

AN AUTUMN OF WAR¹REVIEWED BY MAJOR TODD S. MILLIARD²

*We are at the precipice of a war we did not seek. We can grimly cross over it, confident in our resolve, more concerned about our poor dead than the hatred of enemies or the worries of fickle neutrals, assured that our cause is just, and reliant on the fierce men of our military who seek no quarter and need no allies in their dour task. Or we can fall into the abyss, the well-known darkness of self-loathing, identity politics, fashionable but cheap anti-Americanism, ostentatious guilt, aristocratic pacifism, and a convenient foreign policy that puts a higher premium on material comfort than on the security of our citizens and the advancement of our ideals.*³

Readers that find troubling the notions of righteous democratic values, Western military superiority, and the justifiable destruction of evil men and their regimes should not read Victor Hanson's latest work, *An Autumn of War*. Written during the four-month period of disbelief following the al Qaeda suicide hijackings on 11 September 2001,⁴ *An Autumn of War* offers Americans confidence in and hope for their republic. Hanson accomplishes this feat by placing the nation's challenge to defeat terrorism in historical perspective, reminding readers that Western culture and ways of warfare have prevailed countless times in the past twenty-five hundred years. Supported by voluminous examples, both classic and modern, Hanson asserts that the United States, the "most powerful incarnation"⁵ of the

1. VICTOR D. HANSON, AN AUTUMN OF WAR: WHAT AMERICA LEARNED FROM SEPTEMBER 11 AND THE WAR ON TERRORISM (2002).

2. United States Army. Written while assigned as a student, 51st Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia

3. HANSON, *supra* note 1, at 90-91.

4. *Id.* at xiii. Hanson began his response on the day of the attacks, and "wrote each day until the cessation of general hostilities in Afghanistan, the formation of a new government in Afghanistan, and the final extinction of the smoldering fires at Ground Zero in late December." *Id.*

5. *Id.* at 7.

Western military tradition, will again prevail over its enemies through public resolve and military action.

A professor of classics at California State University, Hanson writes extensively on military history topics,⁶ including his previous book, *Carnage and Culture: Landmark Battles in the Rise of Western Power*.⁷ *An Autumn of War* collects thirty-eight Hanson essays, each chronicling the historian's thoughtful responses to the September 2001 attacks and their aftermath. While replete with historical examples that support Hanson's arguments, the essays serve also as snapshots in time, preserving the visceral emotion that most readers experienced in the wake of the attacks. But Hanson is no populist or modern-day Grub Street hack;⁸ his assertions are persuasive because Hanson artfully weaves analogous historical examples through every page of *An Autumn of War*.

The book's introduction sets out four "themes"⁹ that provide a coherent backdrop to the diverse essays, which Hanson organizes into the book's four chapters. Hanson derives each theme from a lesson learned from history, and together the four themes comprise Hanson's thesis statement. Before each chapter, named after the four months of autumn, Hanson orients the reader with a brief overview of the month's events, and he reintroduces the theme or themes that place those events in historical perspective.¹⁰

6. See, e.g., VICTOR D. HANSON, *THE SOUL OF BATTLE: FROM ANCIENT TIMES TO THE PRESENT DAY, HOW THREE GREAT LIBERATORS VANQUISHED TYRANNY* (1999) [hereinafter HANSON, *THE SOUL OF BATTLE*]; VICTOR D. HANSON, *THE WARS OF THE ANCIENT GREEKS AND THEIR INVENTION OF WESTERN MILITARY CULTURE* (1999); VICTOR D. HANSON, *THE WESTERN WAY OF WAR: INFANTRY BATTLE IN CLASSICAL GREECE* (1989).

7. VICTOR D. HANSON, *CARNAGE AND CULTURE: LANDMARK BATTLES IN THE RISE OF WESTERN POWER* (2001).

8. English writers of the early eighteenth century who first wrote for the sometimes-vulgar public, rather than for sophisticated, wealthy patrons. See THOMAS MACAULAY, *THE LIFE OF SAMUEL JOHNSON* 44 (1856) (Merrill 1911) (noting that the prolific and brilliant Johnson struggled on Grub Street for many years). As with Johnson, Hanson's writing exudes pragmatism, perhaps owing to his practical experience gained from running a 120-acre family farm. See HANSON, *supra* note 1, at xvi.

9. "Four general consequences from the events of September 11 characterize these essays and provide themes for the book at large." HANSON, *supra* note 1, at xiv.

Hanson's first and primary theme posits that Muslim fundamentalists targeted the United States, "the epitome of Westernism and modernism all in one, . . . because of who we are, *not* what we did."¹¹ Muslim's relative lack of "consensual government, freedom, and material security"¹² fuels this seemingly irrational fury toward the West, a collective hatred not limited to a few terrorists, but rather shared by millions.¹³ Arab governments have only compounded this disparity when compared to the United States, Hanson argues, by "failing to come to grips with the dizzying and sometimes terrifying pace of globalization and the spread of popular Western culture."¹⁴ In the context of this cultural inferiority complex of sorts, Hanson concludes, "September 11 must be seen as the opportunistic response of fundamentalists to funnel collective [Muslim] frustration against the United States."¹⁵

Hanson calls for a "Bush Doctrine" to counter this hostility on two levels, thereby addressing the overt actions of terrorists and the complicity of supporting nations. The doctrine would "state unequivocally that a terrorist attack on the citizens or the shores of the United States is defined as an act of war, and will bring immediate retaliation of all our forces, without qualification, against any state that hosts, aids, or comforts the perpetrators."¹⁶ Hanson also encourages President Bush to articulate a moral component of U.S. policy, which emphasizes democratic values for Islamic peoples as the highest ideal.¹⁷ While this suggestion sounds at first naive, especially when compared to the sophistry of modern diplomacy's mea-

10. For instance, Hanson's introduction of the book's final chapter, *December*, reminds readers that zealots and fanatics are not new to history, nor is the recipe for their demise:

The war [against the Taliban in Afghanistan] was also reminding millions worldwide of a long-forgotten lesson about human nature—that zealotry and fanaticism, for all their shrillness and terror, fade before real military power when coupled with justice. Some Americans, at any rate, seemed stunned that vocal fundamentalists who had weeks earlier promised a century of mayhem were now nowhere to be found or in caves high in the mountains.

Id. at 162.

11. *Id.* at xiv. *See also id.* at 15, 67, 90, 97, 107-08, 173-77.

12. *Id.* at xiv.

13. *Id.* "[I]f al-Qaeda did not exist, it would have to have been invented to assuage the psychological wounds of hundreds of millions of Muslims . . ." *Id.*

14. *Id.* Other commentators have made similar observations. *See, e.g.,* FATIMA MERNISSI, *ISLAM AND DEMOCRACY: FEAR OF THE MODERN WORLD* (1992).

15. HANSON, *supra* note 1, at xiv.

sured words, it is the premise upon which the special U.S. relationship with Israel is built.

[Israel is] the Middle Eastern state most like ourselves in their commitment to a free society based on the rule of law and the consent of the governed. Our special relationship with Israel is open equally to any Islamic country that accepts the idea of democracy and the essence of freedom.¹⁸

Hanson clearly intends that this idealistic U.S. policy serve as a warning to Arab governments and as an incentive to their citizens. He urges, "The United States should declare that it supports the right of all Islamic

16. *Id.* at 72. Hanson's message may already be influencing U.S. foreign policy. Vice President Cheney, who with his small staff has "emerged as the fulcrum of Bush's foreign policy," "is now reading *An Autumn of War* . . . and raving to his staff that it captures his philosophy." Glenn Kessler & Peter Slevin, *Cheney Is Fulcrum of Foreign Policy: In Interagency Fights, His Views Often Prevail*, WASH. POST, Oct. 13, 2002, at A16.

17. HANSON, *supra* note 1, at 191.

Democracy is hardly a Western secret like Greek Fire of the Byzantines to be closely guarded and kept from the *mujaheddin*. Islam is welcome to it, with the blessing and subsidy of the West. Yes, we must promote democracy abroad in the Muslim world, but only they, not we, can ensure its success.

Id. After all, Hanson reminds readers, an unabashedly democratic policy toward Eastern Europe eventually brought down the Iron Curtain of Soviet totalitarianism. *Id.* at 201. In his recent United Nations address, President Bush seemingly heeded Hanson's advice when he repeatedly emphasized U.S. pursuit of democratic principles in the Middle East.

America stands committed to an independent and democratic Palestine, living beside Israel in peace and security. Like all other people, Palestinians deserve a government that serves their interests and listens to their voices.

. . . .

Liberty for the Iraqi people is a great moral cause and a great strategic goal. The people of Iraq deserve it and the security of all nations requires it. Free societies do not intimidate through cruelty and conquest and open societies do not threaten the world with mass murder. The United States supports political and economic liberty in a unified Iraq.

President George W. Bush, Address Before the United Nations (Sept. 12, 2002). Moreover, the President's National Security Strategy further reflects the principles that Hanson advocates in his first theme. See NATIONAL SECURITY COUNCIL, THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA pts. III, VII (Sept. 2002).

18. HANSON, *supra* note 1, at 73.

peoples to self-determination through consensual government, and, indeed, [it] shall work for the gradual evolution of democracy in countries where the impoverished have no voice or freedom.”¹⁹ Hanson argues convincingly that staying true to these democratic principles during the War on Terrorism will be the cornerstone to an effective “war on all fronts,” including the military, diplomatic, philosophical, and cultural.²⁰

With his first theme, Hanson certainly opens *An Autumn of War* to criticism for “Islamophobia” or “Arab smearing.”²¹ He even facetiously titles one essay in the book *Pillars of Ignorance*,²² perhaps in parody of T.E. Lawrence’s flattering account of the Arab revolt against Ottoman rule.²³ Throughout its pages, *An Autumn of War* maintains that democracy is a rare phenomenon, a system of government inherently better for its citizens than the theocracies and autocracies of the Muslim world.²⁴ Unlike Lawrence of Arabia and today’s relativists, however, Hanson makes no attempt to equate the culture and governance of the Muslim world to the esteemed principles of Western democracy. Instead, he demonstrates that dictatorships have always been illegitimate, whether in the form of Germany’s Nazi fascism, Eastern Europe’s Soviet totalitarianism, or the Middle East’s increasingly radical manifestations of Islam.²⁵ Moreover,

19. *Id.* at 72.

20. *Id.* at 69-74. Hanson admits that this strategy is not without peril. Unapologetic, however, Hanson asserts that the United States will be no worse off than it is now.

Fundamentalism may well be elected and replace autocrats professedly sympathetic to America. But such reform offers the only chance to avoid repetitions of the present disaster in which corrupt Westernized strongmen buy off indigenous criticism, by allowing their fundamentalists to vent popular outrage against us rather than them. These illegitimate governments have a free press only in the sense that they are free to damn America.

Id. at 72.

21. Hanson offers one essay satirizing Edward R. Murrow in which the newsman raises similar concerns on the day after the Japanese kamikaze attacks against Pearl Harbor. One American religious leader warns “against castigating the entire Japanese people for the actions of a few fanatics, [and said] ‘Bushido, is, in fact, merely a variant of Shintoism, itself an age-old and misunderstood faith that is as humane as anything in Christian teaching.’” *Id.* at 41.

22. *Id.* at 189-99.

23. T.E. LAWRENCE, *THE SEVEN PILLARS OF WISDOM* (1922). Hanson may also have intended this as a sarcastic reference to the elements—sometimes called pillars—of Islam’s Divine Wisdom, which Muslims believe were inspired by God to the prophet Muhammad and came to be known as the *Sunna* or Prophet’s Traditions. See MAJID KHADDURI, *THE ISLAMIC CONCEPTION OF JUSTICE* 3 (1984).

Hanson sees little distinction between moderate and radical Middle Eastern regimes. Of modern Saudi Arabia, Hanson says simply, “the royal family . . . cannot act out of principle because *no* principle other than force [placed them] and keeps them in power.”²⁶

Hanson’s second theme, more succinct if no less controversial than his first, asserts that today’s popular yet unproven social theories have not altered the realities of war and human nature.²⁷ Hanson thus prefers the Greek response to conflict: “war is terrible but innate to civilization,”²⁸ and human nature remains “raw, savage, and self-serving just beneath the veneer of civilization.”²⁹ In this predictable light, history has shown that civilization—certainly not a natural occurrence as Hanson illustrates—must constantly struggle against savagery and chaos.³⁰

24. See, e.g., HANSON, *supra* note 1, at 191.

Government spokesmen in the Middle East should ignore the nonsense of the cultural relativists and discredited Marxists and have the courage to say that they are poor because their populations are nearly half illiterate, that [their] governments are not free, that their economies are not open, and that their fundamentalists impede scientific inquiry, unpopular expression, and cultural exchange.

Id.

25. *Id.* at 143, 200-03.

26. *Id.* at 190.

27. See, e.g., *id.* at xviii, 4, 11-12 (“Democracies are derided as decadent and soft. They are neither when aroused, but it requires vision to convince a complacent citizen that moderation in war is imbecility, that tragically real humanity is to put to rest those who would slay the helpless”), 62-68 (“War is ‘the father, the king of us all’ the philosopher Heraclitus lamented. Even the utopian Plato agreed: ‘War is always existing by nature between every Greek city-state.’ How galling and hurtful to us moderns that Plato, of all people, once called peace, not war, the real ‘parenthesis!’”).

28. *Id.* at xv.

29. *Id.*

As a student of classical literature, I was deeply influenced by the epics of Homer, the plays of Sophocles, Thucydides’ history, and the dialogues of Plato, which all seem to offer time-honored alternatives to modern behaviorism, Freudianism, Marxism, and social construction. In the Hellenic view, the *wrong* questions to ask in this present conflict are “Why is there war?[,]” “Why do they hate us?[,]” or “What did we do to them?”

Id.

30. *Id.* at 49.

Evil, a term disdained for its simplicity,³¹ manifests itself through “bellicose theocratic and autocratic nations,” or non-state actors like the al Qaeda, which “rush to battle out of classical motives like Thucydidean fear, envy, and self-interest that in turn are fueled by a desire for power, fame, and respect.”³² So “war is often fought rationally,” Hanson says, but “the causes for its outbreak are seldom rational.”³³ If the reader accepts Hanson’s notion that these evil motivations are inherent in man’s nature, it is a short step to recognize war’s inevitable recurrence. But war can also be fought without evil intentions, and Hanson reiterates the sometimes-forgotten, originally Greek concept that war is “not always unjust or amoral if it is waged for good causes to destroy evil and save the innocent.”³⁴

Hanson’s third theme identifies a Western shortcoming, one distinctly at odds with Hanson’s belief in the unchanging essence of war and human nature. This theme holds that democracy eventually creates a privileged class whose members espouse utopian pacifism from their insular position of security and relative comfort.³⁵ These so-called cultural elites, “principled opponents of the use of force in response to violence,”³⁶ alternately question and deny Western civilization’s moral authority to act against Muslim fundamentalists and their supporting nations.³⁷ While the equalizing lenses of multiculturalism³⁸ and cultural relativism³⁹ allow the cultural elite to refrain from such moral judgments, Hanson retorts that the “misery of the Middle East” is simply “the predictable result of widespread failure to adopt free institutions, democracy, open markets, and civilian

31. Yaroslav Trofimov, *Anti-U.S. Consensus Soars Amid Threats Against Iraq*, WALL ST. J., Sept. 11, 2002 (reporting that many Arab analysts perceive President Bush’s use of the term “axis of evil” in referring to Iran as, rightly or wrongly, proof of U.S. bias against Islam), <http://online.wsj.com/home/us> (archives) (subscription database).

32. HANSON, *supra* note 1, at xv.

33. *Id.*

34. *Id.* See also *id.* at 98, 104, 170. According to one recent news account, Vice President Cheney shares this philosophy of just war. See Kessler & Slevin, *supra* note 16, at A16.

35. HANSON, *supra* note 1, at 23, 53-56 (remarking that initial European hesitancy to back an American military response against the Taliban makes those nations no more than “neutrals” in the War on Terrorism), 66 (“[D]uring the International Year of Peace in 1986[,] a global commission of experts concluded that war was unnatural and humans themselves unwarlike[.]”), 75-78 (“In a ‘war’ are we the moral equivalents of our enemies? . . . ‘War,’ after all, brings such unwholesome baggage, the entire nineteenth-century lexicon of ‘treasonous’ and ‘evil,’ or their antitheses ‘patriotic’ and ‘moral’—or even worse terminology like ‘defeat’ and ‘victory’ or ‘surrender’ and ‘triumph.’”), 92-95 (identifying a philosophical American “fault line [that] pits a utopian cultural elite against the working middle class”).

36. *Id.*

audit.”⁴⁰ While Hanson identifies the logical fallacies of using the pacifists’ approach to defend certain Arab regimes, he cautions that “in a war with deadly adversaries like [al Qaeda] and their supporters, [such] utopianism is near suicidal.”⁴¹

Hanson’s fourth theme resonates best with military readers. It reminds Americans, especially those who would question the nation’s ability to fight a seemingly “untraceable [and] . . . unstoppable” enemy,⁴² of the “vast extent of their nation’s military power.”⁴³ This final premise reiterates a theme that runs throughout Hanson’s other military history writings.⁴⁴

[T]he three-millennia story of Western civilization on the battlefield has proved to be one of abject terror for its enemies. Europe and its cultural offspring have across time and space fashioned a deadly form of warfare that transfers ideas of freedom, rational-

37. *Id.* at xvii-xix. Hanson bluntly states his case:

Many enlightened and well-educated Americans—often among the most influential of our society—simply cannot believe that awful men abound in the world who cannot be cajoled, bought off, counseled, reasoned with, or reported to the authorities, but rather must be hit and knocked hard to cease their evildoing if the blameless and vulnerable are to survive.

Id. at xvii.

38. “[A]ll peoples are more or less equal, one society not qualitatively better than any other.” *Id.* at xviii.

39. “[I]t is wrong to judge a people on its habits and practices—there being no real objective standard of good or evil behavior, since both concepts are not absolute, but simply ‘constructions’ or ‘fictions’ of the day, created by those in power to maintain their control and privilege.” *Id.*

40. *Id.* at xviii-xix.

41. *Id.* at xviii.

42. *Id.* at 49. Hanson argues that history provides numerous examples where strong civilizations were gripped with fear in the face of enemies of mythological proportions, beginning with tales of the early Greeks confronting Furies, Gorgons, and Cyclopes. Hanson then discusses the victorious march of the Theban liberator, Epaminondas, into the heart of the invincible Sparta, the halting by American GIs of an unstoppable Waffen SS division at Falaise Gap, and the defeat of forces promising “the mother of all battles” in but four days on the sands of Iraq. *Id.* at 49-50. Hanson later demonstrates striking religious and military parallels between Japanese soldiers in World War II and members of al Qaeda. *See id.* at 123-26.

43. *Id.* at xix.

44. *See, e.g.,* HANSON, *supra* note 7, at 15.

ism, consensual government, and egalitarianism to lethally trained civic militaries—highly disciplined, well led, technologically advanced, and superbly armed.⁴⁵

According to Hanson, Western civic organization and cultural values translate uniquely into superior battlefield abilities,⁴⁶ especially when coupled with pursuit of a righteous cause.⁴⁷ When attacked by Darius and his Persian forces at Marathon in 490 B.C., the Athenian hoplites defeated the invaders and went on to decimate the Persians ten years later at Salamis and Plataea.⁴⁸ More recently, the total Allied victory⁴⁹ over Axis powers turned bitter enemies Germany and Japan into close partners within one year.⁵⁰ Likewise, Hanson demonstrates, military forces pursuing unjust causes deserve defeat, which the Athenians suffered after butchering neutral Melians⁵¹ and the Confederacy experienced in its attempt to maintain the plantation state.⁵²

Hanson doubts neither the military superiority of U.S. forces, nor the moral imperative that forced the nation to war after the September 2001 terrorist attacks. As evidence, Hanson points to the stunning and rapid victory of U.S. forces over the Taliban in Afghanistan.

[T]he present campaign so far stands as one of the most amazing and lopsided victories in the annals of battle—in sheer opera-

45. HANSON, *supra* note 1, at xix.

46. *Id.* at xix, 50-51.

47. *See id.* at 71-73.

48. *Id.* at 64, 139.

49. Hanson reminds the reader that total victory is a uniquely Western concept:

The idea of annihilation, of head-to-head battle that destroys the enemy, seems a particularly Western concept largely unfamiliar to the ritualistic fighting and emphasis on deception and attrition found outside Europe Westerners, in short, long ago saw war as a method of doing what politics cannot, and thus are willing to obliterate rather than check or humiliate any who stand in their way.

Id. at 34.

50. *Id.* at 56, 143.

51. *Id.* at 66.

52. *Id.* at 24-32. “War, as Sherman said, is all hell, but as Heraclitus admitted, it is also ‘the father of us all.’ Wickedness—whether chattel slavery, the gas chambers, or concentration camps—has rarely passed quietly into the night on its own.” *Id.* at 18. Hanson continues, “The present evil [presented by Muslim fundamentalists] isn’t going to either.” *Id.*

tional terms reminiscent of the victorious Ten Thousand suffering a single casualty at Cunaxa, Alexander the Great a few thousand while destroying the Achaemenid Empire, or Cortés fewer than one thousand at the fall of Tenochtitlán. The facts of the Afghani War, both militarily and its long-term historical significance, are quite stunning—comparable to anything found in either Creasy’s or Fuller’s classic compendia of great battles.⁵³

This despite many scholars’ warnings that Alexander the Great, Britain, and the Soviet Union all failed in Afghanistan.⁵⁴ But Hanson insists that the United States must not stop with the Taliban, even at the risk of incurring charges of “unilateralism.” As if predicting the future, Hanson instead argues for continuing the nation’s decisive military response, beginning with Iraq,⁵⁵ because “national weakness [or inaction] invites attack more often than thanks and appreciation of past self-restraint.”⁵⁶

While Hanson’s unabashed praise for the U.S. armed forces leaves servicemembers feeling confident and proud,⁵⁷ military readers should be aware of *An Autumn of War*’s few minor pitfalls. First, Hanson’s impressive command of military history sometimes places the novice historian at a disadvantage. A few more details with the historical examples, just to place events in context, would greatly assist the reader. Absent that, readers seeking professional development would benefit from citations to historic references or even a bibliography for further study. Second, Hanson occasionally attempts humor to make his point through satire or parody.

53. *Id.* at 165 (referring apparently to Edward S. Creasy’s *The Fifteen Decisive Battles of the World* (1851) and J.F.C. Fuller’s *Decisive Battles of the Western World* (1954)).

54. *Id.* at 19.

55. Hanson’s November 2001 analysis of the danger posed by Iraq and the necessity for U.S. military action in continuing the War on Terrorism beyond Afghanistan has proven most prescient.

If [the United States wishes] to end terror, in the coming months we should turn to Iraq. If we turn to Iraq, we should be resigned to go it alone. If we attack alone, we should seek absolute victory; if we obtain victory, we should institute a constitutional government; if we promote legitimacy [through democratic governance], we will see a gradual end to terror.

Id. at 143. In an earlier work, Hanson lamented the restraint shown by victorious coalition forces after defeating the Iraqi army. See HANSON, *THE SOUL OF BATTLE*, *supra* note 6. In *An Autumn of War*, Hanson repeats several of history’s examples, demonstrating convincingly that absolute victory demands pursuit and the complete vanquishing of enemy forces. See HANSON, *supra* note 1, at 138-42.

While Hanson's skilled wit can be a relief in light of his topic's gravity, his parody of future al Qaeda trials—wherein O.J.'s "dream team" represents the defendants—is just too much.⁵⁸ Finally, Hanson's introduction admirably lays out his four themes, and it prepares the reader for the collection of essays that follows. Moreover, the essays provide substantial support for Hanson's four themes. After the last essay, however, there is no closing chapter or epilogue to reinforce Hanson's main points. This forces the reader to go back and review the introduction for a complete understanding of the work. Therefore, a few concluding paragraphs after the last essay, slightly less levity, and greater historical detail could have added polish to Hanson's otherwise exceptional book.

Anyone involved in planning and executing U.S. military action in the War on Terrorism should study *An Autumn of War* for its invaluable historical perspective.⁵⁹ This study should begin sooner rather than later because, as Hanson reminds military readers: "War . . . really is a 'violent teacher.' And the present one is no exception."⁶⁰ Even cynics may be surprised by Hanson's compelling historical examples that illuminate America's legitimacy in taking the War on Terrorism to the Muslim fundamentalists who would plot her downfall. After reading *An Autumn*

56. HANSON, *supra* note 1, at 15. "Even our magnanimity in sending food to the Taliban was as frequently interpreted as irresolution as it was seen as charity. And military restraint in not responding to prior bombings [by the Taliban] can be dismissed as timidity rather than praised as sobriety." *Id.* Hanson extends this argument to Osama bin Laden, who was only encouraged by past American restraint.

Mr. bin Laden killed thousands of Americans because he was depraved and thought it more likely that he could gain fame and power than court death and destruction. We were Britain to his Hitler, a power not in any way culpable for past transgressions, but an obstacle nonetheless by virtue of our democracy and liberality to his mad dreams of grandeur. He envisioned a medieval Caliphate under his sway. And he was convinced by the past restraint of the United States that the world's sole superpower either could not or would not retaliate against him, despite his longstanding history of murder.

Id. at xvi.

57. *See, e.g., id.* at 112-17.

58. *See id.* at 132-37.

59. Hanson also offers historical insight into military leadership. He provides a thorough analysis of Sherman's Georgia campaign, even offering a moral defense for Sherman's tactics. *Id.* at 24-37. He further observes, "Periodic scariness is not a vice in military leadership," *id.* at 12, and, "We have enough handlers and experts to curb our leaders' exuberance, but in our present age far too little audacity," *id.* at 13.

60. *Id.* at 99 (paraphrasing the historian Thucydides).

of War, most readers will conclude that the United States must make one of two choices in confronting terrorism. The first is inaction and further debate, supported by the “[p]undits who give us every reason to do little, and little reason to do much.”⁶¹ The second is action and resolve, which Hanson advocates in characteristically plain terms:

[W]e are at a great juncture in American history. We can go to battle, as we once did in the past—hard, long, without guilt, apology, or respite until our enemies are no more. It was our ancestors who passed on to us that credo and with it all that we hold dear, and so just as they once did, we too must confront and annihilate these killers and the governments that have protected and encouraged them. Only that way can we honor and avenge our dead and keep faith that they have not died in vain. Only with evil confronted and crushed can we ensure that our children might someday live, as we once did, in peace and safety.⁶²

61. *Id.* at 53.

62. *Id.* at 5. Hanson relates a similarly inspiring call for national action and resolve, which Winston Churchill made to a group of students as England braced for a protracted war.

Do not let us speak of darker days; let us rather speak of sterner days. These are not dark days; these are great days—the greatest days our country has ever lived; and we must all thank God that we have been allowed, each of us according to our stations, to play a part in making these days memorable.

Id. at 45 (quoting Winston Churchill, Address at the Harrow School (Oct. 29, 1941)).

NO ONE LEFT BEHIND¹REVIEWED BY MAJOR YIFAT TOMER²

*A man who is good enough to shed his blood for his country is good enough to be given a square deal afterward. More than that no one is entitled to, and less than that no one shall have.*³

Around midnight on 16 January 1991, Lieutenant Commander Michael Scott Speicher, a naval aviator, launched from the deck of the *USS Saratoga* in the Red Sea. His F/A-18 “Hornet” was among the forty-six planes that participated in the very first strike of the Persian Gulf War. It was a mission from which he would not return. Twelve hours later, Dick Cheney, then Secretary of Defense, in a briefing to the press, told the public that Speicher was the first casualty of the Gulf War.⁴ He was listed as Killed In Action/Body Not Recovered (KIA/BNR). Almost ten years later, on 10 January 2001, Speicher’s status was changed—he was declared missing in action (MIA).⁵

In *No One Left Behind: The Lieutenant Commander Michael Scott Speicher Story*, Amy Waters Yarsinske chronicles the events surrounding Speicher’s disappearance, from the first day of the Gulf War until the present. The book is written as a detective tale. Slowly, step by step, Yarsinske reveals all the evidence uncovered over the intervening years, finally leading to the revision of Speicher’s status. The author recounts the events

1. AMY WATERS YARSINSKE, *NO ONE LEFT BEHIND: THE LIEUTENANT COMMANDER MICHAEL SCOTT SPEICHER STORY* (2002).

2. Judge Advocate, Israel Defense Force (IDF). Written while assigned as a student, 51st Judge Advocate Officer Graduate Course, The Judge Advocate General’s School, United States Army, Charlottesville, Virginia.

3. YARSINSKE, *supra* note 1, at 1 (citing President Theodore Roosevelt, Address at Springfield, Illinois (July 4, 1903)); *see also* the fifth stanza of the Army Ranger creed, which states: “I shall never leave a fallen comrade to fall into the hands of the enemy.” *Id.* at 168.

4. *Id.* at 40-41. The assumption that Speicher was dead was based on an explosion seen by one of the pilots and because Speicher had not tried to contact anyone with his surviving radio. *Id.* at 41.

5. *Id.* at 243-45.

in meticulous detail and exposes the reader to all of the developments in the investigation.

Yarsinske's book is a critical charge sheet against the U.S. government for not doing enough to bring Speicher back home. Yarsinske does not leave much room for the reader's own impressions; she does not let the reader draw his own conclusion from the facts and events presented. From the book's first page her allegation is very clear: "The U.S. government failed to rescue Scott[,] . . . breaching the very premise of not leaving a fallen comrade on the field of battle."⁶ Yarsinske does not hesitate to use harsh words against the government.⁷ She alleges that the investigation into Speicher's crash was plagued by mistakes and purposeful neglect. Throughout the entire book, she points her finger toward specific figures who did not want to admit their errors: "It was more important to them to be proven right—that Scott was dead—in order to avoid being painted into a corner thanks to their mistakes."⁸

Yarsinske contrasts the United States' high expectation of its pilots with how little the country has done for Speicher after his disappearance. This technique effectively allows the reader to absorb the contradiction between Speicher's devotion and dedication and the betrayal of his country. For example, Yarsinske describes the briefing on the *Saratoga* before going to war, when Speicher and his squadron mates were told that: "George Bush has called on [you] to do [your] duty [T]his will be with you for the rest of your lives . . . [,] so you want to do the best job you possibly can because if you don't[,], you will regret it until you die."⁹ She continues by describing how Speicher was not originally assigned to that mission; he was tapped as the spare, but pleaded with his commander to let him join.¹⁰ In addition, Yarsinske describes Speicher as an exemplary fighter.¹¹ In complete contradiction, the U.S. government, according to the author, did not keep its part of the bond. Its representatives have been inac-

6. *Id.* at 1-2.

7. For example, one of Yarsinske's main accusations is that no rescue operation was sent to rescue Speicher. In this context, she cites a memorandum issued by the Deputy Assistant Secretary of Defense (POW/Missing Personal Affairs) stating that attempts were made to rescue Speicher, but they met with negative results. Yarsinske says that "neither of these statements is true. No rescue forces were ever contacted to search for Scott Speicher." *Id.* at 102.

8. *Id.* at 148.

9. *Id.* at 5-6.

10. *Id.* at 6.

11. *See, e.g., id.* at 50 (quoting Speicher's wife: "he loved his country . . . [,] he was doing what he had to do").

tive and idle, although they have repeatedly promised Speicher's wife they have been doing everything to locate her husband.¹² Using this motif of contradictions serves well Yarsinske's aim in criticizing the government's conduct.

As a former Navy Reserve intelligence officer,¹³ Yarsinske had a vantage point in writing *No One Left Behind*. Thoroughly researched,¹⁴ the book is a fascinating mosaic of facts and testimonies drawing upon more than 500 interviews, government documents, intelligence case files, correspondence, and other material. Throughout the book, Yarsinske integrates quotations of Speicher's squadron mates, his old friends, his commanders, and the people involved in the investigation of the case. These quotations contribute to the credibility and reliability of the book. Yarsinske uses photographs as another effective technique to convey her message. For example, she includes pictures of Speicher's family and their home, Speicher's squadron mates, and the Hornet's wreckage, which was later found. These pictures vividly display the essence of Speicher's story, and make the reader feel empathy for Speicher's fate.

Still, writing about current intelligence issues has some inherent difficulties. The main difficulty is the confidentiality of the sources.¹⁵ Yarsinske often describes certain facts without giving a satisfactory explanation for their basis, claiming "it was known."¹⁶ Another inherent difficulty is the frequent use of anonymous sources.¹⁷ These difficulties make it hard for the reader to make his own evaluation of the facts. The notes section in the book is very short and lacks detail, impairing the

12. *Id.* at 48.

13. Steve Otto, *Remembering Another Loss and Wondering*, TAMPA TRIBUNE ONLINE EDITION (Oct. 16, 2002), at <http://tampatrib.com/FloridaMetro/columns/MGAQKFXQC7D.html>.

14. Yarsinske wrote the book after eight years of research. YARSINSKE, *supra* note 1, at 283.

15. Indeed, the Navy stamped a large portion of Speicher's file as classified. *Id.* at 137-38.

16. For example, Yarsinske claims that after being shot down, Speicher was rescued by a nomadic Bedouin tribe. Yarsinske says that "it is known" that the Bedouins attempted for several years to return Speicher to the United States without getting any response. *Id.* at 152. Yarsinske claims that later on Saddam Hussein's agents spotted Speicher, took him away, and slaughtered the Bedouin tribe that protected him. Yarsinske bases this argument on two sources—an Iraqi driver who claims to have delivered Scott to Baghdad, and a Saudi source nicknamed the "Falcon Hunter." *Id.* at 154. Yarsinske's authority for her arguments is unclear. How did the author find out what those sources said? Did she personally talk with them? Did she hear it second-hand, and if so, who was her source?

book's credibility. It also opens the door for those sources to deny facts that the author claims they had told her.¹⁸

Still, Yarsinske succeeds in making the reader feel troubled about the mistakes made in Speicher's case. For instance, the author mentions that in 1994, a Kuwaiti colonel, who had escaped an Iraqi prison, claimed to have been in a hospital with an American pilot during the last days of the Gulf War. The colonel was willing to assist in any way (including looking through photographs to identify the pilot), but according to Yarsinske, the XVIII Airborne Corps headquarters' response was: "The prisoner exchange had taken place. We're not missing anybody. We have one hundred percent accountability."¹⁹ Following such revelations, the reader cannot avoid the feeling of fury and frustration.

The book next describes the developments in the investigation. In late 1993, new satellite shots revealed Speicher's wrecked Hornet in the Iraqi desert. The United States asked the International Committee of the Red Cross to send a special team to the crash site.²⁰ The team arrived in Iraq in December 1995 and located the Hornet's wreckage and the aircraft's canopy, found less than a mile away.²¹ The author describes in great

17. For example, one of the facts supporting the assumption that Speicher survived the crash was that signals were sent from his crash site. Yarsinske cites a confidential source saying that two months after the Joint Services Survival, Evasion, Resistance, and Escape Agency director, Colonel Bob Bonn, determined those signals were strong evidence that Scott was alive, Bonn ordered the source not to find any more signals on the imagery. The source added that this incident occurred just after Colonel Bonn met with some generals, and that shortly thereafter Bonn wrote and sealed a document marked "to be opened only after [Bonn's] death." *Id.* at 144-47. These are rather grave accusations, hard to accept from an anonymous source.

18. For instance, Barry Hull, one of Speicher's squadron mates, whom Yarsinske quotes in the book, recently said that he had never spoken with Yarsinske. Hull said he only spoke with a reporter in Norfolk, with whom Yarsinske wrote a series on Speicher, published in the *Virginia Pilot*. See Paul Pinkham & Rachel Davis, *Speicher Book Sparks Disputes*, *FLORIDA TIMES-UNION*, June 17, 2002, at B-1.

19. YARSINSKE, *supra* note 1, at 138-42.

20. *Id.* at 163-68. The U.S. government chose this diplomatic path over conducting a covert mission. See *id.* at 157-69.

21. *Id.* at 172-77. The cockpit was missing. Yarsinske claims that a special U.S. covert unit had previously taken the cockpit from the site. Here, again, comes to fruition the difficulty in relying upon anonymous sources. Yarsinske bases her claim on an anonymous Navy commander, who alleges that he heard a covert team fighter saying: "Yeah man, we're going out to the desert to get some guy's cockpit and bring it back." *Id.* at 171. Not only is Yarsinske's source anonymous, her source is giving second-hand testimony based on another anonymous source.

detail the series of tests conducted on these findings and on a flight suit the Iraqis later transferred to the team, leading to the conclusion that Speicher had ejected from the aircraft.²²

Additional significant evidence of Speicher's survival described in the book is the testimony of an Iraqi defector. This Iraqi claims that years after the Gulf War, he was asked by Iraqi officials to pick up and bring to Baghdad an American prisoner—a pilot still wearing a flight suit. In a lineup of mug shots, “the driver” identified Speicher as the pilot he shuttled.²³

Based on such mounting evidence, presented as a whole in the book, on 11 January 2001, ten years after he had been shot down, Speicher was removed from the KIA list. He is the only American from any war to have his status changed by the government from KIA/BNR to MIA.²⁴

The main significance of the book derives from its discussion of the value of “leave no one behind.” This is a universal value, and its applications, of course, are much wider than the Speicher case.²⁵ Many nations mull over questions such as: Is it an absolute value or should it be balanced with other contradicting values? Does this value apply to all circumstances, or are there circumstances when other considerations will overpower? And do you risk hundreds for one?²⁶

22. *Id.* at 191-208.

23. *Id.* at 229-30. Still, Yarsinske does not address the difficulties “the driver’s” testimony raises. For example, if the pilot was delivered years after he was shot down, why was he still wearing his flight suit?

24. *Id.* at 243-45.

25. Yarsinske mentions that Speicher is not the only American soldier “left behind.” *Id.* at 95-99 (telling the story of five other Navy aviators also shot down during the Gulf War; according to Yarsinske “nobody did much to look for them either”).

26. In Israel, for example, a flurry of emotions burst over the case of Madhat Yusuf, a border guard soldier killed on 1 October 2000, during the first days of the Palestinian hostilities. Yusuf was shot while he was protecting Joseph’s Tomb. Since this was an insulated site, surrounded by Palestinians, the Israel Defense Forces (IDF) determined that the soldier’s evacuation would be done in cooperation with the Palestinians, and not by Israeli troops breaking in. Sadly, Yusuf died from his wounds before he was evacuated. This decision led to a series of accusations that Yusuf was abandoned, in violation of the value of no one left behind (“hare’ut”), which is included in the IDF’s ethic code. The team investigating this case concluded that the IDF based its decision on professional consideration, thinking cooperation with the Palestinians was the fastest and most effective way to evacuate Yusuf. See generally Israel Ministry of Foreign Affairs, *Temporary Evacuation of Joseph’s Tomb by the IDF and Its Transfer to the Palestinian Authority* (Oct. 7, 2000), at <http://www.mfa.gov.il/mfa/go.asp?MFAH0i0r0>.

Precisely due to this complexity, the author's simplistic standpoint on this matter is disappointing. The author is apparently unaware of the many sides of this issue. According to her, it's a simple question of math—Yarsinske claims that the small number of rescue missions during the Gulf War represents a drastic change in policy compared to the war in Vietnam.²⁷ But is it appropriate to apply a quantitative test? Shouldn't one apply a qualitative standard that takes into consideration the risk to the rescue forces and whether the person they are out to rescue is dead or alive? Yarsinske avoids this discussion.²⁸ Undoubtedly, "leave no one behind" is a noble principle, but the issues are more difficult than Yarsinske makes them appear. In Yarsinske's defense, however, she is positive that Speicher's case is a clear situation of abandonment, and not a borderline case. Hence, a complex analysis of the "no one left behind" dilemma is perhaps unnecessary.

While *No One Left Behind* gives indepth coverage of the events regarding Speicher's case, its main drawback is the lack of clear distinction between proven facts and the author's assumptions, which as much as everyone would hope are true, are not definite at all. Yarsinske adamantly claims that Speicher is still alive. Unfortunately, her book raises many questions regarding Speicher's current condition, and her unequivocal conclusion is too extreme given the evidence she presents.²⁹ Yarsinske bases her claim upon a series of assumptions: that Speicher survived the crash; that Speicher was found by a tribe of Bedouins that nurtured him; and that not until 1995 was he captured and sent to an Iraqi prison. Above all of these assumptions looms a very big question mark. But even if we

27. See YARSINSKE, *supra* note 1, at 104-05. Yarsinske notes that in the Persian Gulf War, thirty-seven fixed-wing aircraft were lost in combat, but a search team was launched for only seven of them. Regarding this, she says, "The math is simple. Seven searches out of thirty-seven, with only three recoveries." *Id.*

28. Yarsinske describes how a proposed covert operation was aborted based on the Chairman of the Joint Chief of Staff's opinion that "[he didn't] want to be the one to write letters home to the parents telling them that their son or daughter died looking for old bones." *Id.* at 169. Certainly, this is not a genteel remark. Still, couldn't one think of a situation in which the danger to the covert unit justifies a decision not to carry out an operation? Yarsinske herself tells the story of a rescue operation of an F-16 pilot. During the operation, the rescue helicopter was shot down and several crewmembers were killed, while the pilot they were sent to rescue had been captured the moment he hit the desert floor. *Id.* at 108. This case illustrates well the difficulty of these decisions.

29. Despite the lack of evidence to support her conclusion, Yarsinske relates to Speicher as if he is still alive from the prologue, where she claims "[Speicher] continues to fight for his life every day in a country that took him captive," *id.* at 1, to the last chapter, where she claims that "Scott will have to continue to endure the lion's den, as he has so bravely for the past ten years," *id.* at 276.

accept all of them, the book does not provide enough evidence to conclude that Speicher is still alive *today*. The book includes testimonies regarding the cruel and merciless torture methods the Iraqis used in their prisons.³⁰ It is a well-known fact that human lives in Iraq are not highly valued.³¹ Therefore, how Yarsinske could positively conclude that Speicher is still alive is unclear.

Yarsinske further argues that the question of “where is Scott now” cannot be answered without discussing Saddam Hussein’s personality. She claims that “Saddam Hussein hates the United States [E]very day Saddam gets joy knowing he has Scott, a prize possession of his enemy the great Satan—the U.S. . . . Why kill someone who provides daily pleasure?”³² Yarsinske further claims that Speicher’s present location might have to do with Hussein’s desire to resurrect the glory days of Nebuchadnezzar and the Babylon Empire. She suggests that Hussein might be keeping him in one of Nebuchadnezzar’s gigantic palaces he had rebuilt.³³ This discussion screams of speculation. Drawing an assumption of where Hussein is holding Speicher by using “popular” psychology is not convincing. Is it not possible to argue with the same firmness that precisely because of this hatred, and in order to prove his supremacy over the United States, Hussein had killed Speicher? The possible alternative scenarios are numerous. It seems that, as Mark Bowden has lately written, “[t]he sheer scale of the tyrant’s deeds mocks psychoanalysis.”³⁴

As much as Yarsinske tries to force all the pieces of the puzzle to fit the conclusion that Speicher is still alive, unfortunately, too many question marks surround this case.³⁵ Still, as previously mentioned, since the book

30. For example, Al-Mousawi, an Iraqi prisoner, said that one of his duties was to clean the interrogations rooms, “where he often found inmates’ bodies, blood and remains”. *Id.* at 265-67.

31. See, e.g., Mark Bowden, *Tales of the Tyrant: What Does Saddam Hussein See in Himself That No One Else in the World Seems to See? The Answer Is Perhaps Best Revealed by the Intimate Details of the Iraqi Leader’s Daily Life*, ATLANTIC MONTHLY, May 2002, at 17.

32. YARSINSKE, *supra* note 1, at 270.

33. *Id.* at 270-73.

34. Bowden, *supra* note 31, at 35.

35. Another example of the lack of separation between facts and assumptions is Yarsinske’s claim that Speicher was hit by friendly fire. She claims that one of Speicher’s squadron mates, assuming Speicher was an Iraqi MiG-25, panicked, and shot him. YARSINSKE, *supra* note 1, at 61. This theory is possible, but Yarsinske does not explain why it is “more likely” than the theory that Speicher actually was shot down by an Iraqi MiG-25. After all, many pilots on that night mission battled with a MiG-25. *Id.* at 18-26.

is dealing with current intelligence issues, it is clear that not all evidence can be revealed to the reader. And so, Yarsinske ends the last chapter by describing new intelligence information that suggests Speicher is still alive.³⁶

Another interesting issue is the author's attitude toward Speicher's wife, Joanne. Although Yarsinske avoids criticizing Joanne explicitly, it seems that she disapproved of Joanne's "passivity." Yarsinske says, "[Joanne] put it behind her as much as she could" and that "as soon as she clammed up, Scott Speicher's name fell away from the front page and the chances of anyone pressing for his return faded with every day that passed."³⁷ Later, Yarsinske reveals that in July 1992, Joanne remarried one of Speicher's squadron mates. Yarsinske repeats three times that Joanne continued to receive large amounts of money, even though once remarried, she was no longer Speicher's next-of-kin, and hence not entitled to it.³⁸ These details seem unnecessary and irrelevant to Speicher's ordeal. Though, as stated, the author doesn't blame Joanne specifically for anything, even her implied criticism seems unfair.³⁹ No one should put herself in Joanne's shoes, especially when, according to the book, Joanne was getting partial and even misleading information.⁴⁰

Despite its shortcomings, *No One Left Behind* is an interesting and significant story that deserves to be told. The book touches one of the most profound values in every moral army, the value of "leave no one behind." Furthermore, the aftermath of 11 September 2001 has raised the same questions as Speicher's case: Did the various agencies involved share

36. *Id.* at 273-74. The author claims that British and Dutch intelligence sources had recently provided the Central Intelligence Agency (CIA) and the Defense Intelligence Agency (DIA) with information about Speicher's location. *Id.* She also claims that in a special session of the Senate Select Committee on Intelligence held last March, CIA and DIA directors testified that given all the information in their possession, Speicher is alive today. *Id.* at 280-81.

37. *Id.* at 114.

38. *Id.* at 185-86, 217, 240 (detailing the exact sums of all payments Joanne received over the years).

39. Yarsinske uses a very subtle method to express, between the lines, her criticism. Initially, she identifies Speicher's wife as "Joanne Speicher." *See, e.g., id.* at 186. Later on, she calls her "Joanne Speicher-Harris," *id.* at 217, and finally, when she elaborates on the different sums of money Joanne got, she calls her "Joanne Harris." *Id.* at 217, 240.

40. *Id.* at 143.

information? How well did they analyze data? Could they critique their own work?

On another level, *No One Left Behind* demonstrates the great influence of the media in modern society. It was Secretary Cheney's press announcement that doomed Speicher to the KIA list; and it was the media's investigation and reporting of Speicher's story, among other reasons, that caused a chain of reaction culminating in the change of Speicher's status.⁴¹

Most importantly, the book is a constant reminder of every nation's duty to fight for its soldiers. Yarsinske ends the book in a call for bringing Speicher back home: "It is time to do something."⁴² If Scott Speicher is still alive today, one can only hope that the book will become another cornerstone in the just struggle to return him to his country.⁴³

41. Before publishing *No One Left Behind*, Yarsinske had published, together with Ron Wagner, a six-part series in the *Virginia Pilot* about Speicher. Lon Wagner & Amy Waters Yarsinske, *Scott Speicher—Dead or Alive?*, VIRGINIA PILOT (six-part series, published Dec. 30, 2001 through Jan. 4, 2002), available at <http://www.aiipowmia.com/pgw/speicherindex.html>. For unknown reasons, the book does not mention at all this series (for which Yarsinske has been nominated for the Pulitzer Prize for Journalism). The reader only learns about it from the book's jacket.

42. YARSINSKE, *supra* note 1, at 277.

43. After submission of this book review for publication, Speicher's status changed again. On 11 October 2002, Secretary of the Navy Gordon England determined that the more appropriate category for Speicher is "Missing/Captured." In his memorandum, Secretary England stated that he has "no evidence to conclude that Captain Speicher is dead. While the information available to me does not prove definitively that Captain Speicher is alive and in Iraqi custody, I am personally convinced the Iraqis seized him sometime after his plane went down." Memorandum, U.S. Dep't of Navy, Office of Sec'y, subject: Captain Michael "Scott" Speicher, USN para. 5 (11 Oct. 2002), available at <http://www.nationalalliance.org/gulf/secnavmemo.htm>. England further emphasized that the facts supporting this change also support the conclusion that, if alive, Speicher is a prisoner of war. *See id.*

THE SECRETS OF INCHON¹REVIEWED BY MAJOR PETER C. GRAFF²

On August 26, 1950, I was summoned to the office of Captain Edward Pearce, USN, in the Dai Ichi Insurance Building in downtown Tokyo, overlooking Emperor Hirohito's imperial palace. For the past year, I had been serving under Captain Pearce on General Douglas MacArthur's staff.

"Gene," Eddie Pearce said in his gruff deadpan way, "I believe we've cooked up a little rumble you're going to like."

Lieutenant Eugene Franklin Clark was not the kind of man that walked away from a rumble. In *The Secrets of Inchon*, Clark gives an amazing first person account of his covert mission on the eve of the historic United Nations invasion. Clark's adventures read like a C.S. Forrester novel set in the twentieth century.³ In the span of two weeks, Clark and a handful of Koreans captured an island less than twelve miles from Inchon, survived hand-to-hand combat in running firefights, and fought a naval battle in wooden junks. Bit by bit, they created an intelligence network that monitored enemy activities all the way to Seoul, and they radioed Tokyo daily with vital information that saved thousands of lives. When the U.N. fleet entered the unforgiving waters off Inchon harbor, the fleet had the beacon of a single lighthouse to guide it. Clark and his men ignited the flame.⁴

The Secrets of Inchon offers more than a terrific war story of the Korean conflict. Clark's thoroughly human presentation offers valuable insights into leadership, relations that cross cultures, and the law of war.

1. EUGENE FRANKLIN CLARK, *THE SECRETS OF INCHON* (2002).

2. United States Army. Written while assigned as a student, 51st Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. From 1937 until 1967, C.S. Forrester published several novels featuring the daring exploits of Horatio Hornblower, an officer of the Royal Navy who served during the Napoleonic Wars. The National Library Service for the Blind and Physically Handicapped of the Library of Congress, *Minibibliographies, The Horatio Hornblower Series by C.S. Forrester*, at <http://www.loc.gov/nls/bibliographies/minibibs/horatio.html> (last visited Aug. 24, 2002).

4. CLARK, *supra* note 1, at ix-x (introduction by Thomas Fleming).

His story is as daring and as moving as the events he lived. Clark writes for the man of action, and he appreciates the human dimension of war.

Clark's well-organized account follows a straightforward timeline, and it culminates with the U.N. landing on Inchon. In the first part of *The Secrets of Inchon*, Clark lays his groundwork. Clark receives his mission on 26 August 1950, and he enters Inchon harbor with only fourteen days to complete it.⁵ Clark has no time to do preliminary planning; he has to improvise. Fortunately, he selects two outstanding Korean officers to accompany him: Navy Lieutenant Youn Joung, and Colonel Ke In-Ju.⁶ The former is a fearsome commando, and the latter an expert interrogator. Throughout most of the book, Clark refers to these men by their respective aliases, "Yong" and "Kim." These aliases do little to further the story, and there appears little reason to use them in place of real names.

After boarding a small Korean PC-703 gunboat on his way to Inchon, Clark discovers that the Communists have only a skeleton force on the nearby island of Younghung-do. Exploiting this opportunity, Clark and his Korean comrades recapture the island and develop close ties with most of the villagers.⁷ Clark conveys their earthy personalities well. Through Clark, the reader meets the salty pirate, Chang, and the tragic young lovers, Lim and Chae.⁸ Clark knows them personally, and he cares for them genuinely. The narrative remains firmly rooted in Clark's perspective, however. The reader can only speculate on the inner minds of Clark's Korean comrades. *The Secrets of Inchon* misses the opportunity to give them a voice.

On Younghung-do, Clark immediately fortifies his fragile defensive position, creates a network of informants, and builds a junk fleet to prevent a counter-invasion. Clark lives in the shadow of a vastly superior Communist garrison on the surrounding islands. Infiltrators pose a constant threat. Undeterred, he begins exploratory operations and discovers an abandoned lighthouse on the island of Palmi-do.⁹

Clark takes initiative and exploits targets of opportunity. Each rapid adventure conveys the crushing feeling that time is running out. The reader appreciates Clark's physical strain, his weight loss, lack of sleep,

5. *Id.* at 33.

6. *Id.* at 8.

7. *Id.* at 39-40.

8. *Id.* at 61, 90.

9. *Id.* at 120.

and diet of Benzedrine tablets. Before too long, Clark notices an increase of infiltrators arriving on his island.¹⁰ A clash is imminent.

In the second phase of the book, the rumble “turns hot.”¹¹ Refugees tell Clark about Yeh, a brutal political commissar on the nearby island of Taemuui-do. With information from the refugees, Clark and his companions conduct a raid to capture Yeh.¹² Clark treats his readers to history as heart-racing action. The raid on Yeh’s beach house illustrates the aggressive tempo of the many combat scenes that energize Clark’s book:

Someone was moving inside again. A faint hollering could be heard up the beach. I freed my forty-five for quick action, and Yong followed suit. We crouched now, facing the doors. There it was—the slamming of forty-fives and the hacking of Hyun’s submachine gun. There were loud exclamations from inside, and before they could reach the doors, the rending crash of grenades a few houses down lit up the outside. They filed through the door now, and as they were fumbling to slide the outer doors aside, Yong jumped the nearest one. I was behind him and in a bound was on top of the man at the door, driving my knife hard up into his ribs. As he went limp, a knee drove hard into my side. But our guide was on the third man before I could recover my balance. . . .¹³

Moments later, Clark clubs the fleeing commissar over the head with his pistol. As the raiders carry Yeh’s limp body out of the house, they meet a hail of bullets. Their unconscious prize dies in the firefight.¹⁴

Clark does not rest on his laurels. He continues with a series of equally harrowing reconnaissance missions that literally touch the seawalls of Inchon harbor. Against all odds, he is still alive on the fourteenth of September.¹⁵ Clark recounts the last day of his mission in the final chapter of his book, “Younghung-do’s Last Stand.”¹⁶ Hollywood screenwriters could not have drafted a more gripping and bittersweet ending to his adventures. Clark and his allies fight desperately, but their situation is

10. *Id.* at 127.

11. *Id.* at 137.

12. *Id.* at 139-74.

13. *Id.* at 170.

14. *Id.* at 172.

15. *Id.* at 301.

16. *Id.* at 291-319.

hopeless. Evacuating the island within footsteps of hundreds of North Korean soldiers, Clark urges young Chae to leave behind his fallen love, Lim. Chae answers with a shove and falls on his own hand grenade. Still reeling from the explosion, an exhausted Clark finally reaches the lighthouse at Palmi-do. His beacon guides the invasion fleet in the dark, dangerous waters to complete MacArthur's strategic masterpiece at Inchon.¹⁷

Few can challenge Clark's account of this nearly impossible mission. His military credentials are impeccable. Commander Clark retired as a career naval officer with vast experience in amphibious operations and covert missions. Rising from the rank of seaman to petty officer, he earned his commission during World War II.¹⁸ Clark received both the Silver Star and the Legion of Merit for his Inchon reconnaissance.¹⁹

Eugene Clark wrote this first person narrative shortly after his return from Korea. He made no attempt to publish it during his lifetime. For nearly fifty years, the manuscript remained in a safety deposit box along with a Department of Defense clearance to tell the story as he experienced it. His family rediscovered the manuscript and gave it to historian Thomas Fleming, who published *The Secrets of Inchon* after Clark's death.²⁰ Clark never intended the book to go public. Its origins and posthumous publication reinforce the sincerity of his narrative.

Clark's background on Operation Chromite captures the spirit of the times, but fails to achieve historical accuracy. His cursory treatment of allied plans for the Inchon invasion focuses almost entirely on a Tokyo meeting between General MacArthur and two members of the Joint Chiefs of Staff, General Collins and Admiral Sherman. Clark's principal source appears to be MacArthur's "peroration that was soon echoing throughout the Dai Ichi Building."²¹ In *The Secrets of Inchon*, MacArthur's eloquence in defense of the Inchon landing won over Admiral Sherman and reduced General Collins to "surly silence."²²

Historian James Edwin Alexander, who has studied both primary and secondary sources from the August meeting, offers a very different description. "General MacArthur did not ask Collins or Sherman to

17. *Id.* at 319.

18. *Id.* at 4.

19. *Id.* at 321-25 (epilogue by Thomas Fleming).

20. *Id.* at x (introduction by Thomas Fleming).

21. *Id.* at 10.

22. *Id.*

approve his plans, nor did they offer to do so.”²³ Clark’s version appears off the mark, and it goes beyond the scope of his story. Fortunately, Clark does not dwell on it. He quickly returns the reader to the mission at hand.

Another weakness lies in the book’s supplementary materials. Better maps would enhance the flow of Clark’s narrative. *The Secrets of Inchon* offers only two small maps at the very front of the book.²⁴ At times, the reader struggles to follow Clark’s movements and his running battles on Younghung-do. Clark thoroughly describes Younghung-do early in the book,²⁵ but most of the battles around the island occur much later.²⁶ Detailed maps of Younghung-do and the Inchon invasion would give the reader a better sense of Clark’s situational awareness.

If battles and narrow escapes are the book’s lifeblood, Clark’s humanity and introspective mind give *The Secrets of Inchon* its heart. Clark transparently reveals his own biases, opinions, and complex inner dialogue. He comments on leadership, his coalition partners, and the law of war in brutal situations. The book is heavy on Cold War rhetoric, but it is far from anachronistic. Clark’s lessons are relevant today.

Clark frequently offers candid perceptions of Korean culture. In contrast to Western impatience, his Korean allies insist on structured, polite exchanges. Clark believes that his Korean comrades must always save face. At Younghung-do, he reminds himself, “Although time was of the essence, the customs and amenities of these people were not to be denied by a mere war.”²⁷ He also contrasts Korean social mores against Western sensibilities, noting that “at least a few of his friends would have developed a psychotic condition” over their casual attitude towards nudity.²⁸ Such observations enrich the book’s cultural and historical context.

Clark writes openly and does not conceal his own biases. He believes that Korean women are totally subordinate in their culture. When Kim kills a deadly viper that threatened the lives of three local women, they

23. JAMES EDWIN ALEXANDER, *INCHON TO WONSAN: FROM THE DECK OF A DESTROYER IN THE KOREAN WAR 150* (1996) (relying on letters by the participants and Walter M. Kraig’s *Battle Report, The War in Korea* (1952)). Both Admiral Joy and General Almond were present at the meeting and describe Kraig’s work as substantially correct. *Id.*

24. *See* CLARK, *supra* note 1, at vi-vii.

25. *See id.* at 48-49.

26. *See id.* at 175-202, 301-17.

27. *Id.* at 40.

28. *Id.* at 94.

express no thanks whatsoever. Clark explains, “They merely understood, that the saving of a woman’s life was so negligible an act on [Kim’s] part that an expression of gratitude would demean him.”²⁹ By contrast, Clark sees women as the gentler sex. Before the mission, Clark tells his wife he is going on a routine trip in Japan. “Women should not be subjected to such trying experiences,”³⁰ he notes near the end of the book. Of course, Chae’s tragic suicide and Lim’s courageous death dramatically undermine both of these oversimplified views of women.

Clark’s inner dialogue on leadership is useful to military and civilian leaders alike. Clark is not immune from fear and doubt. After taking Younghung-do, he admits, “I could feel myself crumbling inside again. Must get back to work—only by working could I overcome this sense of utter inadequacy.”³¹ Clark reminds himself, however, that he must control this impulse to keep busy: “As always in a critical evolution, there is desire to push aside the helmsman or signalman and ‘do it yourself.’ Fatal as I knew giving way to this urge would be, I nevertheless entertained it.”³² In the end, Clark trusts his junior leaders and resists the temptation to do too much.

Clark quickly perceives the effects of stress on others. When three planes attack the PC-703, Commander Lee is away from his ship as it goes into action. Visibly upset, Lee loses his composure. When the clash was over, Lee “wilted to the ground alongside me, blood on his thin lips where he had bitten them, glasses still glued to his eyes, scanning the distance where the Yaks [Soviet jet fighters] had disappeared.”³³ Instinctively, Clark knows how to approach the young man: “I would undertake the delicate task of convincing him that, far from losing face, he should be proud of himself and his crew. Failure would mean I would have to request Tokyo to send in another gunboat. Lee must be observed carefully in the next few hours.”³⁴

Clark succeeds because he inspires men and women to follow him. He also succeeds because he is wise enough to appreciate his allies’ agenda

29. *Id.* at 84.

30. *Id.* at 302.

31. *Id.* at 58.

32. *Id.* at 105.

33. *Id.* at 112.

34. *Id.* at 113.

and work within it to achieve a common end. As his mission commences, Clark notes:

For this I would require Korean natives of unquestioned loyalty to the South Korean cause and personally “my men.” This concurrent loyalty to their own country and to an American was not conflicting unless the American strayed from Republic of Korea objectives and interests, the exact dividing line not always as apparent as it might seem.³⁵

Clark knows that his allies will follow their own agenda, and they will not always commit to American interests. Clark does not make demands, realizing that demands are unproductive. They waste scarce time and energy. Instead, he perceives his allies’ interests and acts upon them. When the local fishing association resists his proposal to cannibalize their boats to build a navy for the island, Clark does not give way to impatience, even though he has good cause. Thinking quickly, Clark remarks that there will be “damage” when they shift the rigging on the junks. His proposal of five scarce bags of rice to pay for it gets the job done.³⁶

Similarly, Clark offers no resistance when the South Korean Navy orders Commander Lee’s gunboat away to search for a group of barges. Clark knows that the loss of the gunboat will expose him to a Red invasion. He also knows that Lee must obey his orders, and Clark is in no position to change them. He compliments the young Commander for his bravery and accepts the loss of the gunboat. The reader is not surprised to learn that Lee and his gunboat return.³⁷

Lieutenant Clark brings the law of war out of the classroom and invites his readers to struggle with it on the battlefield. Clark perceives one major difference between himself and his Korean allies, and it revisits him throughout the book. He senses the conflict between humanitarian principles and the reality of war during a struggle for national survival. The Communist enemy shows no mercy. Clark presents his views on the law of war in this context:

The Republic of Korea was waging “total” war against the Reds, admitting no compromise—utterly ruthless in her determination

35. *Id.* at 22.

36. *Id.* at 92.

37. *Id.* at 261.

to expel the enemy and bring the nation together under one flag. Korea was fighting this war under Oriental rules, with no pretense of observing the fast-becoming outmoded “humanitarian” laws of warfare established by the Western conventions. No squeamish American could hope to obtain the respect or following of such ardent Korean revolutionaries as Young and Kim. I was thankful that my past eight years of service in the Orient in war and peace had made me a sufficiently enlightened leader to be acceptable to these proponents of direct action.³⁸

Clark’s actions betray these words during the entire operation. Throughout the book, he is the voice of restraint. His behavior provides a fascinating irony that animates *The Secrets of Inchon*. His men do not find him squeamish. They respect him. In their company, Clark experiences “a simple thing that cuts across race, creed, and color, and without reason or second thought, require[s] a man to lay down his life for his friend.”³⁹

The Secrets of Inchon is replete with examples of Clark’s restraint. When the villagers greet them on the shores of Younghung-do, Clark fears a trap. He realizes, however, that fire support from the gunboat is “now entirely out of the question.”⁴⁰ Lee could not throw “death and destruction among those villagers.”⁴¹ Later on, his lieutenants look at him “quizzically” when he orders that they use no coercion against a Younghung-do prostitute who consorted with the enemy.⁴² Near the end of the book, Clark perceives his influence on Lieutenant Young during one of their last raids: “[I]ndeed I could not help but notice the positive effort of will he put forth to restrain the commission of atrocities. I am quite certain that my presence alone stayed his hand.”⁴³ This comment may or may not reflect Clark’s bias, but it demonstrates his instinct to follow the law of war and ensure that others do the same.

Clark adheres to his “outmoded” humanitarian principles because they are pragmatic in the long run. Clark notices that casualties increase when men are untrained and undisciplined.⁴⁴ Clark and his officers also appreciate the simple fact that “the living speak” and offer the vital intelli-

38. *Id.* at 22.

39. *Id.* at 271.

40. *Id.* at 39.

41. *Id.*

42. *Id.* at 87.

43. *Id.* at 287.

44. *Id.* at 306.

gence they need.⁴⁵ He follows humanitarian principles and tries to reinforce his own ethics with a warrior's practicality.

Lieutenant Clark does not judge his Korean comrades too harshly. "I was not in sympathy with the summary manner in which these people were inclined to deal with one another, although to be truthful, I could well understand their propensity in this regard."⁴⁶ Clark appreciates the temptation to abandon the law of war when the perceived choice lies between following its precepts and surviving against an enemy that doesn't play by the rules.

On the whole, *The Secrets of Inchon* has strengths that eclipse its relatively minor weaknesses. This book tells a great story and provides a compelling read. Clark grabs hold of his reader and plunges him into high adventure and fast-paced combat action. On a deeper level, Clark invites his reader to contemplate leadership, multi-cultural coalitions, and the law of war. He considers humanitarian principles when the stakes are highest and the cause most desperate. Any member of the armed forces will find this book enjoyable and professionally rewarding. Any American will appreciate the modest hero that wrote it.

45. *Id.* at 54.

46. *Id.* at 60.

KILLING PABLO
THE HUNT FOR THE WORLD'S GREATEST OUTLAW¹

REVIEWED BY MAJOR WENDY P. DAKNIS²

*It was an ugly business, killing Pablo*³

Mark Bowden, acclaimed for his work in *Black Hawk Down*,⁴ has once again created an intense, action-packed account of U.S. military operations in his most recent book, *Killing Pablo*. Proving that truth can be stranger than fiction, Bowden chronicles the sixteen-month search for Colombian drug lord Pablo Escobar, who stymied both the Colombian and U.S. governments, as well as their military forces, in their efforts to locate him. Bowden couples extensive research with his exceptional narrative talents to produce a fact-based report that reads like a suspense novel. More than that, he raises questions about U.S. military operations in foreign territories that have current relevance, especially following the 11 September 2001 attacks against America.

Bowden's tale begins in Bogota, Colombia, in April 1948, when Colombia's politics and culture were facing upheaval. He draws the reader back to that time and place to describe the evolution of the Colombian struggle with power and violence. Bowden uses detailed examples to portray the evolution of a nation more violent than most Americans can imagine:

In Colombia it wasn't enough to hurt or even kill your enemy; there was ritual to be observed. . . . To amplify revulsion and fear, victims were horribly mutilated and left on display. . . . The joke Colombians told was that God had made their land so beautiful, so rich in every natural way, that it was unfair to the rest of

1. MARK BOWDEN, *KILLING PABLO: THE HUNT FOR THE WORLD'S GREATEST OUTLAW* (2001).

2. United States Army. Written while assigned as a student, 51st Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. BOWDEN, *supra* note 1, at 270.

4. See, e.g., Book Review, *KIRKUS REVIEWS*, January 15, 1999, available at LEXIS, News Library, Book Reviews File; Gary Anderson, *A Harrowing Case Study in Modern Warfare*, *WASH. TIMES*, March 21, 1999, at B8; William Finnegan, *A Million Enemies*, *N.Y. TIMES*, March 14, 1999, § 7, at 6.

the world; He had evened the score by populating it with the most evil race of men.⁵

Bowden vividly describes a land in which lawlessness was revered and violence was power.

After laying this groundwork, Bowden next focuses attention on Pablo's rise to become the head of the infamous Medellin drug cartel. Bowden examines the time and place of Pablo's childhood years, explaining the outside influences that helped shape Pablo into "the greatest outlaw in history."⁶ Bowden outlines Pablo's teenage escapades of running petty scams on the streets before turning to auto theft and ultimately drug distribution. More importantly, Bowden highlights how Pablo earned his reputation for "casual, lethal violence."⁷ Over the course of his career, Pablo's acts of violence impacted not only those within his hometown of Medellin, but also citizens throughout Colombia and even the rest of the world. By the end of the introductory chapters, Bowden has convinced the reader that Pablo Escobar was far more than just a drug lord—he was, in fact, an enemy of the state and a "clear and present danger."⁸

The history provided in the initial chapters of the book is very effective in establishing a frame of reference with which the reader can better evaluate the rest of the story. It would be impossible, without prior knowledge of Colombian history and way of life, to understand fully how a man like Pablo Escobar was able to succeed in his quest for power. By describing Colombian culture, Bowden helps explain not only why Pablo felt justified in his use of violence,⁹ but also why Colombian society accepted the power he wielded. In fact, at some levels, Pablo succeeded in becoming a legend, revered for his lawlessness.¹⁰

The remainder of *Killing Pablo* is devoted to recounting the efforts of the Colombian government to control Pablo and end his reign of terror. Bowden details Pablo's elusive run from the Colombian justice system and

5. BOWDEN, *supra* note 1, at 14.

6. *Id.* at 14.

7. *Id.* at 20.

8. *Id.* at 59.

9. *Id.* at 20 ("A man had to protect his interests. . . . [I]n Medellin there was little effective or honest law enforcement. If someone cheated you, you either accepted your losses or took steps yourself to settle the score.").

10. *See id.* at 21 (describing how Pablo became admired for the alleged kidnapping and murder of a wealthy industrialist).

his successful evasion of extradition. Bowden describes Pablo's brief period of self-imposed imprisonment in a complex he planned and designed on his own land, and how Pablo continued to run his drug cartel from this luxury prison until he finally escaped. Bowden emphasizes the government corruption and military ineptitude that subsequently permitted Pablo to remain a fugitive for over a year. While telling the story, Bowden explains the politics that turned the Colombian quest for justice into a quest for death.

Bowden also focuses on the organizations and players involved in the pursuit. He delves into the labors of the Colombian National Police (La Policia Nacional de Colombia (PNC)) and more specifically, the organization within the PNC known as the Search Bloc, headed by Colonel Hugo Martinez. Bowden also highlights the contributions made by Colonel Martinez's son, Hugo, Jr. He describes President Gaviria's and the Justice Ministry's involvement in the hunt for Pablo. Bowden documents the rise of a vigilante group called Los Pepes that stalked Pablo's family, friends, and associates, killing as many as six people associated with Pablo every day.¹¹ Finally, Bowden explores the United States' role in bringing Pablo to justice, discussing the involvement of the U.S. ambassador, the Drug Enforcement Agency, the Central Intelligence Agency, and U.S. special operations forces, including the intercept team, Centra Spike.

Bowden ties the story together in a section titled *Aftermath*. Here, he analyzes the immediate cause of Pablo's death and follows up with many of the key players, describing the impact the hunt for Pablo had on their lives.¹² After reliving the grueling pursuit and all the effort and trauma involved, knowing the final consequences is immensely gratifying. Bowden concludes the book with a fitting quote from Drug Enforcement Agency agent Joe Toft: "I don't know what the lesson of the story is. I hope it's not that the end justifies the means."¹³

Bowden's background and previous works help lend credibility to *Killing Pablo*. He spent over twenty years as a reporter for the *Philadelphia Inquirer*, winning many national awards for his writing.¹⁴ He wrote two books that were relatively unknown before *Black Hawk Down* made him a celebrity in 1999. *Black Hawk Down* was included on the *New York*

11. *Id.* (photo insert).

12. *Id.* at 253-72.

13. *Id.* at 272.

14. *Id.* (inside cover).

Times' bestseller list for the better part of a year and earned Bowden recognition as a 1999 National Book Award finalist.¹⁵ The book made such an impact that it was adapted for film and recently released in theaters throughout the country under the same name.

It is clear that this reporting and research experience served Bowden well in the preparation of *Killing Pablo*. Over the course of three years,¹⁶ he consulted a plethora of sources, to include books, articles, documents, and interviews.¹⁷ He even traveled to Colombia to interview drug runners and civilians.¹⁸ Bowden's reliance on primary sources, such as interviews with personnel involved in the hunt for Pablo and cables from the U.S. embassy in Bogota to Washington, D.C.,¹⁹ add to the trustworthiness of the tale. He took the necessary steps to ensure complete, thorough coverage of the rise and fall of Pablo Escobar. Because of his exhaustive research, Bowden's knowledge of the events leading to Pablo's ultimate demise is unquestionable.

At times, however, Bowden's comprehensive research is almost detrimental in that it makes the book so detailed that it is difficult to follow. For example, Bowden includes the name of every participant—no matter how small a part that person actually played.²⁰ Because many of the Colombian surnames are the same, keeping track of who is who and how they are interrelated is a challenge. (Even Pablo and the Colombian president who became his nemesis share the same last name—Gaviria.) The book could be simplified by either excluding some of the less important names or including a “cast of characters” for reference. The book's level of detail makes it almost impossible to comprehend the story fully after a single reading.

Bowden's reporting background is also evident in the presentation of *Killing Pablo*. The book, much like a well-written news story, stirs and maintains the reader's interest. The cover itself is captivating. The grue-

15. Chris Waddington, 'Black Hawk Down' Author Is 'Not a War Reporter', STAR TRIB., Apr. 14, 2002, at 1F.

16. *Id.*

17. BOWDEN, *supra* note 1, at 273-85.

18. Waddington, *supra* note 19, at 1F.

19. BOWDEN, *supra* note 1, at 273.

20. *See, e.g., id.* at 191 (naming Pablo's brother-in-law (Hernan Henao), two of Pablo's attorneys (Santiago Uribe and Roberto Uribe), the *El Espectador* editor (Guillermo Cano), a judge (Myrian Velez), and a realtor who had once assisted Pablo (Diego Londono)).

some photograph of a dead Pablo Escobar surrounded by soldiers laughing and celebrating generates interest in the story. What bizarre series of events could possibly lead to such an unlikely and unthinkable result? How could anyone take so much pleasure in another person's death? Additionally, Bowden's inclusion of photographs in the center of the book is an excellent tool that brings the story to life and allows the reader to feel as though he "knows" many of the players. The photographs of Pablo's "cell" at La Catedral (his Medellin prison) were especially illuminating. Next, Bowden divides the book into several short discreet sections—each readable in a single sitting. Finally, he chooses to provide his references at the end of the book, rather than intersperse them throughout the main body, which adds to the overall readability.

Bowden's writing style and language also make *Killing Pablo* enjoyable and easy to read. He creates clear visual images of the people, places, and events involved and fills the pages with excitement and suspense. Bowden's exceptional narrative skills make *Killing Pablo* read more like a spy-novel than nonfiction. There are times, in fact, when even Bowden seems to forget that he is writing a report and not a novel. He frequently attributes emotions and motives to Pablo without any indication that these are based in fact or supported by sources.²¹ It is this type of writing, however, that keeps the story interesting.

Further in keeping with his reporter background, Bowden's main purpose in writing *Killing Pablo* appears to be to recount the details of the pursuit and ultimate killing of Pablo Escobar, emphasizing the role played by the United States. Bowden himself was surprised by the level of U.S. involvement in the manhunt,²² and apparently felt compelled to reveal this information to the public. Bowden expresses this intent when he states that

[t]he manhunt for Pablo Escobar is another of those complex missions in the modern history of the U.S. military, like the battle story told in *Black Hawk Down*, that otherwise would have remained largely unknown. The issue of whether the United States should target foreign citizens for assassination merits scrutiny and discussion, but I think this story makes it clear that on occasion it still does so.²³

21. See, e.g., *id.* at 21 ("His deepest anger was always reserved for those who interfered with that fantasy.")

22. *Id.* at 273.

23. *Id.* (acknowledgments).

While Bowden succeeds in detailing U.S. involvement in Pablo's death, his discussion of assassination and the laws governing it are oversimplified and misleading. Bowden provides a one-half page explanation of the origins of Executive Order (E.O.) 12,333²⁴ (prohibiting assassination) and W. Hays Parks's²⁵ subsequent clarification of the order.²⁶ Whether purposely or inadvertently, this explanation implies that the first Bush administration carved out an exception in E.O. 12,333 to suit its purposes and allow it to participate in previously illegal acts.

Unfortunately, a half-page examination of E.O. 12,333 is inadequate for a book that purports to make it clear that the U.S. is involved in assassination. One major problem is that there is no clear definition for assassination; therefore, "[d]epending on the breadth of the definition, assassination could define any intentional killing, or it could define only murders of state leaders in the narrowest of circumstances."²⁷ When even the definition of assassination is debatable, any conclusion that the United States is involved in the practice is unreliable and serves only to denigrate the government and the military. Bowden implies that many U.S. government organizations, including the military, wanted so badly to become involved in the hunt for Pablo that they were willing to either overlook U.S. policy and Executive Orders or interpret them in a way that suited their needs.²⁸ By this implication, he portrays the military's subsequent involvement as overreaching and illicit, leading the reader to question the legitimacy of not only this operation, but others not covered in this book.

In addition to casting a negative light on U.S. military operations, Bowden's tale may also potentially jeopardize military operations and personnel. Examining Bowden's listed sources, it is significant that Bowden does not reveal the names of many of his sources. In addition to receiving information from the men and women whose names he cites, Bowden enlisted the aid of several military sources who remain anonymous.²⁹

24. Exec. Order No. 12,333, 3 C.F.R. 200 (1982).

25. W. Hays Parks is a high-ranking civilian attorney who serves as the Chief, Law of War Branch, International & Operational Law Division, Office of The Judge Advocate General, U.S. Army.

26. BOWDEN, *supra* note 1, at 81-82.

27. Major Tyler J. Harder, *Time to Repeal the Assassination Ban of Executive Order 12,333: A Small Step in Clarifying Current Law*, 172 MIL. L. REV. 1, 3 (2002).

28. See BOWDEN, *supra* note 1, at 140-41 ("Pablo offered a test case, an opportunity for these agencies to prove themselves—the CIA, the NSA, the FBI, the Bureau of Alcohol, Tobacco, and Firearms (ATF), the DEA, and the army, navy, and air force. All would want a piece.").

29. *Id.* (acknowledgements).

Moreover, he received more than 3000 classified documents pertaining to U.S. involvement from an anonymous source. Given the classified and somewhat clandestine nature of these sources, it appears as though portions of this story were never meant to be told. In fact, the Pentagon initiated an investigation to discover the source of the documents.³⁰ While Bowden claims that the Pentagon was “none too happy with his claims that the U.S. was involved with [the] vigilante group called Los Pepes,”³¹ there may be other bases for the Pentagon’s interest. The Pentagon may also be concerned with preserving security; after all, top secret intelligence organizations such as Centra Spike do not remain top secret when reporters detail their mode of operations. To remain protected and effective, the military necessarily must safeguard some information from the public.

Killing Pablo makes it clear that nothing is simple about a manhunt. Even though only offering assistance to the Colombians, the United States devoted significant manpower and equipment to the pursuit of Pablo. Additionally, our nation’s representatives may have become involved in some arguably immoral, illegal, and unconscionable activities to help achieve the ultimate goal. In today’s world, when the United States has its own enemy in Osama bin Laden, the lessons from the book make the reader wonder how far the government will go in its pursuit of Osama and other terrorists. How is the hunt for terrorists like the hunt for Pablo? What exactly is the U.S. policy on assassination, and is the United States following that policy? Is there anything that the United States wouldn’t do to further the goal of killing Osama? One would hope that operations would be tempered by lessons learned from the government’s and military’s previous experiences, such as the hunt for Pablo.

Although it simplifies key military concepts and delves into some questionable areas, *Killing Pablo* is a fascinating tale that provides valuable insight into U.S. military operations in foreign territories. Mark Bowden does an excellent job of reconstructing history while raising interesting questions regarding U.S. policy and operations. As the United States grapples with its stance toward Osama bin Laden and members of his terrorist group, Al Qaida, the issues raised by *Killing Pablo* have even more relevance. This book is an eye-opener that all officers should read.

30. James Macgowan, *Making a Killing Out of Pablo*, OTTAWA CITIZEN, June 24, 2001, at C13.

31. *Id.*

JUDGE ADVOCATES IN COMBAT: ARMY LAWYERS IN MILITARY OPERATIONS FROM VIETNAM TO HAITI¹

REVIEWED BY MAJOR CHRISTOPHER W. BEHAN²

During the bulldozing operations, General Franks radioed to Colonel Huffman, asking if burying the enemy alive in his own trenches was permitted under the Law of War. If not, said Franks, he would “stop it now.” Colonel Huffman assured him that the breaching operations were lawful. He advised, however, that the location where Iraqi defenders were being buried should be marked for later reporting to the International Committee for the Red Cross.³

Long before the first Brigade Operational Law Team (BOLT)⁴ grabbed its Rucksack Deployable Law Office and Law Library (RDL)⁵ and went off to war, Army judge advocates were refining the discipline of operational law both in combat and in operations other than war. In *Judge Advocates in Combat: Army Lawyers in Military Operations from Vietnam to Haiti*, Colonel (COL) Frederic Borch tells the story of how the U.S. Army Judge Advocate General's (JAG) Corps transformed itself from an organization focused on providing primarily garrison-type legal services in a deployed environment to a fully integrated part of the Army operational team. By sharing the stories of individual judge advocates' experiences during operations in such diverse locations as Vietnam, the Dominican Republic, Iraq, Western Samoa, Egypt, and Haiti, *Judge Advocates in Combat* demonstrates that the practice of operational law has evolved from the ad-hoc initiatives of judge advocates in unique circumstances to its cur-

1. FREDERIC L. BORCH, *JUDGE ADVOCATES IN COMBAT: ARMY LAWYERS IN MILITARY OPERATIONS FROM VIETNAM TO HAITI* (2001).

2. United States Army. Written while assigned as a student, 51st Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. BORCH, *supra* note 1, at 182.

4. The BOLT is comprised of at least one attorney and several enlisted paralegal support staff. The primary mission of the BOLT is to provide operational law support to brigade-size elements in any type of operation. U.S. DEP'T OF ARMY, FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS 5-21 (1 Mar. 2001).

5. The RDL generally consists of a notebook computer, printer, digital camera, and hardened case. The RDL comes with CD-ROM versions of legal and military research materials and has Internet-connection capability. *Id.* (glossary).

rent state of doctrinal and practical institutionalization in both the JAG Corps and in the Army.

Colonel Borch is a prolific writer who has co-authored three books⁶ and written or co-authored more than thirty-five articles and book reviews published in both military and civilian periodicals and legal journals. He has served in a variety of assignments in the United States and abroad, has taught at the Judge Advocate General's School of the Army (TJAGSA) in Charlottesville, Virginia, and is currently on the faculty at the Naval War College in Newport, Rhode Island.⁷

Judge Advocates in Combat was written under the direction of The Judge Advocate General of the Army and is the first book published under the auspices of the Office of the Judge Advocate General and the Center of Military History.⁸ In a sense, the publication of this book is a historical event in itself; in the 225 year existence of the JAG Corps there has been only one prior published history of the Corps.⁹

Judge Advocates in Combat is a valuable resource for Army lawyers,¹⁰ commanders, and anyone interested in the role of the judge advocate in modern operations. It is well-organized, tightly written, and packed with stories of how judge advocates have used their abilities as soldiers and lawyers to solve problems and enhance mission success. Helpful features of the book include fifteen organizational charts depicting the legal organization of judge advocates during various operations,¹¹ sixteen maps depicting judge advocate locations and their supported commands in the-

6. FREDERIC L. BORCH & WILLIAM R. WESTLAKE, *THE SILVER STAR: A HISTORY OF AMERICA'S THIRD-HIGHEST AWARD FOR COMBAT VALOR* (2001); FREDERIC L. BORCH & WILLIAM R. WESTLAKE, *PURPLE HEART: A HISTORY OF AMERICA'S OLDEST MILITARY DECORATION* (1996); FREDERIC L. BORCH & WILLIAM R. WESTLAKE, *THE SOLDIERS MEDAL: A HISTORY OF THE US ARMY'S HIGHEST AWARD FOR NON-COMBAT VALOR* (1994).

7. Telephone Interview with COL Frederic L. Borch (Oct. 18, 2002).

8. See BORCH, *supra* note 1, at xi-xii.

9. *THE ARMY LAWYER: A HISTORY OF THE JUDGE ADVOCATE GENERAL'S CORPS, 1775-1975* (1975). *The Army Lawyer*, however, was not written as a comprehensive history; rather, it was a collection of articles from earlier publications involving historical aspects of the Corps. See generally *id.*

10. The book is already ubiquitous within the JAG Corps, much like the black beret. With an initial production run of some 10,000 volumes, it is easier to find a copy of this book than a hard copy of the 2002 edition of the *Manual for Courts-Martial* among members of the Army judge advocate community. Basic and graduate course students, distinguished visitors, and complete strangers will receive copies for years to come before the first printing is exhausted; indeed, the book may replace the vaunted Jefferson cup as TJAGSA's signature gift.

ater,¹² and a number of photographs and illustrations. The book's two appendices contain a glossary,¹³ biographical sketches of about ninety of the three hundred judge advocates mentioned by name in the book,¹⁴ and rules of engagement cards drafted by judge advocates in many recent operations.¹⁵ Each chapter has extensive endnotes, and there is also an exhaustive index.

Perhaps the most useful reference feature of *Judge Advocates in Combat* is the bibliography. Colonel Borch lists literally hundreds of primary source documents, including official records, personnel records, after-action reports, regulations, and cases.¹⁶ He also lists a rich collection of secondary sources,¹⁷ an invaluable resource to anyone wishing to learn more about the operations discussed in the book or the development of Army operational law doctrine over the years.

The theme of the book is "the evolution of the role of judge advocates in military operations and how this development has enhanced commanders' ability to succeed."¹⁸ Colonel Borch develops this theme by focusing on the individual activities of selected judge advocates during operations in Vietnam, Grenada, Panama, Desert Shield, Desert Storm, Somalia, and Haiti. Each operation is given its own chapter in the book. There is also a catch-all chapter on operations other than war from 1965-1994 that includes such diverse operations as Operation Power Pack in the Dominican Republic from 1965-1966 and Army participation in Joint Task Force Los Angeles during the 1992 riots.¹⁹

Each chapter begins with a brief synopsis of the events leading up to the conflict or deployment. Borch sets the scene by summarizing the political situation and the Army mission, then moves on to an examination of what Army judge advocates were doing in support of operations, a task he accomplishes primarily by weaving together stories of individual judge

11. See, e.g., BORCH, *supra* note 1, chart 1, at 18 (diagramming the legal organization of U.S. Army units in Vietnam and the respective technical supervision and command relationships).

12. See, e.g., *id.* map 4, at 60 (depicting judge advocate locations during Operation Urgent Fury).

13. *Id.* app. A, at 329-33.

14. See *id.* app. A, at 333-50.

15. *Id.* app. B.

16. See *id.* at 369-79.

17. See *id.* at 379-91.

18. *Id.* at vii.

19. *Id.* ch. 8.

advocate feats and initiatives. He then concludes each chapter with a comment about the significance of the operation to the Army and the JAG Corps. The only drawback to this organizational scheme is the catch-all chapter, which interrupts the flow of the book. Having just finished reading about operations in Haiti, when judge advocate participation is at a peak, the reader is suddenly jolted back thirty years to Operation Power Pack in the Dominican Republic, before judge advocates began truly practicing operational law. The effect is disconcerting and might have been avoided by choosing a chronological or subject-based organization.

Younger judge advocates accustomed to JAG participation in military operations and the JAG Corps' firmly established role in the military decision-making process will benefit from the historical perspective the book provides. For example, Army lawyers did not participate in the planning for Operation Urgent Fury in Grenada in 1983. Colonel (retired) (then Lieutenant Colonel (LTC)) Quentin Richardson, the Staff Judge Advocate (SJA) for the 82d Airborne Division, had barely twelve hours' notice to prepare for the operation, and he had to convince the division chief of staff to leave behind another staff officer from the assault command post and take him instead.²⁰

By 1989, during Operation Just Cause, judge advocates participated fully in the planning process and were embedded into the Army organization of command at all levels. When the 82d Airborne Division flew off to combat, the SJA, COL (retired) (then LTC) James J. Smith, was on the lead aircraft with the division commander and made the first combat jump by an Army judge advocate.²¹

In 1990 and 1991, over two hundred judge advocates deployed in support of Desert Shield/Desert Storm, supporting every level of command. They performed such functions as drafting rules of engagement, trying courts-martial, processing claims, serving on targeting cells, providing legal assistance to soldiers, facilitating battlefield contracting, and even, in one case, acting as a liaison officer to an Egyptian Army transportation battalion.²² Judge advocates made a significant contribution to the war effort; according to COL Raymond C. Ruppert, Central Command SJA

20. *Id.* at 63-64. Given the issues that subsequently arose, including prisoner of war issues, claims, and law of war issues, LTC Richardson said that convincing the division chief of staff to take him "was the smartest thing [he] did." *Id.* at 64 (quoting Interview with LTC Richardson by then-LTC Borch (4 Mar. 1996)).

21. *Id.* at 99.

22. *Id.* at chs. 4-5.

during the conflict, Desert Storm was “the most legalistic war we’ve ever fought.”²³

Operations after Desert Shield/Desert Storm featured further refinement of judge advocate participation in operations. Recognizing their versatility, commanders gave judge advocates new roles traditionally performed by other staff sections. For example, during Operation Uphold Democracy in Haiti, the XVIII Airborne Corps SJA, Major General (retired) (then COL) John Altenburg was tasked to explain the operation’s rules of engagement at a press conference.²⁴ Judge advocates have also served as a liaison to non-governmental organizations such as the International Committee for the Red Cross in Somalia²⁵ and Guantanamo Bay,²⁶ drafted status of forces agreements during disaster relief operations in Bangladesh²⁷ and Western Samoa,²⁸ and helped coordinate lawful military support to local elections during relief operations in Florida after Hurricane Andrew.²⁹

Colonel Borch wrote *Judge Advocates in Combat* as a narrative history, selecting stories and experiences of various judge advocates and using them to illustrate his theme that the role of judge advocates has evolved over the years and has enhanced commanders’ ability to succeed. This narrative approach is both the great strength and weakness of the book. On one hand, Borch is a gifted storyteller who chose his stories and experiences well; readers will enjoy paging through the book and reading about the exploits of various judge advocates in different operational settings. In turn, each of the stories admirably illustrates an aspect of the transformational development of operational law in the JAG Corps. On the other hand, because this is a contemporary history, Borch runs the risk that some readers who participated in these operations may feel left out or slighted by his decision to focus on certain individuals or units.³⁰

In addition, Borch’s approach leaves several gaps, particularly with the doctrinal and institutional changes the JAG Corps made between operations, that he never satisfactorily fills. In the conclusion to the chapter on Grenada, for example, Borch notes that “[b]eginning in 1986, there was a

23. *Id.* at 194.

24. *Id.* at 242.

25. *Id.* at 222.

26. *Id.* at 293.

27. *Id.* at 288-89.

28. *Id.* at 280.

29. *Id.* at 304.

concerted effort to reconfigure the corps' assets and training to meet [the challenges identified during the operation]."³¹ Borch never goes into detail about this "concerted effort," however, leaving the reader to wonder how the JAG Corps conducted this reconfiguration.

Judge Advocates in Combat begins with an account of the Vietnam conflict. The first judge advocate in Vietnam, COL (retired) (then LTC) Paul Durbin, arrived in 1959, with virtually no guidance on his mission. He began by providing traditional garrison legal services to the command. Life in South Vietnam was relatively uneventful for him until an attempted coup by the South Vietnamese Army several months into his tour. During the coup attempt, Durbin walked outside his quarters and noticed that an American Army advisor was riding in a jeep with a South Vietnamese paratrooper colonel involved in the attempt. Durbin flagged down the jeep, advised the American officer that it was outside the scope of the officer's duties to advise the Vietnamese officer on carrying out a coup, and subsequently drafted written guidance for Military Assistance Advisory Group personnel in the event of a breakdown in internal law and order.³²

Throughout their sixteen years of involvement in Vietnam, Army judge advocates, as LTC Durbin's experience illustrates, saw needs that fell outside the traditional model of legal services and took the initiative to fill them. In addition to providing traditional legal services, Army judge advocates served as advisors to the South Vietnamese army, developed policy on prisoners of war and war crimes, helped train troops on the Law of War, administered a creative and effective claims system, and towards the end of the war, served as legal advisors to the Four-Party Joint Military

30. This is particularly evident with Operation Desert Storm. Colonel Borch concentrates heavily on the activities of VII Corps and 1st Armored Division judge advocates, stating that they "typify those of the military lawyers who deployed during Desert Storm." *Id.* at 180. Although this is undoubtedly true, some readers may feel it is no mere coincidence that the VII Corps SJA and 1st Armored Division SJA were, respectively, The Judge Advocate General and The Assistant Judge Advocate General during the writing of this book. There were many other divisional and corps SJA sections serving in Southwest Asia that might have typified operations just as well.

31. *Id.* at 81.

32. *Id.* at 7.

Commission.³³ Borch notes that, looking back, “it is clear that a metamorphosis in the role of the Army lawyer was under way.”³⁴

Institutionally, the most significant change in judge advocate operations wrought by Vietnam came in the aftermath of the My Lai massacre and the subsequent Peers inquiry.³⁵ The inquiry found that a contributing cause to the killings was inadequate training in the Law of War. Senior judge advocates assisted in revising Army regulations to require that judge advocates, together with commanders, provide instruction in the Law of War. In 1972, COL Waldemar A. Solf recommended that the Army propose to the Department of Defense (DOD) the creation of a DOD-level Law of War Program.³⁶ The Judge Advocate General endorsed the suggestion, and the Secretary of Defense promulgated DOD Directive 5100.77³⁷ on 5 November 1974. The directive established a uniform Law of War program for all the services with the Army JAG Corps as the lead organization in implementing the program. Of greater significance to the development of operational law, however, was the requirement that judge advocates be involved in the development and review of operations plans to ensure compliance with the law of war; although few realized it at the time, this would set the stage for the eventual transformation of the Army JAG Corps.³⁸

The JAG Corps, however, did not capitalize on the lessons learned from the Vietnam War. When the war was over, Army judge advocates returned to their traditional garrison roles. Operational law was not part of the JAG Corps mission, and the JAG Corps did virtually nothing to conduct training or prepare its officers to provide operational support in the field. Consequently, the JAG Corps as an institution was unprepared for Operation Urgent Fury in Grenada in 1983. Nonetheless, judge advocates

33. The Joint Military Commission was formed as part of the Paris Peace Accords; its mission was to oversee a mutual troop withdrawal; serve as a communication forum for the Four Parties (the United States, South Vietnam, North Vietnam, and the Viet Cong); assist in verifying and implementing the agreement, and arrange for the return of prisoners of war and identification of those missing in action. *Id.* at 47-48.

34. *Id.* at 51.

35. *See id.* at 30. The inquiry took its name from Lieutenant General William R. Peers, the senior member of the investigative committee. *Id.*

36. *Id.* at 30.

37. U.S. DEP'T OF DEFENSE, DIR. 5100.77, DoD LAW OF WAR PROGRAM (5 Nov. 1974), cancelled by U.S. DEP'T OF DEFENSE, DIR. 5100.77, DoD LAW OF WAR PROGRAM (9 Dec. 1998) (reissuing 1974 directive “to update policy and responsibilities in the Department of Defense”).

38. BORCH, *supra* note 1, at 31.

thrown into combat demonstrated great ingenuity and flexibility, and they did a superb job of providing operational legal support to the command. When they returned, their experiences served “as a catalyst for the development of a new military legal discipline referred to as ‘operational law,’ a compendium of domestic, foreign, and international law applicable to U.S. forces engaged in combat or operations other than war.”³⁹

At this point in *Judge Advocates in Combat*, a major weakness of the narrative history technique reveals itself. In his conclusion to the chapter on Grenada and again in the conclusion to the book, COL Borch mentions that Urgent Fury served as a catalyst for the JAG Corps to reconfigure its assets and training.⁴⁰ He fails to address in any detail, however, what specific doctrinal, organizational, and educational changes enabled the JAG Corps institutionally to rise to the challenge posed by Grenada. The omission is critical because if Grenada was truly a time of transition, there can be no true sense of historical perspective on the operation without a thorough discussion of what the Army—and specifically the JAG Corps—did to bring about a change.⁴¹ This material would be particularly valuable to judge advocates in the future who may have to make similar transitional changes in response to new challenges.

Without this bridging material, COL Borch takes up Operations Just Cause, Desert Shield, Desert Storm, operations in Somalia, Operation Uphold Democracy in Haiti, and operations other than war from 1965-1994. In each operation, through the careful selection of representative examples, COL Borch traces the further evolution of the judge advocate role in operations, continuing to develop his two-fold theme of how the role of judge advocates in military operations has increased and how this development has enhanced the commanders’ ability to succeed. His documentation of the expanded role of judge advocates in military operations is admirable.

Borch spends less time developing the second part of his theme: how increased judge advocate participation has enhanced commanders’ abili-

39. *Id.* at 81.

40. *Id.* at 81, 320.

41. Colonel Borch does cite to an *Army Lawyer* article on the subject in an endnote. *See id.* at 85 n.53 (citing Lieutenant Colonel David E. Graham, *Operational Law—A Concept Comes of Age*, *ARMY LAW.*, July 1987, at 9). The bibliography also references other materials that document the development of operational law-type services during wartime. *See, e.g., id.* at 384 (citing Colonel Ted. B. Borek, *Legal Services During War*, 120 *MIL. L. REV.* 19 (1988)).

ties to succeed. He treats as self-evident the proposition that commanders have found judge advocates to be valuable, as demonstrated by the fact that commanders have increasingly turned to judge advocates to perform non-traditional tasks. One of the best examples is Major General Bull-Hansen of the Multi-National Force and Observers calling on COL (then Major) David Graham to draft a formal document turning over control of the Sinai Peninsula from Israel to Egypt, something the diplomats had neglected to do.⁴² These stories are interesting, and they help buttress Borch's argument that judge advocates have been increasingly useful to commanders over the years.

The primary weakness in Borch's development of his argument, however, is its viewpoint: everything is told from the judge advocate's point of view. Colonel Borch missed a great opportunity to interview the commanders and principal staff officers involved in these missions, many of whom, like the judge advocates who advised them, are still living. General (retired) Gordon R. Sullivan, former Chief of Staff of the Army, did write a laudatory foreword, but the book itself contains no primary source material from commanders or principal staff officers. This oversight robs the book of an important perspective that would benefit not only judge advocates, but also other officers who might read the book.

Judge Advocates in Combat is a rich storehouse of historical perspective, information, and ideas. The book traces the development of operational law from a time when judge advocates had to "re-invent the wheel"⁴³ for every operation, to the current state of affairs in which judge advocates are a welcome and integral part of the operational team at every echelon of command. Judge advocates deploying today stand on the shoulders of an innovative group of officers who proved their worth in all types of contingency and combat operations throughout the world. It is a proud heritage, and COL Borch has done a superb job of documenting it.

42. *Id.* at 275.

43. *Id.* at 322.

**WHY TERRORISM WORKS: UNDERSTANDING THE
THREAT, RESPONDING TO THE CHALLENGE¹**

REVIEWED BY MAJOR SUSAN J. BURGER²

*We need to start thinking outside the boxes that failed us, but without becoming like those who attacked us.*³

One year after the 11 September 2001 terrorist attack on America, numerous policy makers, historians, and journalists published articles and books analyzing why this attack happened and proposing solutions on how to prevent terrorist attacks in the future.⁴ In *Why Terrorism Works: Understanding the Threat, Responding to the Challenge*, Alan Dershowitz contributes to this body of literature from a lawyer's perspective. Although many of his suggestions, such as the use of torture, are rather controversial, Dershowitz encourages the reader to rethink current notions of security, liberty, and international law.

Dershowitz acknowledges that he is not an expert on terrorism, but notes that the "book is a product of a lifetime of experience in thinking about crime and violence—from the perspective of a defense lawyer and a professor of criminal law and a student of psychology."⁵ Dershowitz brings a unique perspective to the table. He is a professor of law at Harvard Law School, a civil libertarian, and a staunch advocate of First Amendment causes. He is a consultant to *Penthouse* magazine, a supporter of Israeli spy Jonathan Pollard, and perhaps best known by the American public as the defender of O. J. Simpson.⁶ Dershowitz has written eighteen other books, including *Shouting Fire: Civil Liberties in a Tur-*

1. ALAN M. DERSHOWITZ, *WHY TERRORISM WORKS: UNDERSTANDING THE THREAT, RESPONDING TO THE CHALLENGE* (2002).

2. United States Army. Written while assigned as a student, 51st Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. DERSHOWITZ, *supra* note 1, at 228.

4. See, e.g., MALISE RUTHVEN, *FURY FOR GOD: THE ISLAMIST ATTACK ON AMERICA* (2002); THOMAS L. FRIEDMAN, *LONGITUDES AND ATTITUDES: EXPLORING THE WORLD AFTER SEPTEMBER 11* (2002); MICHAEL A. LEEDEN, *THE WAR AGAINST THE TERROR MASTERS: WHY IT HAPPENED, WHERE WE ARE NOW, HOW WE'LL WIN* (2002).

5. DERSHOWITZ, *supra* note 1, at 13.

6. See generally Harvard Law School, *Faculty Directory*, at <http://www.law.harvard.edu/faculty/directory> (last modified July 29, 2002); Bennett J. Beach & John E. Yang, *The Lawyer of Last Resort*, TIME, May 17, 1982, at 64.

bulent Age,⁷ *Reversal of Fortune: Inside the von Bulow Case*,⁸ *Chutzpah*,⁹ *Reasonable Doubts: The Criminal Justice System and the O.J. Simpson Case*,¹⁰ and *Supreme Injustice: How the High Court Hijacked Election 2000*.¹¹ He has so established himself as a champion of unpopular causes that within hours of the destruction of the World Trade Center, people asked him, “You’re not going to defend these bastards, are you?”¹²

Why Terrorism Works is divided into five parts. First, Dershowitz examines ways to deter terrorism based on fundamental rules of deterring crime in general. Next, he argues that terrorism “works” because instead of deterring terrorism, the international community has consistently rewarded terrorist organizations. In the third part, Dershowitz paints a “Big Brother” scenario in which America could easily eliminate terrorism by disregarding legal, moral, and humanitarian considerations. Fourth, he argues that a democracy must make tragic choices between two evils—repression of human rights and liberties versus deadly attacks on U.S. citizens. Finally, Dershowitz concludes with his thesis that America can deter terrorism and still strike an appropriate balance between liberty and security.

In the first part, Dershowitz applies the principles of criminal deterrence to the act of terrorism. His prose is easy to read, sounding very much like a lecture from a law professor. He compares and contrasts “ordinary crime” with terrorism, concluding that terrorism is different, but not that different.¹³ Dershowitz illustrates his points with analogies, and he persuasively lays a foundation for his main argument. He highlights the principal difference between terrorists and ordinary criminals—the usual means of criminal deterrence will not work against suicide bombers.

7. ALAN M. DERSHOWITZ, *SHOUTING FIRE: CIVIL LIBERTIES IN A TURBULENT AGE* (2002).

8. ALAN M. DERSHOWITZ, *REVERSAL OF FORTUNE: INSIDE THE VON BULOW CASE* (1986) (describing Dershowitz’s successful defense on appeal of Claus von Bulow of attempting to murder his millionaire wife, Sunny von Bulow.)

9. ALAN M. DERSHOWITZ, *CHUTZPAH* (1991) (providing Dershowitz’s perspective on Jews in America.)

10. ALAN M. DERSHOWITZ, *REASONABLE DOUBTS: THE CRIMINAL JUSTICE SYSTEM AND THE O.J. SIMPSON CASE* (1997) (describing Dershowitz’s successful defense of Simpson against murder charges).

11. ALAN M. DERSHOWITZ, *SUPREME INJUSTICE: HOW THE HIGH COURT HIJACKED ELECTION 2000* (2001) (arguing that the Supreme Court engaged in partisan politics when ruling on candidate Al Gore’s challenge to the Florida election process in the 2000 presidential election).

12. DERSHOWITZ, *supra* note 1, at 219.

13. *Id.* at 21.

Because of this distinction, Dershowitz argues that the United States must look beyond traditional concepts of criminal deterrence. He concludes that the best way to deter terrorism is to make the terrorists' cause or mission suffer.¹⁴ He relies on this principle later in the book to justify tactics such as collective punishment to deter the threat.¹⁵

In the second part, Dershowitz argues that Europe and the United Nations have contributed to a rise in terrorism by, among other things, seeking to understand, legitimate, or assist the plight of the Palestinian people.¹⁶ Focusing almost exclusively on world reaction to Palestinian terrorism, Dershowitz makes overarching conclusions. Although entirely logical, his conclusions appear biased. As if in a courtroom drama, the reader is convinced by what Dershowitz presents, but cannot help feeling there is more to the story. Dershowitz is not an expert in foreign policy, and assessing the international community's response to terrorism may be beyond his realm of expertise. In his thirty pages of endnotes, Dershowitz relies heavily on two authors, Bruce Hoffman and Philip B. Heymann, when analyzing terrorism and developing empirical examples to support his argument.¹⁷ Despite his rather superficial case, Dershowitz does not hold back in his criticism, alleging in the title to this part that the response of European countries to terrorist acts laid the groundwork for the September 11 attack on America.¹⁸ He argues that Europe and the United Nations consistently rewarded the terrorist actions of the Palestinian terrorist organizations, thereby ensuring that others would take up terrorism as the means of achieving their goals.¹⁹

The timing of *Why Terrorism Works* and its cover design featuring photographs of Yasser Arafat and Osama bin Laden both suggest the author intends to address the terrorist acts of 11 September 2001.²⁰ Throughout the book, however, Dershowitz focuses almost exclusively on

14. *Id.* at 23-30.

15. *See id.* at 172.

16. *Id.* at 53.

17. *See id.* at 32 (citing BRUCE HOFFMAN, *INSIDE TERRORISM* (1998); PHILIP B. HEY-MANN, *TERRORISM AND AMERICA* (2000)).

18. *Id.* ch. 2, at 35 (entitled "The Internationalization of Terrorism: How Our European Allies Made September 11 Inevitable").

19. *Id.* at 103.

20. Barry Gewen, an editor at the *New York Times Book Review*, asks, "Is there anything the man won't write an instant book about?" Barry Gewen, *Thinking the Unthinkable*, N.Y. TIMES, Sept. 15, 2002, §7, at 12 (book review). Bob Minzesheimer calls the book "opportunistic." Bob Minzesheimer, *Dershowitz Explains 'Why Terrorism Works'*, U.S.A. TODAY, Aug. 29, 2002, at 7D.

Palestinian terrorist organizations; the book's scant treatment of al-Qaeda has caused some critics to suggest it could have been written before the recent attack on America.²¹ Dershowitz devotes twenty-one pages to a chart detailing Palestinian terrorist acts and the benefits of these acts to the Palestinian cause.²² Yet, he fails to explain why this history is instructive for the United States in responding to the challenge of Islamic terror groups such as al-Qaeda. Although Dershowitz acknowledges that al-Qaeda and other terrorist organizations are very different from the Palestinian terrorists,²³ he does not prescribe a different method of addressing that threat. Instead, he generally applies his evidence about specific Palestinian terrorists to all terrorist organizations. Conversely, at the end of the book, Dershowitz uses the 11 September 2001 actions of al-Qaeda to call for radical action, such as "collective punishment," against the supporters of Palestinian terrorist organizations.²⁴

In the third part of the book, Dershowitz argues that the best way to combat terrorism is to suspend civil liberty in favor of security. He conjures up an authoritarian regime in which the state controls the press; suppresses free expression; restricts movement; permits assassination, torture, and collective punishment; and tries enemies in secret military tribunals.²⁵ Through this hypothetical, Dershowitz effectively communicates to the reader the dangers of suspending civil liberties in the name of national security. He sets this up as an extreme, compared to which his proposals are quite reasonable.

The fourth part begins with a series of hypothetical problems that present tragic choices, such as an attorney who knows his client committed a murder for which another man is condemned to die.²⁶ In these problems, Dershowitz challenges readers to accept that there is no alternative other than two illegal or immoral choices, and asks the reader to choose the least tragic choice. To introduce the topic of torture, Dershowitz uses the scenario of a captured terrorist who knows the location of numerous bombs about to detonate throughout a city. In the "Ticking Bomb Terrorist" scenario, the only way police can prevent the death and devastation the exploding bombs will cause is to torture the terrorist.²⁷ The reader feels

21. Minzesheimer, *supra* note 20, at 7D.

22. DERSHOWITZ, *supra* note 1, at 57.

23. *Id.* at 100.

24. *Id.* at 179.

25. *Id.* at 107.

26. *Id.* at 132.

27. *Id.* at 142.

like a student in a freshman philosophy class, discussing the moral principles of Camus, Bentham, Dostoevsky, Kant, and Voltaire. If Dershowitz intends to be inflammatory, he succeeds in this section. Arguing that the world changed for Americans on 11 September 2001, Dershowitz throws down the gauntlet to policymakers and academics to confront torture and other tragic choices when thinking about terrorism.

Despite its prohibition by international law,²⁸ Dershowitz advocates non-lethal torture as the moral choice when a captured terrorist is unwilling to give information on an impending attack.²⁹ He argues that there is precedence in American criminal jurisprudence allowing for such a choice,³⁰ and that other countries routinely engage in torture in such situations. Particularly compelling is a 1995 case reported in *The Washington Post* in which Philippine authorities used torture to obtain information that prevented the hijacking and crashing of eleven civilian airliners.³¹ This kind of utilitarian argument is familiar to judge advocates accustomed to the dilemma commanders face in following international law at the expense of mission accomplishment and soldiers' lives.³² Whether or not one agrees with Dershowitz's conclusion that torture may be justified, the

28. International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. GAOR, 34th Sess., Supp. No. 51, art. 4, U.N. Doc. A/39/51 (1984), *reprinted in* 23 I.L.M. 1027 (1987) (entered into force on June 26, 1987, and for the United States on Nov. 20, 1994); *see also* Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287; Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, at 71 (1948); RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 702 (1987).

29. DERSHOWITZ, *supra* note 1, at 142. But, Dershowitz recognizes that torture can get out of hand. He does not want law enforcement to torture anybody for any reason, so he suggests that law enforcement officers go to a magistrate to get a torture "warrant" before engaging in such procedures. *Id.* at 158.

30. *Id.* at 136 n.8 (discussing *United States v. Cobb*, [2001] 1 S.C.R. 587 (Can.); *Ingraham v. Wright*, 430 U.S. 651 (1977); *Leon v. Wainwright*, 734 F.2d 770 (11th Cir. 1984)).

31. *Id.* at 137 n.10 (discussing Matthem Brzezinski, *Bust and Boom: Six Years Before the September 11 Attacks, Philippine Police Took Down an al Qaeda Cell That Had Been Plotting, Among Other Things, to Fly Explosives-Laden Planes into the Pentagon—and Possibly Some Skyscrapers*, WASH. POST, Dec. 30, 2001, at W09).

32. For example, the decision whether to shoot the Bedouin child who discovered the hidden Special Forces team in Iraq before the beginning of the ground war in Operation Desert Shield/Desert Storm. *See generally* AMERICAN COMMANDOS (Discovery Channel Video, Inc. 1998) (interviewing team member MSG Robert Degroff and team leader CW4 Richard "Bulldog" Balwanz).

book's significance is that it demands that the American public and its government confront such dilemmas in arriving at a terrorism policy.

In the last part of the book, Dershowitz argues that if America preserves the "feel of freedom," it may compromise some liberties without becoming a tyranny.³³ An avowed civil libertarian,³⁴ Dershowitz recommends targeted assassination of suspected terrorists, criminal "profiling" of Arab-Americans, and a nationwide identity card system.³⁵ Without explicitly saying so, he seems to use the state of Israel as the model for achieving this balance between liberty and security. Although controversial, this is the most compelling portion of the book. Lawyers will recognize the author's effective use of argument and counter-argument. In this part, Dershowitz challenges the reader to consider non-traditional choices for the future.³⁶ As Bob Woodward illustrates in *Bush at War*, non-traditional thinking is precisely what President Bush sought from his cabinet in developing his terrorism response plan in the days and months following the 11 September 2001 attacks.³⁷ Dershowitz expands on this theme of "thinking outside the box," calling for nonpartisan cooperation between civil libertarians and government officials to achieve both safety and freedom.³⁸

In *Why Terrorism Works*, Dershowitz purports to instruct the United States on how to respond to the terrorist threat it faces from Islamic fundamentalist terror groups. In essence, however, the book outlines the terrorist threat facing Israel, and then provides a justification for the tactics Israel employs to combat terrorism, such as torture, pre-emptive military strikes, and collective punishment. Despite these limitations, *Why Terrorism Works* is recommended reading for judge advocates. The significance of the book is not Dershowitz's specific proposals, but the call to Americans to think creatively when combating terrorism. The balance struck in the next few years between national security and civil liberty will frame our future. As soldiers, lawyers, and American citizens, judge advocates are uniquely qualified to contribute to the creation of this balance.

33. DERSHOWITZ, *supra* note 1, at 130.

34. *See supra* note 6.

35. DERSHOWITZ, *supra* note 1, at 166-210. He calls military tribunals, however, "frightening." *Id.* at 217.

36. *See id.* at 166.

37. BOB WOODWARD, *BUSH AT WAR* (2002).

38. DERSHOWITZ, *supra* note 1, at 222.

RAIDER:¹ SOLDIER OF FORTUNE OR UNFORTUNATE SUBJECT?

REVIEWED BY MAJOR JEFFREY C. HAGLER²

*Biography is a very definite region bounded on the north by history, on the south by fiction, on the east by obituary, and on the west by tedium.*³

Charles W. Sasser, the author of *Raider*, is a former Special Forces soldier and a decorated Vietnam veteran.⁴ As a soldier, he was presumably proficient at land navigation using a map and compass. As a biographer, however, Sasser appears to have misplaced his compass and wandered far beyond his proper boundaries.

Biographies, like any other written genre, can satisfy multiple and often divergent purposes. One may read them to get the subject's first-hand account of great historical events. In other cases, the reader may hope the subject's collective life experiences will provide lessons, inspiration, or insight into the human condition. Biographies can also serve simply as diversion or amusement. Readers seeking to achieve either the first or second purposes will likely be disappointed with *Raider*. The book's lack of documentation and first-hand authenticity seriously undermine its historical legitimacy. Likewise, the author's shallow attempt at biography will frustrate readers who seek to draw lessons from the subject's life as a whole. But if their sole purpose is entertainment, readers may find some satisfaction with the book.

Raider chronicles Command Sergeant Major (Retired) Galen Kittle-son's participation in four separate prisoner rescue missions: the rescue of civilians at Cape Oransbari, New Guinea in 1944; the raid of a Japanese prison camp at Cabanatuan, the Philippines, in 1945; an attempted rescue of Lieutenant James "Nick" Rowe from the Viet Cong in 1968; and the

1. CHARLES W. SASSER, *RAIDER* (2002).

2. United States Army. Written while assigned as a student, 51st Judge Advocate Officer Graduate Course, The Judge Advocate General's School, United States Army, Charlottesville, Virginia.

3. Philip Guedalla, *quoted in* OBSERVER (London), Mar. 3, 1929, *reprinted in* THE COLUMBIA WORLD OF QUOTATIONS (1996), *available at* <http://www.bartleby.com/66/23/26423.html>.

4. SASSER, *supra* note 1 (author's biography located inside the back cover).

now-famous Son Tay prison raid in 1970. *Raider*'s theme, as expressed throughout the book, is that attempting such daring missions is valid, regardless of success, because of the inspiration they provide American soldiers should they become prisoners. Sasser sums up this sentiment, stating, "[I]f even one prisoner is still in captivity and looking to the skies day after day for salvation, he deserves to look up one day and see, dropping out of the clouds, brave saviors like Sergeant Major Galen Kittle-son—The Raider."⁵

Despite its worthwhile theme, *Raider* is burdened by several significant flaws. Foremost is its lack of historical integrity. The book includes neither footnotes nor index, and its only "bibliography" consists of several books cited in the author's acknowledgement.⁶ Sasser admits he "drew from" these works in writing *Raider*, but he fails to note when and to what extent he did so.⁷ Further, he states, "In various instances dialogue and scenes have necessarily been recreated,"⁸ but again, he does not tell the reader which scenes and dialogue he recreated, and which are grounded in fact. Consequently, the reader is left to guess, "Is this what actually happened, or is it just Sasser's clever invention?" The danger in this type of "true account" is that an inattentive reader may not catch the author's disclaimer buried in his acknowledgement, and the reader may take the book to be an authoritative work of non-fiction, which *Raider* is not. In truth, Sasser's method of writing is little more than historical fiction masquerading as biography.

Raider also suffers from a lack of clear focus. In his preface, Sasser describes the book as "the story of [Kittle-son's] four raids and the extraordinary farmer-warrior from Iowa who participated in them."⁹ His explicit objectives in writing *Raider* are "to present a true account of one man's selfless duty to country and to his fellow soldiers captured by enemy forces"¹⁰ and to chronicle "the remarkable journey that was Kit Kittle-son's courageous life in the service of his country."¹¹ But the actual focus of the book is much less Kittle-son's life story than it is the story of the missions themselves. Although these raids are a worthy and interesting topic, Sasser's approach confuses the book's scope. For example, significant

5. *Id.* at xi.

6. *Id.* at xiv.

7. *Id.*

8. *Id.*

9. *Id.* at xi.

10. *Id.* at xiv.

11. *Id.* (back cover).

portions of Sasser's narrative concern events in which Kittleson was not involved. One chapter consists entirely of General Douglas MacArthur's actions and private thoughts leading up to his storied landing at Leyte in 1944.¹² Another chapter recounts, in breathless suspense, the capture of Nick Rowe and Captain Humbert "Rocky" Versace in 1963, an event which occurred almost four years before Kittleson arrived in Vietnam.¹³ Quite reasonably, Kittleson appears in neither of these chapters because he was nowhere near these actions when they occurred. So the reader is left asking where these accounts came from, and why Sasser included them, unless simply to build drama? Both of these events have been the subject of other published accounts,¹⁴ but characteristically, Sasser does not acknowledge the source of his versions. Likewise, much of the description of the raids themselves focuses on portions in which Kittleson took no direct part. For example, the bulk of the Cabanatuan and Son Tay raids are recounted from other soldiers' and prisoners' points of view.¹⁵ Consequently, Kittleson's personal participation in the raids is not the center of the book's attention, despite the author's claims.

In a similar vein, if the reader approaches the book as the "biography" it purports to be, *Raider* is a disappointment. After reading the book, the only conclusions one can safely draw about Kittleson are that he is a deeply religious, self-sacrificing man who enjoys homemade bread. This criticism is not meant to demean Kittleson in any way; on the contrary, the book provides no grounds to find fault with him, either as a person or for his role in the raids. From the comparatively brief discussions of Kittleson's activities during each operation, one can conclude he performed his duties admirably. But Sasser spends very little time addressing Kittleson's private life or career outside the operations. For example, the decade Kittleson spent as a civilian between his discharge following World War II and his reenlistment in 1956 is covered in six pages, and much of that space deals with his reminiscences of the war.¹⁶ Likewise, only five pages are devoted to the eleven years between Kittleson's reenlistment and his deployment to Vietnam in 1967,¹⁷ and a mere sentence to his career from his return from Son Tay until his retirement in 1978.¹⁸ Two paragraphs—

12. *Id.* ch. 13, at 77-80.

13. *Id.* ch. 40, at 211-21.

14. *See, e.g.,* WILLIAM MANCHESTER, *AMERICAN CAESAR, DOUGLAS MACARTHUR, 1880-1964* (1978); JAMES N. ROWE, *FIVE YEARS TO FREEDOM* (1971).

15. *See* SASSER, *supra* note 1, at 153-73, 293-307.

16. *See id.* at 177-83.

17. *See id.* at 184-89.

18. *See id.* at 319.

less than half a page—cover his life from 1978 to the present.¹⁹ Presumably, one could draw valuable lessons from Kittleson's life as a whole, given the breadth of his military experiences and the length of time he has been able to reflect on them during his retirement. Unfortunately, the author makes no serious attempt to highlight these points. Instead, Sasser treats Kittleson and his life as merely a thread of continuity between the four rescue missions.

As a person, Galen Kittleson comes across in the book as exceptionally modest and reserved. Despite his unique experiences, he may not be an ideal subject for a gripping adventure-style biography. One suspects Sasser found it difficult to get Kittleson to speak in detail about his own actions in each of the operations. Moreover, because two of the raids occurred nearly sixty years ago, the passage of time may have compounded the author's difficulty in obtaining detailed recollections of the events. Even so, if Sasser was interested in Kittleson as a person and not just as a thread of continuity, he could have interviewed more of Kittleson's fellow soldiers or found other sources to paint a more complete picture of the man. Again, the author's lack of documentation prevents the reader from assessing how much research he actually devoted to his biographical subject.

This failure underscores an additional flaw in the book. *Raider* contains no real epilogue covering Kittleson's fellow participants in the raids, who seem to disappear at the conclusion of each mission.²⁰ Books of this type—historic military actions narrated from a soldier's point of view—tend to succeed when the reader can identify and empathize with the participants. Yet the author portrays Kittleson's comrades almost as stock characters or extras in a movie. In truth, several of these “extras” were historically prominent in their own right: Colonel Arthur “Bull” Simons²¹ and Colonel Henry Mucci.²² But Sasser makes only a cursory effort to

19. *See id.*

20. The book does contain an epilogue, which deals almost exclusively with the immediate aftermath and reaction to the Son Tay raid. *See id.* at 315.

21. Simons led the assault force at Son Tay. After he retired from a distinguished Army career, Simons led a mission to rescue a group of H. Ross Perot's employees, who were held by terrorists in Tehran, Iran. *See* KEN FOLLETT, *ON WINGS OF EAGLES* (1983).

22. Mucci commanded the 6th Ranger Battalion from its activation in January 1944 through the end of the war, to include the Cabanatuan raid. *See generally* HAMPTON SIDES, *GHOST SOLDIERS: THE FORGOTTEN EPIC STORY OF WORLD WAR II'S MOST DRAMATIC MISSION* (2001); DAVID W. HOGAN, JR., *U.S. ARMY SPECIAL OPERATIONS IN WORLD WAR II* (1992), available at <http://www.us.army.mil/cmh-pg/books/wwii/70-42/70-42c.htm>.

build this empathy with the reader and to develop these characters, aside from the missions they led.

Despite its extensive shortcomings, the book has some redeeming qualities. After all, biographies should not be bland, sterile works of scholarship, and *Raider* certainly does not fit this mold. It contains entertaining, sometimes graphic accounts of the four raids in which Kittleson participated, describing the action from the ground level in the hard-hitting prose of a *Soldier of Fortune* adventure story. The back cover offers evidence of the book's tough-guy flavor. "Galen Charles Kittleson was slight, modest, and born to wage war," it reads.²³ Sasser's background as a soldier and police detective²⁴ are apparent in his aggressive style and word choice, and he moves the narrative at a steady gait.²⁵ Furthermore, several of the events portrayed in the book may be unfamiliar to some readers, particularly the raid on Cape Oransbari and the lengthy preparation phase of the Son Tay raid. Overall, the book may fulfill a useful role by inspiring readers to seek out more authoritative works on these subjects.²⁶

In sum, *Raider* drifts far south of its author's stated aims. The book's packaging lures readers interested in the saga of American Prisoners of War. The front cover announces Kittleson's participation in "more POW raids than any other American in history."²⁷ The back cover further entices potential readers, alluding to POW raids during both World War II and the Vietnam Conflict.²⁸ A prospective reader is hooked—much as Sasser must have been when he first learned of Kittleson—by the enormous potential of this man's story. The idea that one soldier participated in several daring rescue missions, spanning a twenty-five year period, is compelling to say the least. Kittleson's recollections could have tremendous value, a vault of

23. SASSER, *supra* note 1 (back cover).

24. Charles Sasser, *All About Charles*, at <http://www.charlessasser.com/biography.cfm> (last visited Dec. 9, 2002). Sasser is also the author of more than thirty books. *Id.*

25. More often than not, however, his dialogues seem clichéd, as if *The Dirty Dozen* script served as his primary source of inspiration. Presumably, these exchanges were among those Sasser "necessarily recreated." See *supra* p. 196.

26. See, e.g., BENJAMIN F. SCHEMMER, *THE RAID* (1976) (a well-documented, detailed account of the Son Tay raid); SIDES, *supra* note 22 (a critically and commercially successful account of the Cabanatuan raid).

27. SASSER, *supra* note 1 (front cover).

28. *Id.* (back cover).

gems worthy of collection and preservation. Sadly, the author does little to mine these potential treasures.

The plight of American prisoners of war in World War II and Vietnam is, of course, well documented.²⁹ Numerous published accounts have simultaneously saddened, angered, and inspired the American public. Likewise, books about rescue attempts continue to captivate our attention. The recent success of *Ghost Soldiers*,³⁰ a riveting account of the often-overlooked raid on Cabanatuan, shows the ongoing popularity of these writings. In fact, the reader may suspect that the financial success of *Ghost Soldiers* was among Sasser's primary motivations in writing *Raider*,³¹ and that he simply chose Kittleson as a convenient vehicle.

Galen Kittleson's life certainly deserves to be the subject of a thoroughly researched and well-composed biography. His experiences could undoubtedly serve to illuminate and inspire the general public and to teach and guide a military audience. Unfortunately, by straying far from its historical "true north," Charles Sasser's *Raider* does neither.

29. See, e.g., ROWE, *supra* note 14; JAMES B. STOCKDALE, A VIETNAM EXPERIENCE: TEN YEARS OF REFLECTION (1984).

30. SIDES, *supra* note 22.

31. *Ghost Soldiers* was so successful that a movie of the same name, starring Tom Cruise and directed by Steven Spielberg, is scheduled for release in 2004. Josh Grossberg, Spielberg, Cruise, "Re-Enlist" in *Soldiers*, E! ONLINE NEWS (Jan. 25, 2002), at <http://www.eonline.com/News/Items/0,1,9426,00.html>.

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