

The Things They Cannot Say¹

Reviewed by Major James A. Burkart*

*Killing turns everything on its head. Watching people being killed, especially those you know, is a memory that can't be erased. But actually doing the killing or being fully complicit in it is a lifelong sentence to contemplate the nature of one's own character, endlessly asking, "Am I good, or am I evil?" and slowly growing mad at the equivocation of this trick question whose answer is definitively yes.*²

I. Introduction

As a journalist, Kevin Sites spent most of the last decade covering wars around the world.³ Within a single year he bounced around the globe to visit twenty different conflicts.⁴ He reflected on his experience:

I have both carried the wounded and walked away from the dying. But more than anything else, I've had to watch and bear witness. I've seen the killing of human beings at nearly every point on the spectrum of our existence, from small children to wrinkled octogenarians. I've watched killing from a great distance, bombs dropped from the sky. I've watched killing within the distance of an embrace, one man executing another. And these images, both as I captured them and as I contemplated them after, have changed me forever. They continue to define me and imbue me with a sense of importance and even swagger, while they also kill me slowly in the moments when I fully consider my complicity.⁵

Sites wrote *The Things They Cannot Say*, which includes his own personal anecdotes and eleven short stories about various veterans, in an attempt to understand and make sense of his wartime experiences.⁶ In the process, he discovered "that sharing the burden of [his] wars and the mistakes [he] made in them helped [him], at least initially, to

understand and to heal."⁷ His underlying goal is to extend this cathartic opportunity, to tell and to know, to all combat veterans and society in general.⁸

II. *The Things They Carried*

The Things They Cannot Say asserts that when humans go to war they will carry home some part of the combat with them and when they are reluctant to speak about their experiences they will continue to carry, alone and without support, the "physical and psychological burdens of their war experiences."⁹ The title of the book is inspired by Tim O'Brien's Vietnam classic *The Things They Carried* and instantly invokes the connection between carrying the burdens of war and not talking about it with others.¹⁰ Indeed, *The Things They Cannot Say* is a modern-day attempt to replicate the powerful fictional storytelling of *The Things They Carried*, which served as a voice for many Vietnam veterans who were unable or unwilling to express their emotions to their often antagonistic fellow citizens.¹¹

The remark in *The Things They Cannot Say* that "[w]hen you go to war and you come back it doesn't leave you"¹² rings as an echo from a verse in *The Things They Carried* that "[y]ou come over clean and you get dirty and then afterward it's never the same."¹³ To this parallel

⁷ *Id.* at xxv.

⁸ *Id.* at xxxi-xxxii.

⁹ *Id.* at xxxiv. "War is shaped by human nature and is subject to the complexities, inconsistencies, and peculiarities which characterize human behavior." U.S. MARINE CORPS, WARFIGHTING 13 (Currency Doubleday 1995) (1989).

¹⁰ TIM O'BRIEN, *THE THINGS THEY CARRIED* (Mariner Books 2009) (1990); SITES, *supra* note 1, at 293.

¹¹ "Those who have had any such experience as the author will see its truthfulness at once, and to all other readers it is commended as a statement of actual things by one who experienced them to the fullest." O'BRIEN, *supra* note 10, at unnumbered page after table of contents. *See also* SITES, *supra* note 1, at 159.

¹² SITES, *supra* note 1, at 216.

¹³ O'BRIEN, *supra* note 10, at 109; SITES, *supra* note 1, at 138, 168, 178. An earlier voice from World War II counseled, "The soldier who has yielded himself to the fortunes of war, has sought to kill and to escape being killed, or who has even lived long enough in the disordered landscape of battle, is no longer what he was In a real sense he becomes a fighting man, a *Homo furens*." J. GLENN GRAY, *THE WARRIORS* 27 (Bison Books 1998) (1959).

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¹ KEVIN SITES, *THE THINGS THEY CANNOT SAY* (2013). Of caution, the reader should not be distracted by the fact Sites was the journalist who recorded and released the video of a Marine shooting an unarmed, wounded insurgent in a Fallujah mosque. The military reader might be initially wary toward the author and the judge advocate may be tempted to get bogged down with the potential military justice implications. However, the actual facts and circumstances of the incidents within the mosque are not essential to the main themes of this particular book and can be left to explore and debate at another time and place. *Id.* at xxvi-xxvii.

² SITES, *supra* note 1, at xvii.

³ *Id.* at xxiv.

⁴ KEVIN SITES, *IN THE HOT ZONE: ONE MAN, ONE YEAR, TWENTY WARS* (2007).

⁵ SITES, *supra* note 1, at xxiv-xxv.

⁶ *Id.* at xxiv.

diagnosis of carrying combat home, whether as pressure on the mind, a burdensome weight to the shoulders, or a stain on the soul, both Sites and O'Brien prescribe a strong dosage of storytelling since stories have the redemptive power to save the veteran and inform society.¹⁴ *The Things They Cannot Say* represents not only a collection of stories in itself, which helped at least twelve individuals share their experiences, but also a call for more storytelling, both for veterans to speak and for society to listen.¹⁵

There is a balance between moving a story along and stopping to insert analysis, and *The Things They Cannot Say* clearly chooses readability. The narratives are short and flow well, but by being brief Sites only scratches the surface of many of the combat psychology subjects without providing in-depth analysis. For example, although he acknowledges the complete combat narrative includes "giving voice to the natural excitement and fellowship of war as well as communalizing grief," the stories Sites uses predominately focus on the negative traumas of killing, survivor's guilt, and morally-ambiguous situations.¹⁶

In comparison, Sebastian Junger in *War* more comprehensively covers the full spectrum of emotions, not only mentioning fear and killing, but also emphasizing the love, excitement, and comradeship that forms an integral part of a combat deployment.¹⁷ Although it sounds oxymoronic, love is found in war to such a degree that veterans "have come home to find themselves desperately missing what should have been the worst experience of their lives" because "the willingness to die for another person is a form of love that even religions fail to inspire, and the experience of it changes a person profoundly."¹⁸ Fortunately, in addition to the sampling of stories, Sites includes great references for those desiring to explore additional accounts and deeper analysis.¹⁹

Within the brief snapshots Sites exposes, one must recognize there is no such thing as a "cookie cutter" war story. Everyone has a unique personality and each individual goes through an idiosyncratic war experience.²⁰

¹⁴ O'BRIEN, *supra* note 10, at 37, 213. "The warrior who does share the descriptive and often disturbing narrative of his own war experiences reconnects himself to his community while simultaneously reminding them of the responsibilities that they also bear for his actions by sending him to fight and kill on their behalf." SITES, *supra* note 1, at xxxi-xxxii.

¹⁵ SITES, *supra* note 1, at xxxiv.

¹⁶ *Id.* at 278.

¹⁷ SEBASTIAN JUNGER, *WAR* (2010).

¹⁸ *Id.* at 233, 239. *See also* GRAY, *supra* note 13, at 39-46, 89-94. "Many veterans who are honest with themselves will admit, I believe, that the experience of communal effort in battle, even under the altered conditions of modern war, has been a high point in their lives." *Id.* at 44.

¹⁹ SITES, *supra* note 1, at 292-93.

²⁰ NANCY SHERMAN, *AFTERWAR* 8, 10 (2015). "Any view of the nature of war would hardly be accurate or complete without consideration of the effects of danger, fear, exhaustion, and privation on the men who must do

This is apparent in the contrast between the two veterans introduced in the first two chapters; although both Army Staff Sergeant Mikeal Auton and Marine Corporal William Wold killed multiple enemy combatants from close range in Iraq, the Soldier "seem[ed] unfazed by the deadly business" while the Marine "struggle[ed] with nightmares, flashbacks and emotional numbing."²¹

There are plenty of books addressing how it feels to actually do the killing.²² What makes *The Things They Cannot Say* distinctive within the combat psychology conversation is the discourse on how it feels to be complicit in killing. Sites recounts his experience of encountering a wounded insurgent within a Fallujah mosque, stating,

I'm a journalist, not a soldier, but I've killed in combat. This is how I did it: I looked into the eyes of my victim as he begged for his life, lying before me covered in nothing but a ripped shirt, white underwear and his own dried blood, then I shrugged my shoulders, turned and walked away.²³

The insurgent was later found dead from what Sites believed to be a summary execution by Marines.²⁴ Though he did not pull the trigger, Sites felt he killed the man with his indifference when he could have otherwise intervened to prevent his death.²⁵

Sites carried his complicity home and like many veterans tried to numb his emotions through alcohol, recreational drugs, empty sex, and rushes of adrenaline.²⁶ Thinking it a weakness, Sites resisted counseling and sank into a deep melancholy of "nearly total physical and emotional withdrawal."²⁷ Out of this darkness came the light of a new personal relationship with his future wife.²⁸ He suddenly found motivation to seek help, and through therapy sessions, he eventually understood that his "past actions during war didn't make [him] a bad person, nor did

the fighting. However, these effects vary greatly from case to case. Individuals and peoples react differently to the stress of war." U.S. MARINE CORPS, *supra* note 9, at 13.

²¹ SITES, *supra* note 1, at 48, 66. *See also* Colonel Morris Goins' use of a "psychological firewall [that] has allowed him to be at peace with himself, both morally and professionally." *Id.* at 230.

²² *See, e.g.*, LIEUTENANT COLONEL DAVE GROSSMAN, *ON KILLING* (Back Bay Books 2009) (1995); KARL MARLANTES, *WHAT IT IS LIKE TO GO TO WAR* (2011).

²³ SITES, *supra* note 1, at xvii.

²⁴ *Id.* at 8.

²⁵ *Id.* at xvii.

²⁶ *Id.* at xvii-xviii, 14.

²⁷ *Id.* at 14-15.

²⁸ *Id.* at 279-83. Interestingly, "[i]t is primarily women who reintegrate the warrior back into society." MARLANTES, *supra* note 22, at 190.

they invalidate the good things inside [him]; they simply proved the existence of both.”²⁹ Sites came to recognize the Jungian duality within him and resolved to share his experience to help others do the same. Sites says,

The truth I’ve been able to discern from my interviews and personal experiences in war is the not-unfamiliar concept that it magnifies the duality of our nature—our capacity for good and propensity for evil—and has an unequal power to unite and divide us, to fill us simultaneously with pride and shame. But the piece that we are only beginning to more fully embrace (out of necessity, with thousands of American troops returned or returning home from the wars in Iraq and Afghanistan) is that that same sense of duality can destroy us if we do not honestly share its full and complete narrative.³⁰

III. The Things They Can Say

Storytelling is a “way to release warriors from the bonds of their own silence and help them say the things they felt they could not say.”³¹ Yet many veterans, as silent stoics, bear their burdens in isolation and struggle to overcome their fear to honestly share their intimate combat experience.³² Although talking about war may still appear taboo to quiet military professionals and society at large, many warriors “often want to share parts of their wars—so long as they can feel a sense of safety and trust.”³³ The veteran needs the right audience, which is often found among other military veterans.³⁴ While not sharing with his wife and children, an Israeli soldier talks openly with his unit because “[t]here’s a lot of knowledge and experience that we share that you can only talk about and go over with a person who was there.”³⁵

Accordingly, some recommend troops take slow ships home from a combat theater, as in World War II, to decompress with their buddies, “relive their feelings, express grief for lost comrades, tell each other about their fears, and, above all, receive the support of their fellow soldiers.”³⁶

²⁹ SITES, *supra* note 1, at 287.

³⁰ *Id.* at 278. Marlantes had a similar epiphany, stating, “So am I a killer? No, but part of me is.” MARLANTES, *supra* note 22, at 69.

³¹ SITES, *supra* note 1, at xxv-xxvi.

³² *Id.* at 224.

³³ SHERMAN, *supra* note 20, at 2. There is an aversion to share intimate moments. O’BRIEN, *supra* note 10, at 81 (“Just as a gentleman doesn’t kiss and tell, a warrior doesn’t kill and tell because a war story is really just a love story.”). *Id.*

³⁴ SITES, *supra* note 1, at 108, 137, 161, 163, 178.

³⁵ *Id.* at 249.

³⁶ GROSSMAN, *supra* note 22, at 274-75; MARLANTES, *supra* note 22, at 182. Junger offers the interesting idea of making every town or city hall on

Conversely, curiosity is not caring. One Dutch soldier was hesitant to share his stories with civilians because they “might have curiosity, but deep down they don’t really care or don’t really want to know.”³⁷ Just as there is no single combat experience, there is no single method of storytelling.

Each and every one of us veterans must have a song to sing about our war experience before we can walk back into the community . . . Perhaps it is drawing pictures or reciting poetry about the war. Perhaps it is getting together with a small group and telling stories. Perhaps it is dreaming about it and writing the dreams down and then telling people your dreams. But it isn’t enough just to do the art in solitude and sing the song alone. You must sing it to other people.³⁸

IV. The Things They Advise

The default for judge advocates is often to view the study of combat psychology as a means to help their warrior clients when their legal “work requires understanding the motivations and behaviors of servicemembers,” such as advising commanders, defending a Soldier accused of a crime, or training Marines on hostile intent scenarios.³⁹ This book review proposes that with the increased participation of judge advocates in combat operations, they should study combat psychology because they themselves are warriors that experience war.⁴⁰ A judge advocate who assesses real-time tactical situations and recommends action is arguably complicit in the employment of lethal fires against enemy combatants and thus susceptible to the full range of emotions associated with killing, from the adrenaline-induced exhilaration to the “bitter harvest of guilt.”⁴¹

Veterans Day available to veterans who want to speak publicly about war; the community would support the troops by showing up to listen. Sebastian Junger, *How PTSD Became a Problem Far Beyond the Battlefield*, VANITY FAIR (June 2015), <http://www.vanityfair.com/news/2015/05/ptsd-war-home-sebastian-junger>.

³⁷ SITES, *supra* note 1, at 270. Even Sites initially comes across as a combat voyeur concerned with curiosity for the morbid rather than genuine care for the veteran, when interviewing Corporal Wold in the immediate aftermath of a firefight. *Id.* at 31.

³⁸ MARLANTES, *supra* note 22, at 207.

³⁹ Commander Valerie Small, *On Combat*, ARMY LAW., June 2012, at 34, 37; Major Jacob D. Bashore, *War*, ARMY LAW., Jan. 2011, at 61, 64, 65.

⁴⁰ The assertions in this article are based on the reviewer’s professional experience as a Battalion Judge Advocate, 1st Battalion, 9th Marines in Helmand Province, Afghanistan, from June 2011 to December 2011 wherein he personally participated in the battalion fires process, as well as recent professional experience as a Marine Representative for the Center for Law and Military Operations (CLAMO), The Judge Advocate General’s Legal Center and School in Charlottesville, Virginia, from November 2012 to August 2015 wherein he conducted numerous formal after-action reports and informal conversations with judge advocates upon their redeployment from combat operations [hereinafter Professional Experience].

⁴¹ GROSSMAN, *supra* note 22, at 88; Professional Experience, *supra* note 41.

Historically, the ability to kill came with the reciprocal danger of getting killed.⁴² However, as modern-day warriors develop technological means to kill an adversary from a relatively safe distance, the ability to cause harm and the ability to suffer harm have been separated to some degree.⁴³ Lieutenant Colonel Dave Grossman postulates that the greater the distance between the two, the less trauma a killer will experience because the combatant may “pretend they are not killing human beings.”⁴⁴ Yet with modern surveillance systems, those associated with killing from a distance can now be undeniably certain that they are responsible for the deaths of other human beings.⁴⁵ Some Remotely Piloted Aircraft operators have described extensive trauma associated with repeatedly observing missile impacts followed by the pixelated, “thermal images of a growing puddle of hot blood.”⁴⁶ Judge advocates witness a similar scene; they often review a detailed target package prior to a strike, provide real-time advice during target engagement, and then review post-strike battle damage assessments that includes graphic videos and photos.⁴⁷

When those that associate with killing from the safety of the sidelines vicariously celebrate a touchdown, they face both an internal doubt of whether they deserve to feel such emotions and the external ridicule from the grunt players for not sharing the same exposure to physical dangers on the

⁴² See generally GROSSMAN, *supra* note 22.

⁴³ JUNGER, *supra* note 17, at 140; MARLANTES, *supra* note 22, at 24-25.

⁴⁴ GROSSMAN, *supra* note 22, at 97, 107. Grossman claims to have not found a “single instance of individuals who have refused to kill the enemy under these circumstances, nor . . . a single instance of psychiatric trauma associated with this type of killing.” *Id.* at 108. However, the reviewer is familiar with a senior judge advocate that refused to participate in the targeting process based on personal beliefs. Professional Experience, *supra* note 41.

⁴⁵ Professional Experience, *supra* note 41. “A unique dimension of modern war with as yet unknown impact is that with modern technology people take lives on the other side of the world but are not in danger of being killed in return. . . . [M]any troops engaged in distant forms of military action often feel detached from the experience of killing, their victims, and their own status as combat veterans. They may not rehumanize the foe or reconcile with their own histories until long after their service, if at all.” EDWARD TICK, WARRIOR’S RETURN: RESTORING THE SOUL AFTER WAR 83 (2014).

⁴⁶ Richard Engel, *Former Drone Operator Says He’s Haunted by His Part in More than 1,600 Deaths*, NBC NEWS (June 6, 2013, 3:58 AM), http://investigations.nbcnews.com/_news/2013/06/06/18787450-former-drone-operator-says-hes-haunted-by-his-part-in-more-than-1600-deaths. Studies indicate that drone operators have post-traumatic stress at the same rates as pilots that fly combat missions in war zones. Junger, *supra* note 36.

⁴⁷ Professional Experience, *supra* note 41. While even a legal kill of an enemy combatant will trigger an emotional response, there is a distinct trauma associated with causing civilian casualties, regardless of intent or legality. *Id.* “Troops suffer moral trauma for having killed when they should not have. Or killing the wrong people. Or killing civilians to get to the foe. Or killing foes defined by the government as an enemy but posing no threat to the homeland. Or killing these foes, then studying history and politics and realizing these were ‘ancient wrongs painted to be right.’ Or just from realizing that the other was a human being.” TICK, *supra* note 46, at 83.

field.⁴⁸ The underlying question is whether those who are complicit with killing from a distance can be considered part of the band of brothers when they do not risk shedding blood with those on the ground.⁴⁹ More research and discussion is needed to comprehend what some judge advocates might carry home from their active participation within the targeting process.⁵⁰

V. Conclusion

The Things They Cannot Say serves as an excellent primer to better understand the things veterans carry with them when they return home from combat and the things they should be encouraged to say to their fellow citizens. This book is recommended as an initial foray into the topic area, to be followed up with further study of the other books referenced therein. For judge advocates, the book counsels that it is not enough to learn their role in the targeting process—covering the technical and tactical skills of rules of engagement and collateral damage estimation—they must also learn how to deal with their complicity in killing because “even legally justifiable actions can greatly trouble warriors.”⁵¹

⁴⁸ BRIAN CASTNER, *THE LONG WALK* 204 (2012); Professional Experience, *supra* note 41; MARLANTES, *supra* note 22, at 33, 40-41. The role of the judge advocate in targeting is often mocked. “In every battalion operations center, a lawyer monitored all calls for artillery or air support, constantly weighing who might face court-martial or be relieved of command for making a wrong call.” BING WEST, *ONE MILLION STEPS: A MARINE PLATOON AT WAR* 29 (2014).

⁴⁹ WILLIAM SHAKESPEARE, *THE LIFE OF KING HENRY THE FIFTH* act 4, sc. 3.

⁵⁰ In addition to targeting, judge advocates experience other wartime phenomena. Some judge advocates have directly participated in combat and have been wounded in combat operations. REGIMENTAL COMBAT TEAM 1 STAFF JUDGE ADVOCATE, *FALLUJAH AFTER ACTION REPORT* (2005) (on file with CLAMO). A judge advocate may develop a personal relationship with a local national, working shoulder to shoulder, only to find out post-deployment about his death at the hands of the enemy. Frank Biggio, *An Afghan Death: Haji Abdul Manaf Was My Brother*, *WAR ON THE ROCKS* (May 26, 2015), <http://warontherocks.com/2015/05/an-afghan-death-haji-abdul-manaf-was-my-brother/>; Professional Experience, *supra* note 40. Upon redeployment, judge advocates, especially individual augmentees that immediately detach, may also experience an emptiness of missing friends and the comradeship within a unit. MARLANTES, *supra* note 22, at 203; Professional Experience, *supra* note 40. Finally comes the screeching halt of transition from the exciting to the trivial, going from advising Zeus upon Mount Olympus about hurling lightning bolts from the sky one week to reviewing the sale of candy bars as part of a unit soda mess the next. SITES, *supra* note 1, at 1; MARLANTES, *supra* note 22, at 66, 204; Professional Experience, *supra* note 41.

⁵¹ Lieutenant Colonel Douglas A. Pryer, *Moral Injury and Military Suicide*, *CICERO MAGAZINE* (June 3, 2014, 3:30 PM), <http://ciceromagazine.com/feature/moral-injury-and-military-suicide>. “America’s legalistic approach to war fails to adequately account for the powerful moral forces that determine the course of a conflict and the long-term psychological effects of this conflict on those caught up in it. If our nation and military continues to conflate the ‘legal’ with the ‘moral,’ things will only get worse.” *Id.* “The Marine Corps taught me how to kill but it didn’t teach me how to deal with killing.” MARLANTES, *supra* note 22, at 3.