

## Hasan Trial Starts Today

By Philip Jankowski After nearly four years, a small Fort Hood courtroom about two miles from the site of the worst mass shooting on a military base in U.S. history will hold the trial of the Army major accused of carrying it out. Opening statements for the capital murder trial of Maj. Nidal Malik Hasan, 42, begin at 9 a.m. today with an air of mystery surrounding how Hasan will handle his defense. The self-proclaimed "Soldier of Allah" is acting as his own attorney, and many experts believe he will use the trial as a platform to espouse radical Islamic beliefs he believes justified the attack. With his "defense of others" ruled an invalid strategy in this trial, it is anyone's guess how Hasan will proceed. "Until he opens his mouth, we don't know what he is going to say," said Greg T. Rinckey, a former captain in the Army's Judge Advocate General's office, who concentrates on military law in private practice. Hasan also will have the chance to cross-examine witnesses, many of whom are victims and eyewitnesses to the shooting. Former Army reservist Shawn Manning said he is feeling "anxious" about testifying. Manning said Hasan shot him six times during the shooting. "A guy who tried to murder you and your friends, and you have to be cordial and nice. It is going to be difficult," said Manning, who now lives in Washington state. "In a lot of ways, I hope he doesn't ask me any questions, but I've prepared myself." Prosecutors have extensive evidence against Hasan, and Hasan has repeatedly admitted to being the gunman in the 2009 shooting spree that killed 13 and wounded dozens. Texas Tech University law professor Richard Rosen said a conviction is a foregone conclusion in the case. "It all should be fairly straightforward," said Rosen, a retired colonel who served as a judge at the Fort Hood court. "The only question really is whether he gets the death penalty or not." The Army charged Hasan with 13 specifications of premeditated murder and 32 specifications of attempted premeditated murder, one charge for each of the victims in the Nov. 5, 2009, shooting. The government could potentially call 270 witnesses to the stand, including victims, eyewitnesses, investigators and experts, who will detail the events of the shooting. The prosecution intends to call between 10 and 14 witnesses a day. Before that, the team of three Army prosecutors, led by Col. Mike Mulligan, will lay out a road map of the facts of the case. "They're going to be methodical," said Jeffrey Addicott, a terrorism law expert at St. Mary's University. "They're going to lay out the entire case and say, 'This is what we are going to prove beyond a reasonable doubt.'" Following what could be an extensive opening statement, Hasan will have the chance to outline his case. The major has only two witnesses he plans to call, and could use today as his first chance to use the court as a mouthpiece. "It could be the opening salvo for him to talk about jihad and to tell the jury he is justified in what he did," Addicott said. On Monday, the judge, Col. Tara Osborn, seated the jury that will decide whether Hasan is guilty or innocent. The 13-member panel consists of nine colonels, three lieutenant colonels and one major. Eleven are men and two are women. Osborn conducted a brief questioning of the jury, asking whether any were exposed to media reports affecting their ability to view all evidence objectively. Some told the court that since being selected to serve on the jury last month, newspapers and television newscasts exposed them briefly to reports on the case. However, each one said it had not affected their ability to fairly adjudicate the case. One of the panel members, a major, said she saw a flash of a television report referencing Hasan's trial, but quickly changed the channel. Osborn asked her to elaborate on the nature of the

report. "Just that the trial was starting," the major replied. "Not much to it." Neither the prosecution nor Hasan challenged the inclusion of any of the jurors. The trial could last months.