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

Robert Ellison - Black Star
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.

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

Current Numbers

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

Current Numbers

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
20% Diagnosed with PTSD
PTSD Rates Will Likely Top Vietnam

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David Furst - Agence France-Presse
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- 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
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
94% Received Incoming Small Arms Fire
94% Received Incoming Small Arms Fire
94% Received Incoming Small Arms Fire
48% Killed an Enemy Combatant

Guy Calaf
48% Killed an Enemy Combatant

Guy Calaf
48% Killed an Enemy Combatant
48% Killed an Enemy Combatant
48% Killed an Enemy Combatant

Johan Spanner - Polaris
51% Handled Human Remains
51% Handled Human Remains

Steven Jordal
51% Handled Human Remains
51% Handled Human Remains
28% Responsible for Death of a Noncombatant
28% Responsible for Death of a Noncombatant

Finbarr O'Reilly - Reuters
28% Responsible for Death of a Noncombatant
28% Responsible for Death of a Noncombatant
28% Responsible for Death of a Noncombatant

Damir Sagol - Reuters
28% Responsible for Death of a Noncombatant
68% Saw Seriously Injured or Dead Americans
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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

Lucian Read
86% Knew Someone Seriously Injured or Killed
86% Knew Someone Seriously Injured or Killed
86% Knew Someone Seriously Injured or Killed

Anja Niedringhaus - AP
86% Knew Someone Seriously Injured or Killed

Rafiq Maqbool - AP
86% Knew Someone Seriously Injured or Killed
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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

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*Waterloo*, William Holms Sullivan
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American Civil War

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- “irritable heart,”
- and “nostalgia.”
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World War I
- “shell shock”
PTSD’s Many Names Over the Centuries

American Civil War
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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
Following WWI, the British, alone, discharged at least 200,000 soldiers stricken by Shellshock.
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.

“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.”

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

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.”

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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
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.

“Helping a Wounded Man,” Kerr Eby 1944
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.

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.

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.
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.

"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
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.
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”
Shame
"Dismantling America’s Largest Sleeper Cell"

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.

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.

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.
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.