

AN OPEN LETTER TO THE AMERICAN PEOPLE FROM RETIRED MILITARY OFFICERS

Secretary of Defense Pete Hegseth has announced that the execution of Major Nidal Hasan to occur on 3 December by firing squad will be broadcast via livestream. Hasan was convicted of 43 counts of premeditated murder and attempted premeditated murder, and the thirteen members of the general court-martial determining his guilt unanimously decided that death was the appropriate sentence for these crimes. But that determination does not relieve the Government of its responsibility to ensure that the execution complies with the Constitution and this nation's values and beliefs. The Supreme Court, articulating these, has explained that the "basic concept underlying the Eighth Amendment is nothing less than the dignity of man" and "[b]y protecting even those convicted of heinous crimes, the Eighth Amendment reaffirms the duty of the government to respect the dignity of all persons." *Hall v. Florida*, 572 U.S. 701 (2014).

The current Army regulation on executions is designed to meet this grave responsibility. It permits any lawful and feasible method, but its procedures are designed to ensure the dignity and solemnity of a judicial execution. The number and type of witnesses are restricted, the limited press presence is not permitted to conduct interviews at the execution site, and persons under the age of eighteen are prohibited from witnessing the execution. All present are required to comply with the expected standards of behavior and decorum and all non-essential personnel must be removed from the execution site prior to its commencement.

An execution is the endpoint of a judicial process to decide whether a defendant shall be put to death, and as part of that process "[f]rom beginning to end . . . must be conducted with dignity and respect." *Wellons v. Hall*, 558 U.S. 220 (2010) (per curiam). Livestreaming this execution would clearly violate the basic human dignity of the condemned prisoner. It turns what should be the solemn and grave punishment of a member of our society for committing the most serious crimes into a carnival for the enjoyment of voyeurs and spectators. This type of exploitative broadcasting—that debases human dignity—will taint the honor of the military that employs it, and a nation that allows it. It will be used by our nation's enemies to stoke hatred, harm American soldiers and citizens in the future, and will ensure that Hasan becomes a martyr for attacking and killing his fellow soldiers.

As retired General and Flag Officers, Judge Advocate officers, and others with decades of military justice experience, we ask the President, our Congressional representatives, and our fellow citizens to act to prevent this barbaric abuse of authority: Livestreaming an execution debases the values, principles, and commitment to basic human dignity of our military and our nation. The public need not witness Hasan's execution to understand the consequences of his serious crime. "The Eighth Amendment's protection of dignity reflects the Nation we have been, the Nation we are, and the Nation we aspire to be." *Hall v. Florida*, 572 U.S. 701 (2014).

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RADM John Hutson, USN (Ret)
RADM Don Guter, USN (Ret)
RDML Jamie Barnett, USN (Ret)
LTG Paul T. Mikolashek, USA (Ret)
BG David R. Irvine, USA (Ret)
BG Thomas P. Barrett, USA (Ret)
MG Walter B Huffman, USA (Ret)
MajGen Charles F. Bolden, Jr., USMC (Ret)
MG William L. Nash, USA (Ret)
BG Ed Dyer, USA (Ret)
BGen Leif Hendrickson, USMC (Ret)
LTG Claudia Kennedy, USA (Ret)
MG Roger Mathews, USA (Ret)
BG Murray G. Sagsveen, USA (Ret)
RADM Robert E. Besal, USN (Ret)
RADM James E McPherson, USN (Ret)
LtGen Richard Kramlich, USMC (Ret)
BG David P. Carey, USA (Ret)
LTG Jeffrey S. Buchanan, USA (Ret)
MG Rick Devereaux, USAF (Ret)
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RDML Sandra E. Adams, USN (Ret)

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Brig Gen John Douglas, USAF (Ret)

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COL Moe Davis, USAF (Ret)

LTC Dru Brenner-Beck, USA (Ret)

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LTC Geoffrey Corn, USA (Ret)

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COL David E. Graham, USA (Ret)

LTC Daniel Mauer, USA (Ret)

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LTC Elizabeth DiVecchio Berrigan, USA (Ret)

LTC John German, USA (Ret)

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COL Karl Michael Goetzke, USA (Ret)

COL Suan Gibson, USA (Ret)

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COL Jack P. Hug, USA (Ret)

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