

Judge Clears Path for Fort Hood Shooting Trial to Start Next Week

By Greg Flakus

At a hearing in a Fort Hood, Texas courtroom, the judge in the trial of U.S. Army Major Nidal Hasan cleared the way for the trial to begin on Tuesday, July 9, with jury selection. Hasan is charged with murdering 13 people and attempting to kill 32 others in a shooting spree at the Texas army base in November 2009. Any further delays are unlikely. The presiding judge in the trial of Major Nidal Hasan, Colonel Tara Osborn, swept away several issues at the hearing and also put in a plea of "not guilty" for Hasan since he did not formally enter a plea. Since this is a capital murder case in which the death penalty could be imposed, military law does not allow for a guilty plea. Former military attorney Lisa Windsor, who now works for the Tully Rinckey law firm in Washington, DC, says the accused soldier probably cannot prevent the trial from starting next Tuesday. "I think that there is a very good chance that this will now happen. I think that he has exhausted all his mechanisms for delay," said Windsor. Hasan asked for a three-day delay so that he could hire former U.S. Attorney General Ramsey Clark as his civilian lawyer in the trial. However, Judge Osborn rejected that request, calling it untimely. Hasan already has appointed attorneys to assist him, but at a previous hearing he requested and was granted permission to defend himself. Other issues Judge Osborn addressed involve the jury selection process and the evidence to be presented. Lisa Windsor says there is a great deal of evidence in this case, but the judge will not let the prosecution use everything it has. "There could be some pretty grisly evidence here - photos and video tapes. But it looks like the accused had no objection to that as long as it was not cumulative - enough to give the jury an idea of what went on in the incident, but not so much that you are going to have jury members running out of the room," she said. Even so, she says the trial will likely take at least a few weeks, perhaps even five or six weeks. Some political commentators have complained about the many delays in the process. Nearly a year was spent trying to resolve the issue of Major Hasan's beard, which violates standard military dress code, but which he claims is a sign of his Muslim faith. Judge Osborn has ruled he can keep the beard and dress in fatigues rather than a dress uniform because he is paralyzed below the waist as a result of being wounded by police at the scene of the crime. Some critics say the evidence against him is so overwhelming that the lengthy process was unnecessary. But Geoffrey Corn, a former military lawyer who now teaches at the South Texas School of Law, says the U.S. military justice system is fair and efficient. "I don't think what has occurred in this case is radically different from the way we deal with any military defendant. Getting this case to trial has been complex, but it is starting to move now and I think as it goes through, people will see that this actually works pretty darn well," said Corn. The prospective jurors are traveling to Fort Hood from other bases around the country so as to avoid using anyone on the jury who might be biased because of links to the victims or family members of victims. All the jurors on what the military system calls the panel must be of higher rank than the accused, but voting is done anonymously and it only takes one "not guilty" vote to acquit.