



51% Handled Human Remains



28% Responsible for Death of a Noncombatant



28% Responsible for Death of a Noncombatant



28% Responsible for Death of a Noncombatant



28% Responsible for Death of a Noncombatant



28% Responsible for Death of a Noncombatant



28% Responsible for Death of a Noncombatant



68% Saw Seriously Injured or Dead Americans



Anja Nie - AP

68% Saw Seriously Injured or Dead Americans



68% Saw Seriously Injured or Dead Americans



68% Saw Seriously Injured or Dead Americans



68% Saw Seriously Injured or Dead Americans



Michael Kamber

68% Saw Seriously Injured or Dead Americans



68% Saw Seriously Injured or Dead Americans



68% Saw Seriously Injured or Dead Americans



68% Saw Seriously Injured or Dead Americans



68% Saw Seriously Injured or Dead Americans



Lucian Read

86% Knew Someone Seriously
Injured or Killed



86% Knew Someone Seriously Injured or Killed



86% Knew Someone Seriously Injured or Killed



86% Knew Someone Seriously Injured or Killed



86% Knew Someone Seriously Injured or Killed



86% Knew Someone Seriously
Injured or Killed

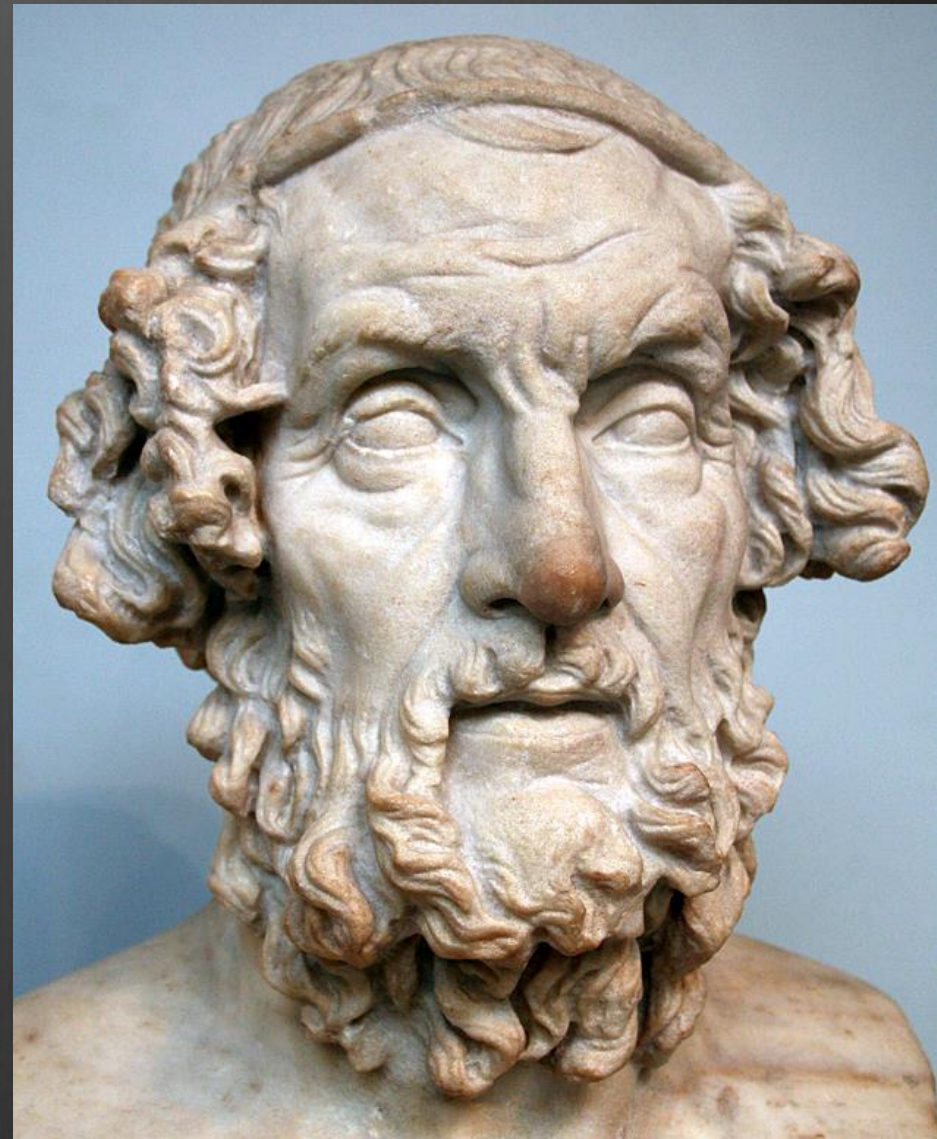


86% Knew Someone Seriously
Injured or Killed



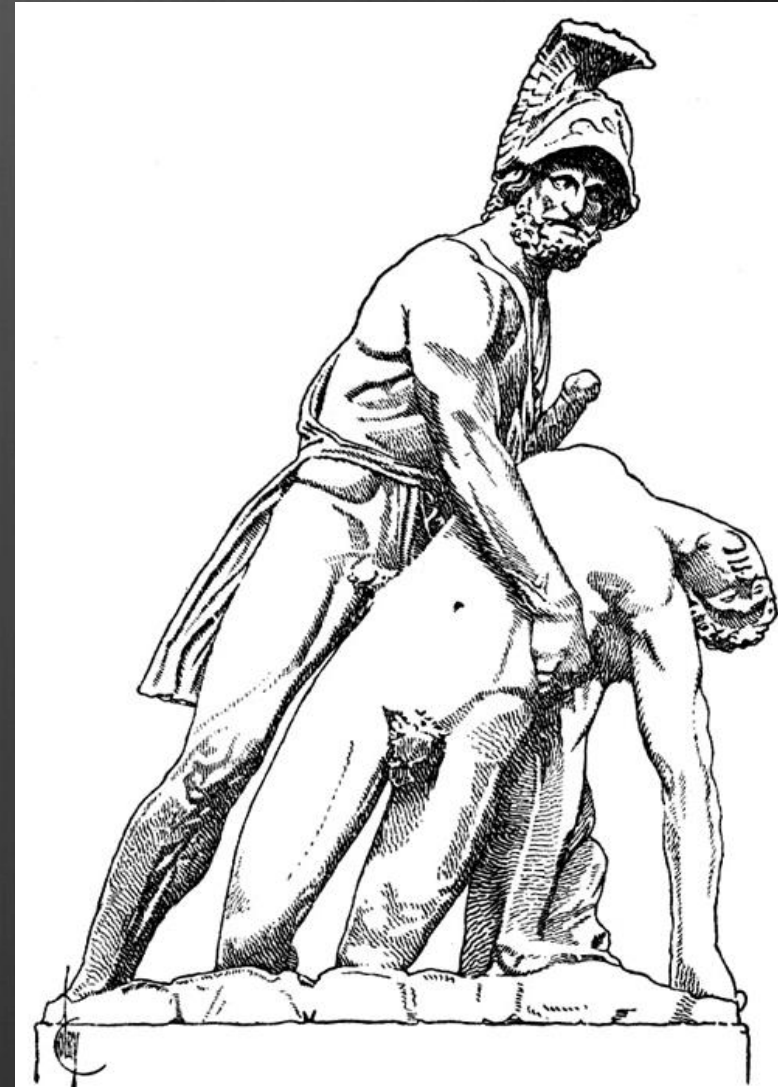
Combat Trauma's Ancient Roots: the Greek Classics

Homer's 3,000 year old epics:



Combat Trauma's Ancient Roots: the Greek Classics

- Homer's 3,000-year old epics:
 - The *Iliad*



Combat Trauma's Ancient Roots: the Greek Classics

Homer's 3,000 year old epics:

- *The Iliad*
- *The Odyssey*



PTSD's Many Names Over the Centuries

First formally recognized in Europe during the 17th Century:



Waterloo, William Holms Sullivan

PTSD's Many Names Over the Centuries

First formally recognized in Europe during the 17th Century:

- “*nostalgia*” – Swiss



Waterloo, William Holms Sullivan

PTSD's Many Names Over the Centuries

First formally recognized in Europe during the 17th Century:

- “*nostalgia*” – Swiss
- “*neimweh*” – German for “homesickness”
- “*maladie du pays*” – French for “homesickness”



Waterloo, William Holms Sullivan

PTSD's Many Names Over the Centuries

First formally recognized in Europe during the 17th Century:

- “***nostalgia***” – Swiss
- “***neimweh***” – German for “homesickness”
- “***maladie du pays***” – French for “homesickness”
- “***estar roto***” – Spanish for “to be broken”



Waterloo, William Holms Sullivan

PTSD's Many Names Over the Centuries

American Civil War

- *“soldier’s heart,”*
“irritable heart,”
and *“nostalgia.”*



PTSD's Many Names Over the Centuries

American Civil War

- *“soldier’s heart,”*
“irritable heart,”
and *“nostalgia.”*

World War I

- *“shell shock”*



Shell Shock, Edward Grand

PTSD's Many Names Over the Centuries

American Civil War

- *“soldier’s heart,”*
“irritable heart,”
and *“nostalgia.”*

World War I

- *“shell shock”*

World War II & Korea

- *“combat fatigue”*



*“PTSD is a name drained of both
poetry and blame.”*

One veteran prefers
“Soldier’s Heart”

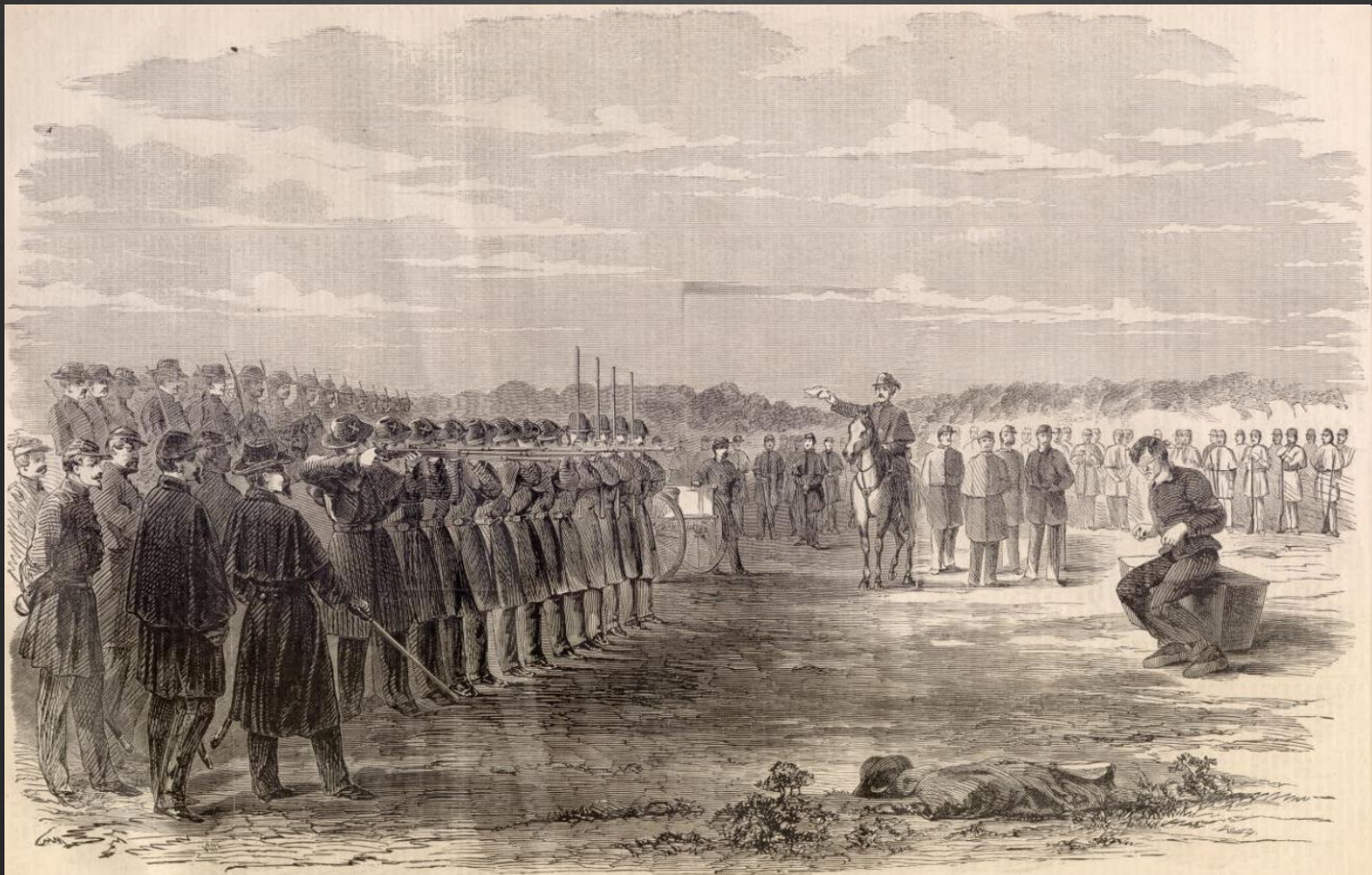
“a **disorder of warriors**, not men and women who were weak or cowardly but who **followed orders** and, at a young age, put their **feelings aside** and **performed unimaginable tasks.**”

Native American Cleansing Ritual



Historic Military Taboo

Harsh treatment of psychological casualties



Historic Military Taboo

Charges of desertion and cowardice frequently led to execution on the front line.



British posthumous pardon of 306 WWI soldiers executed without trial on the front line . . .



... recognizing today that they
suffered from PTSD



WWI Figures

Following WWI, the British, alone, discharged at least 200,000 soldiers stricken by Shellshock



WWI Torture as Treatment

One **military doctor** working in a French hospital, described the nine months of “**treatments**” applied 24 year old private for **war-related mental illness**:

[H]e had been **strapped in a chair . . .** while **strong electricity** was applied to his **neck** and **throat**; **lighted cigarettes** had been applied to the **top of this tongue** and **hot plates** had been placed at the **back of his mouth**.

Ben Shepard, *A War of Nerves: Soldiers and Psychiatrists in the Twentieth Century* 77 (2001).

WWI Torture as Treatment

Speaking of **his own treatment** of the private, he said:

“after a few more **hours** of **electricity** the patient could say **ah**, then **whisper**, then **stammer**. But just when it **seemed to be working**, the patient developed a **tremor** in his **left arm**. This too was **attacked** by **electricity**, but before it disappeared it had to be **chased** from the **right arm, left leg**, and finally the **right leg** with each part similarly treated.”

Ben Shepard, *A War of Nerves: Soldiers and Psychiatrists in the Twentieth Century* 77
(2001).

WWII Figures

In **WWII**, America sought to **avoid psychiatric casualties** by **screening** out those draftees deemed to have “**mental or moral defects**” – a total of **1.6 million**



WWII Figures

Nonetheless,
504,000 men were
lost from America's
combat forces due
to **psychiatric
collapse**--enough
to man **50 divisions**.

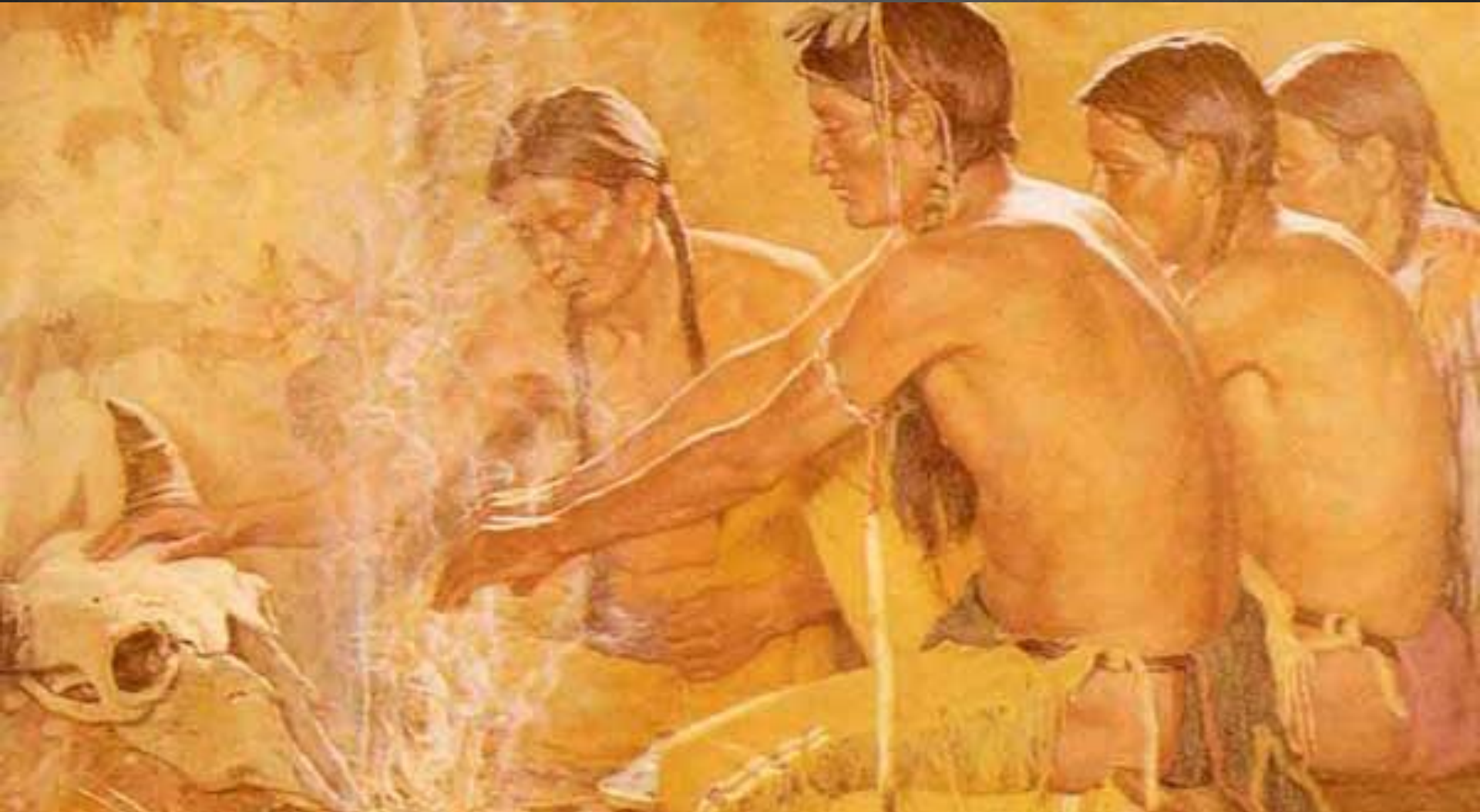


*“PTSD is a name drained of both
poetry and blame.”*

One veteran prefers
“Soldier’s Heart”

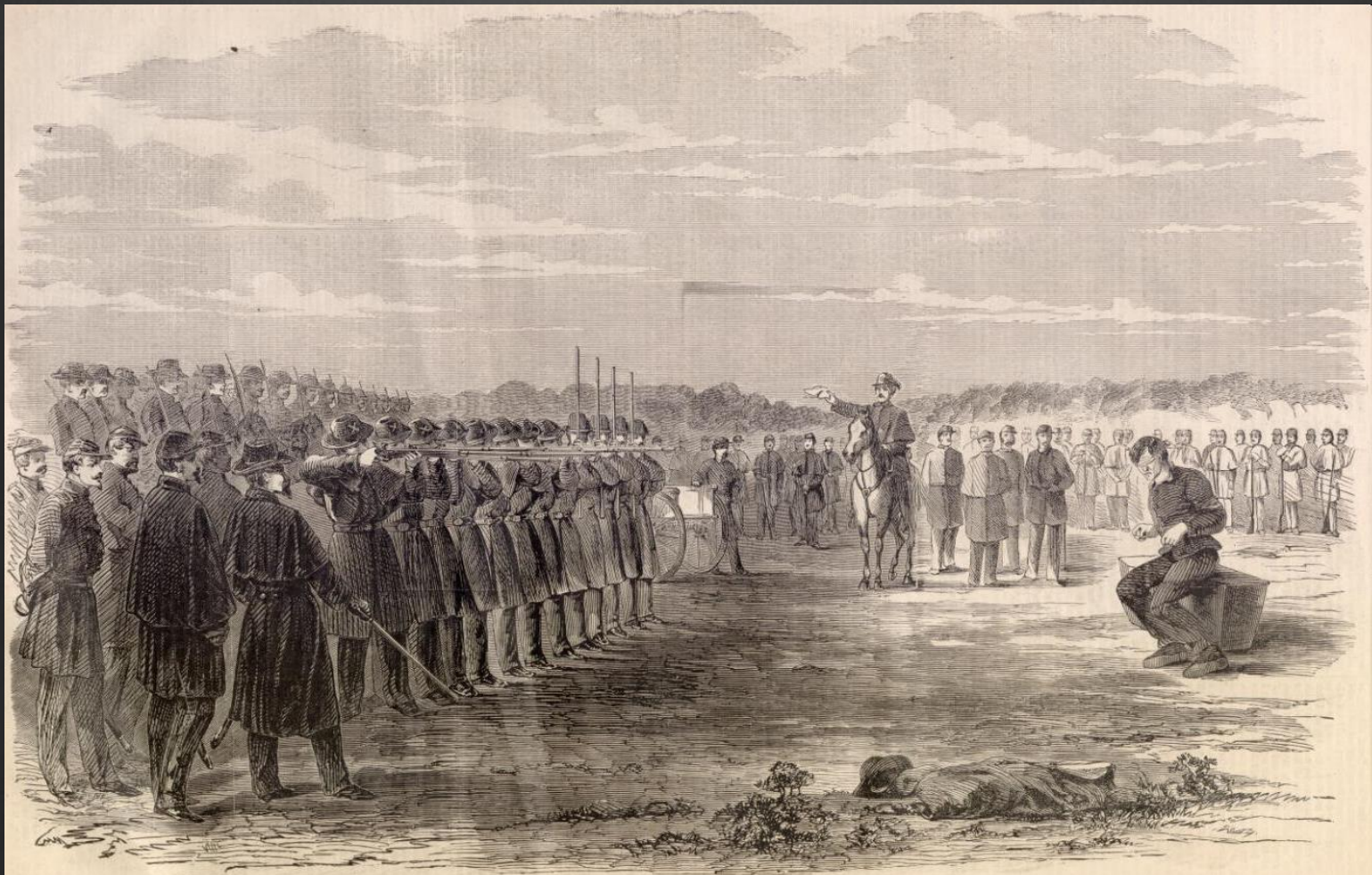
“a **disorder of warriors**, not men and women who were weak or cowardly but who **followed orders** and, at a young age, put their **feelings aside** and **performed unimaginable tasks.**”

Native American Cleansing Ritual



Historic Military Taboo

Harsh treatment of psychological casualties



Historic Military Taboo

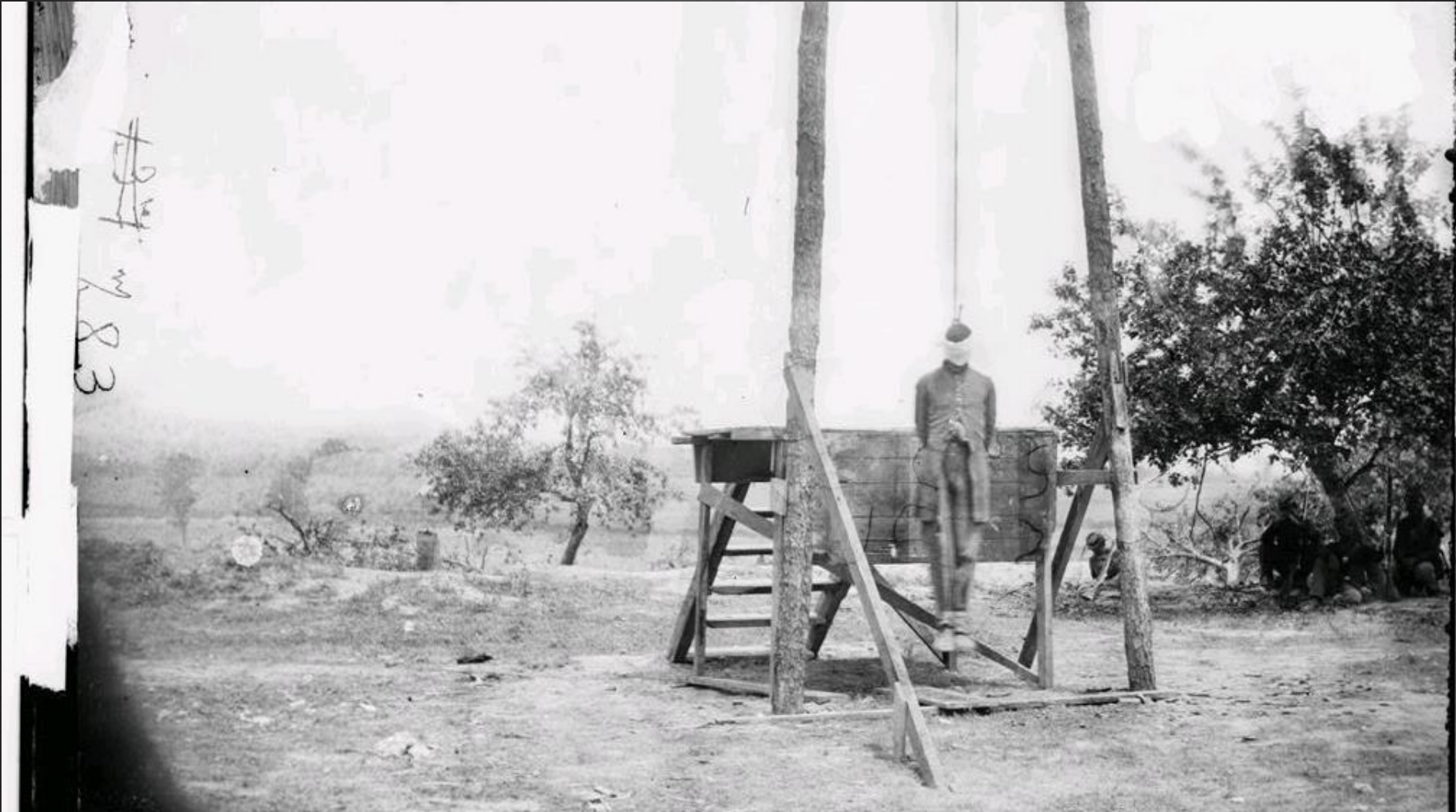
Charges of desertion and cowardice frequently led to execution on the front line.



British posthumous pardon of 306 WWI soldiers executed without trial on the front line . . .



... recognizing today that they
suffered from PTSD



WWI Figures

Following WWI, the British, alone, discharged at least 200,000 soldiers stricken by Shellshock



WWI Torture as Treatment

One **military doctor** working in a French hospital, described the nine months of “**treatments**” applied 24 year old private for **war-related mental illness**:

[H]e had been **strapped in a chair . . .** while **strong electricity** was applied to his **neck** and **throat**; **lighted cigarettes** had been applied to the **top of this tongue** and **hot plates** had been placed at the **back of his mouth**.

Ben Shepard, *A War of Nerves: Soldiers and Psychiatrists in the Twentieth Century* 77 (2001).

WWI Torture as Treatment

Speaking of **his own treatment** of the private, he said:

“after a few more **hours** of **electricity** the patient could say **ah**, then **whisper**, then **stammer**. But just when it **seemed to be working**, the patient developed a **tremor** in his **left arm**. This too was **attacked** by **electricity**, but before it disappeared it had to be **chased** from the **right arm, left leg**, and finally the **right leg** with each part similarly treated.”

Ben Shepard, *A War of Nerves: Soldiers and Psychiatrists in the Twentieth Century* 77
(2001).

WWII Figures

In **WWII**, America sought to **avoid psychiatric casualties** by **screening** out those draftees deemed to have “**mental or moral defects**” – a total of **1.6 million**



WWII Figures

Nonetheless,
504,000 men were
lost from America's
combat forces due
to **psychiatric
collapse**--enough
to man **50 divisions**.



WWII Figures

At **one point** in World War II, **psychiatric casualties** were being **discharged** from the U.S. Army **faster** than new **recruits** were being **drafted** in.



"Compassion," Howard Brodie 1944

WWII Figures



"Helping a Wounded Man," Kerr Eby 1944

A World War II study of US Army combatants in **Normandy** found that after **60 days** of continuous combat, **98%** of the surviving soldiers had become **psychiatric casualties**.

Post-WWII “Therapies”

With all 102,000 available hospital beds full and 20,700 patients in waiting, the **VA found itself overwhelmed in the late 1940's**. Even when space was available, **treating these patients could cost as much as \$35,000 each, per year**. These twin pressures on space and available funds opened the door to a **terrible alternative**.

Penny Coleman, Flashback: Posttraumatic Stress Disorder, Suicide, and the Lessons of War 54—55 (2007).

The Icepick Lobotomy

- **Invented** by George Washington University professor **Walter Freeman**.
- **Widely promoted in the 1940's and early 1950's** as a treatment for certain psychoses.
- Doctors would use “a **hammer to tap a modified ice pick** through the patient's **eye socket and into the prefrontal lobe**, which was then **severed from the rest of the brain**.”
- The procedure **cost \$250**, a fraction of the cost of long-term hospitalization.

The Icepick Lobotomy

- While patients were certainly left **less aggressive**, most were reduced to **listless, dull-eyed shadows** of their former selves.
- Up to **50,000 icepick lobotomies were performed** in the United States, **the vast majority on traumatized veterans and “hysterical” women**, before new psychiatric drugs emerged in the 1950's and the procedure was abandoned.

Penny Coleman, Flashback: Posttraumatic Stress Disorder, Suicide, and the Lessons of War 54—55 (2007).

The Generation of Silence

Much of the **legendary stoicism among the WWII generation of veterans** was likely the **result of fears of the consequences if they reported their trauma and sought help**. The **largest still-untold story** of the U.S. after WWII is in the huge, **3,000-5,000 bed “neuropsychiatric” hospitals** built during that era. There are **strikingly few official records** about the activities inside their walls, but their **ominous mystery** likely had a **chilling effect** on veterans acknowledging their trauma.

Dr. Jonathan Shay

How Combat Trauma Leads to Criminal Behavior

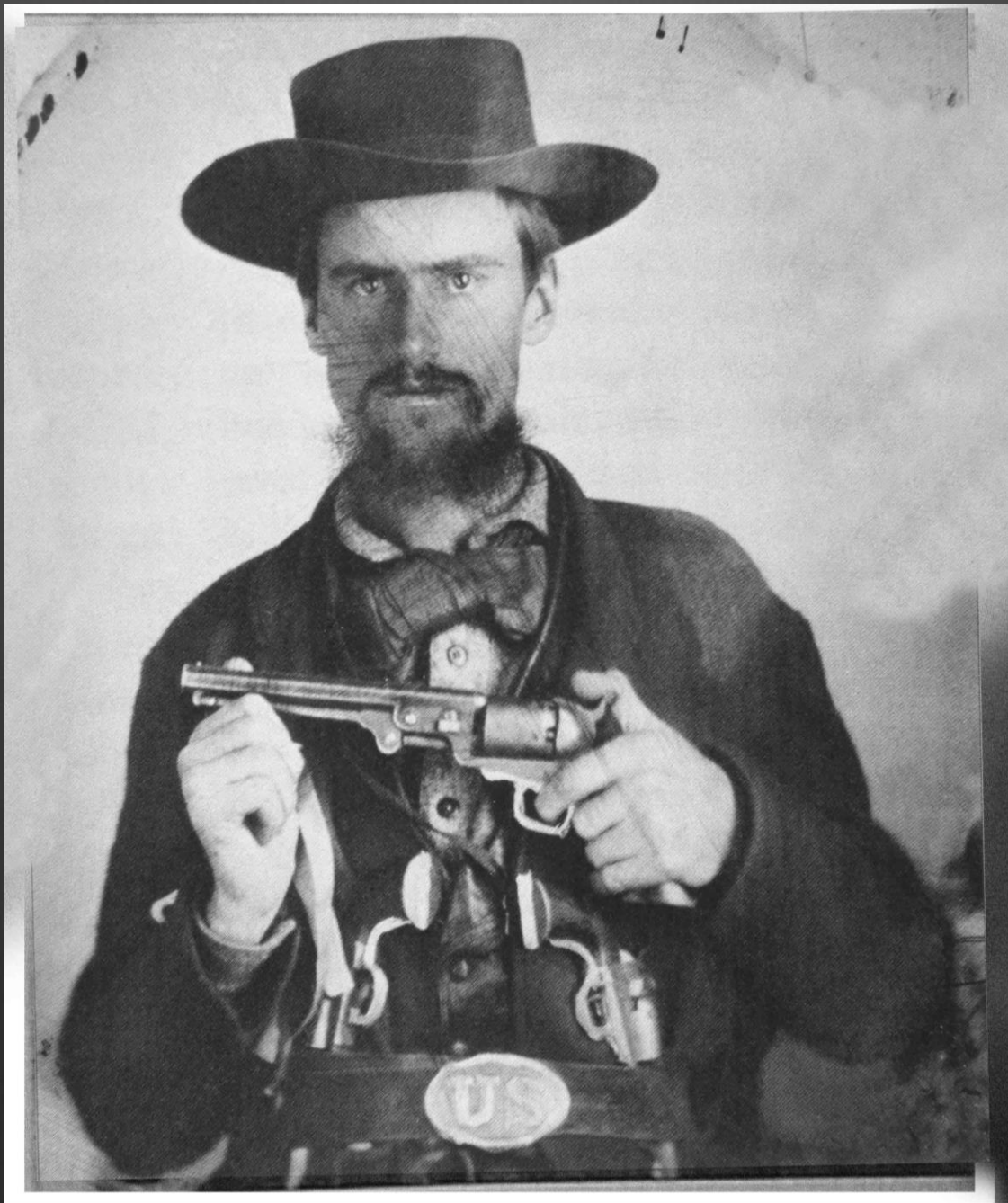
- Many **self-medicate** with **alcohol** or **drugs** and fall into **self-destructive, reckless** or **violent** behavior.
- Some respond to adversarial or threatening situations with violence, as they were trained and conditioned to do in combat.
- Others suffer **flashbacks** in which they believe they are back in combat and act out against those around them.

Post-Civil War Crime Wave

“Great Crime Wave of 1865-1870”

The Civil War “**let the genie out of the bottle,**” as the **violence** of the war years spilled over into civilian life in the postwar era. During the war, soldiers had been **trained to kill** and thereby **threw off the restraints of civil society** and **accepted a life of violence**; there was **no immediate way to put an end to the habit of violence** and **reintroduce all of these men to the industrious and peaceful vocations of life**. In both the North and the South a period of turmoil followed the end of the war.

Eric T. Dean, Jr., *Shook Over Hell: Post-Traumatic Stress, Vietnam, and the Civil War* 98 (1997).



Post-World War I Crime Wave

“The war has destroyed with a hand more desolating than the Black Death or the most terrible plagues of history. But its **consequences do not end with destruction. . . . The epidemic of crimes of violence is the natural sequel of war, for men learn in that school to think little of life. The same increase of crime of this kind followed the Napoleonic Wars both here and in France.**”

Unidentified English Writer, 1920

Nation, XXVI (London, January 10, 1920), 498.

Post-World War I Crime Wave

“Last year saw the ending of the War. From **England to France**, and in **our own country**, **statistics** have been gathered which show that **serious crime**, which had been on the decrease during the period of the War was again stalking **in the foreground**. . . . The **newspapers are filled** with **accounts of crimes** of such **daring** and **boldness** as to make the **average citizen stand aghast** at the manner in which the security of life and rights of property are ruthlessly disregarded and imperiled.”

Hugo Pam, Jr, President

Institute of Criminal Law and Criminology

Annual Address, 1919

Post-World War II Crime Wave

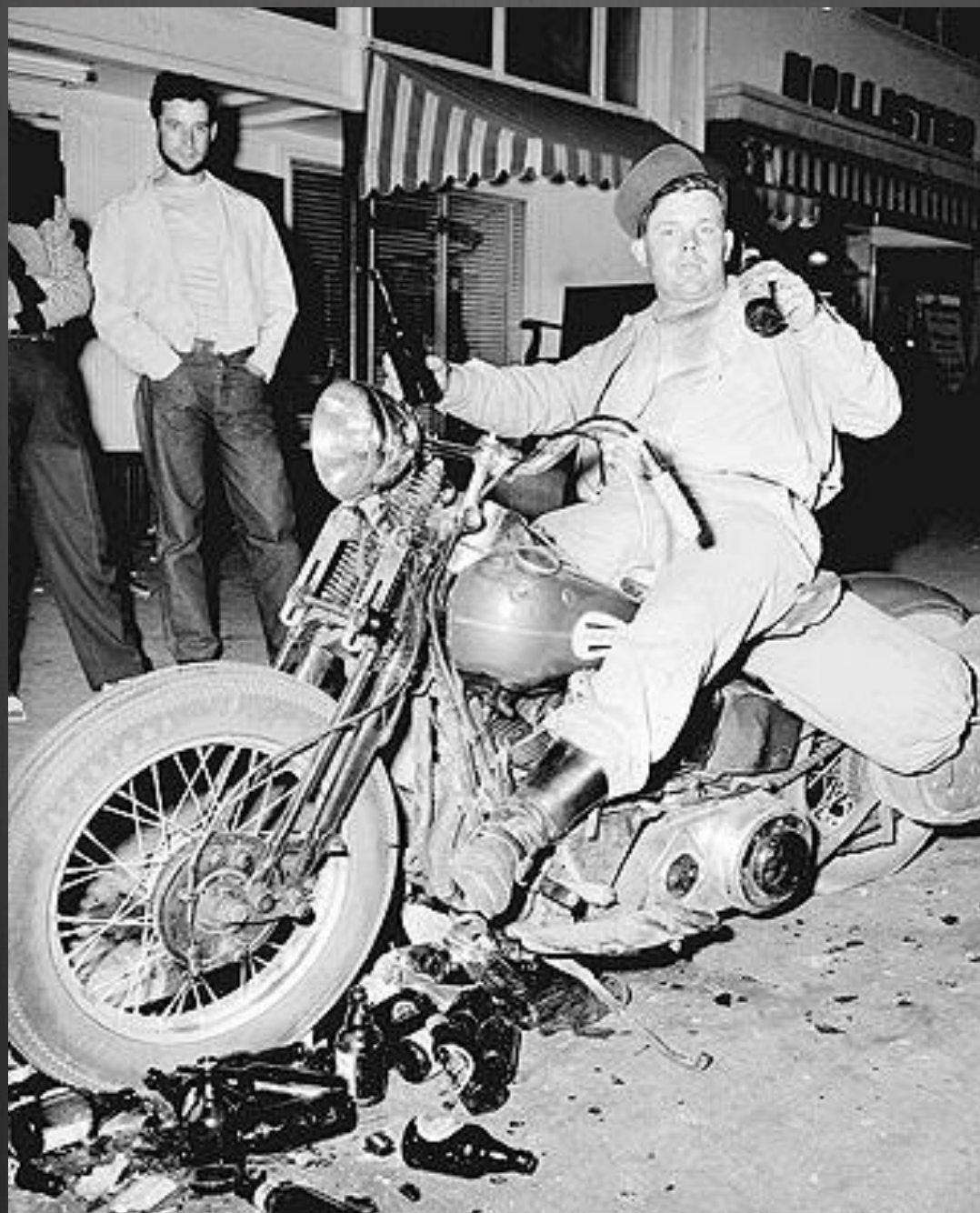
- **Post-WWII study** tallied the number of **men committed to 11 prisons** in the upper-Midwest during **1947, 1948 and 1949**
- Found that **one third** were **veterans**.

Walter A. Lunden,

Military Service and Criminality

J. Crim. L., Criminology, and Police Science

March – April 1952, at 766-773.







LIFE

Post-Vietnam Crime Wave

- Post-Vietnam study conducted in mid-1980s:
 - **½ of PTSD-suffering vets** had been **arrested** at least **once**
 - **34%** arrested **two or more** times
 - **11.6%** convicted of a **felony**

Richard Kulka, et al.

National Vietnam Veterans Readjustment Study
VII-21-1 (1990)

2009 Ft. Carson EPICON Study

- “EPICON” = Epidemiological Consultation
- Sought to determine cause of violence committed by troops returning from deployments to Iraq and Afghanistan
- Found violence was tied to combination of pressures of **Multiple Deployments** and **Exposure to Combat**

PTSD Treatments are Improving

- VA is expanding treatment capacity for psychological injuries.
- Effective “exposure” therapies are emerging.
- The catch is that trauma therapies are traumatic.

Continued Barriers to Self-Reporting

- Feared loss of respect among peers
- Potential loss of security clearance
- Fear that it will hinder promotion
- Unrealistically high self-expectations – “Superman Syndrome”

Survivor's Guilt



Shame



“Dismantling America’s Largest Sleeper Cell”

Seamone, Evan R. (2013) "Dismantling America's Largest Sleeper Cell: The Imperative to Treat, Rather than Merely Punish, Active Duty Offenders with PTSD Prior to Discharge from the Armed Forces," *Nova Law Review*: Vol. 37 : Iss. 3 , Article 4.

By separating combat veterans with uniquely military discharges that make many ineligible for effective PTSD treatment, the active duty armed forces are **creating a class of future offenders, specially trained to be lethal, whose violent acts against themselves, their families, and the public collectively amass more casualties, incur more costs, and drain more resources in the homeland than the underlying traumatic episode in the war zone.** The obligation to treat these offenders and help them successfully transition to civilian society with preserved VA benefits before discharge is **not merely a laudatory goal of therapeutic jurisprudence, but a mandate under the precautionary principle which guides the laws of public health and safety. Mutual self-preservation demands this.**

Seamone, Evan R. (2013) "Dismantling America's Largest Sleeper Cell: The Imperative to Treat, Rather than Merely Punish, Active Duty Offenders with PTSD Prior to Discharge from the Armed Forces," *Nova Law Review*: Vol. 37 : Iss. 3 , Article 4.

Government's Lack of Full Legal Standing to Prosecute

A military veteran who commits a crime should not be blamed to the full extent of his blameworthiness, not necessarily because of his mental capacity nor because of his social contribution, but because the State's hand in producing his criminality undermines its standing to blame him.

Youngjae Lee, *Military Veterans, Culpability, and Blame*,
6 CRIM. L. & PHIL. 285 (2013)

Porter v. McCullom

Our Nation has a **long tradition of according leniency to veterans** in recognition of their service, **especially for those who fought on the front lines** as Porter did. Moreover, the **relevance of Porter's extensive combat experience** is not only that he served honorably under **extreme hardship and gruesome conditions**, but also that the jury might find **mitigating the intense stress and mental and emotional toll that combat took on Porter.**

130 S.Ct. 447 (2009)

Veterans Courts

Criminal Charge = Intervention Opportunity

Disposition Issue

Pre-Conviction Adjudication

- Recognizes the service and sacrifice of the veterans on behalf of their communities
- Helps reestablish often broken trust between the veterans and their government and communities
- Incentivizes commitment to complete traumatic treatment
- Offers hope of redemption and the ability to once again become an asset, not an ongoing liability, to the society the veteran once risked their lives to protect
- Better protects public safety in the short and long term

Brokering Peace Treaties – One Veteran At a Time









A catalyst for change: Bemidji veteran uses own arrest to lobby for special court for veterans

By [Grace Pastoor](#) on Nov 10, 2016 at 7:27 p.m.



Marko Milosevic, a veteran who was deployed to Iraq and Afghanistan 12 times between 2001 and 2014, is working to start a specialty court for veterans, meant to help them deal with combat-related trauma. Milosevic himself was arrested in 2015, something he said was a "catalyst to change." (Jillian Gandsey | Bemidji Pioneer)

BEMIDJI—On Sept. 16, 2015, Marko Milosevic and his wife, Samantha, had a bad day.

