# Vets suffering from PTSD need our help

James P. Cullen, David R. Irvine and Stephen N. Xenakis 9:25 a.m. EST November 11, 2015

## Too many veterans are sentenced to death row by judges and juries who don't understand.

(Photo: Handout)

The first person executed in the United States this year, Andrew Brannan, was a Vietnam veteran who had been granted 100% disability because of his Post-Traumatic Stress Disorder and other problems stemming from his military service. Approximately 300 other veterans remain on death row and face execution. As retired Army general officers, lawyers and a psychiatrist, these facts concern us greatly, and they should disturb many other Americans, as well.

On Veterans Day, we honor those who bravely served their country and offer our helping hand to assist those who have returned from war with wounds and physical disabilities. Countless veterans have endured violence and trauma that few others can fully imagine. They deserve our thanks. But some are left behind.

Our hospitals and therapists have performed wonders in assisting wounded veterans who lost limbs. A prosthetic is not the same as the original, but with the courage of service-members, combined with an understanding and supportive community, we are making progress. We wish the same could be said for our veterans who come back with deep brain and mental wounds. Their requests for understanding and compassion are too often dismissed.

A new report from the Death Penalty Information Center is a wake-up call for an issue that few have focused on. Even as the use of capital punishment is declining, veterans suffering with PTSD and other service-related problems languish on death rows across the country.

Brannan was executed in Georgia this year for one irrational act of violence that occurred 17 years ago. He killed a police officer who had stopped him for speeding. That is a terrible crime, but as the Veterans Administration had determined, Brannan was mentally disabled with deep scars from his combat in Vietnam.

James Davis is also a Vietnam veteran with PTSD. He belatedly received his Purple Heart medal on death row in North Carolina, thanks to the work of a fellow veteran and therapist and a pastor, Jim Johnson, who visited Davis. When Johnson pinned the medal on him, Davis saluted proudly, before retreating back into the darkness of his mental problems. He could still be executed today for the murders he committed in 1995, and he has all but given up his appeals.

John Thuesen is on death row in Texas — a veteran of the Iraq conflict. His PTSD was not properly diagnosed or treated, and his lawyers did not do enough to explain his condition to the jury that convicted him of murdering his ex-girlfriend. Texas executes far more people than any other state in the country, so there is a real concern that his current appeal could be denied.

PTSD is not as obvious as a missing limb, but it can be deeply debilitating. The trauma from combat can simmer under the surface for years, then erupt in violence, often against family members. It can be triggered by anything that jars a memory of a time when a person was under violent attack, demanding immediate and forceful reaction. Years later, the previous danger is no longer present, but the memory may set off a similar reaction, with deadly consequences. PTSD can be treated, but in one study only about half of the veterans who needed treatment received it.

In a criminal sentencing hearing, PTSD should be a strong mitigating factor. It's not an excuse or a demand for acquittal. However, the very symptoms that define PTSD can be frightening to a jury if not carefully explained by a mental health expert familiar with the illness. Defense attorneys are often not adequately prepared to investigate and present this kind of evidence; prosecutors or judges might dismiss it because others with similar combat experiences did not murder anyone. Perhaps some of the blame should be more broadly shared because we sometimes choose to look away when a veteran's scars are not the kind that we know how to cope with.

We are not arguing here about the morality or the utility of the death penalty. But at a minimum, when a judge or jury is weighing a person's life or death, they should have full knowledge and understanding of that person's life history. Veterans with PTSD — and, in fact, all those with serious mental illness at the time of their crime — deserve a complete investigation and presentation of their mental state by the best experts in the field.

Decision-makers — jurors, judges and governors — should be informed that such information is a valid reason to spare a defendant from capital punishment. There are alternatives, such as life in prison without parole.

We should begin by determining the exact scope of this problem: Who are the veterans on death row? How could their military experience have affected their commission of a crime? How well were their disabilities investigated and presented in court? And what should be done when the system fails them?

Veterans facing the death penalty deserve this assistance.

*Brig. Gen. (Ret.) James P. Cullen, USA, is a former judge for the U.S. Army Court of Criminal Appeals. Brig. Gen. (Ret.) David R. Irvine, USA, is a former Deputy Commander of the 96th U.S. Army Reserve Command. Brig. Gen. (Ret.) Stephen N. Xenakis, USA, M.D. is an adjunct clinical professor at the Uniformed Services University of Health Sciences.*