Veterans Report Coverage – 11/10/15

Reuters

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U.S. courts should consider war trauma of veterans on death row - report

By REUTERS
November 2015
By Julia Harte and Jim Forsyth
Nov 10 (Reuters) - U.S. military veterans make up about 10 percent of inmates on death row and courts are not doing enough to consider post traumatic stress disorder (PTSD) as a mitigating factor in sentencing, a study released on Tuesday said.
About 300 of the roughly 3,000 inmates on America's state and federal death rows are military veterans and the majority suffers PTSD from serving in the Korean, Vietnam and Gulf wars, according to the study from the Death Penalty Information Center, which is opposed to capital punishment but whose data is used by those on both sides of the debate. The study was based on data from states holding half the U.S. death row population.
Defense lawyers frequently fail to realize when their client is a veteran, according to the report's author, Richard Dieter.
"If you have intellectual disabilities you can't get the death penalty, if you're under 18 you can't get the death penalty. With PTSD, you can get the death penalty and sometimes it can be used against you," Dieter said.
Dieter hopes his report will trigger closer scrutiny of how the death penalty is used against veterans.
Neither the Defense Department nor the Justice Department's Bureau of Justice Statistics track veterans on death row.
About 31 percent of Vietnam War veterans and 10 percent of Gulf War veterans suffer from PTSD, according to the National Institutes of Health.

Joe D'Ambrosio was in the process of re-enlisting in the U.S. Army in 1988 when he was arrested and wrongfully convicted of murder in Ohio, joining many other veterans on death row.
"There I was, willing to give my life for this country, and they took every single right I had," said D'Ambrosio, 54, who was exonerated in 2012.
Death sentences and executions have decreased substantially in the United States over the past 15 years, with just 73 death sentences handed down in 2014: the lowest number in the four decades since the Supreme Court reinstated the death penalty.
The decline is due in part to the high costs of trial and appeals, with prosecutors in several states steering clear of cases where mental illness may be a factor because of the likelihood of a lengthy and expensive legal process.
In 2009, the U.S. Supreme Court overturned the death sentence of a Korean War veteran who killed an ex-girlfriend and her boyfriend, finding his attorney deficient for not investigating the veteran's combat service and mental illness.
But Georgia this year executed a Vietnam War veteran who qualified for 100 percent disability due to PTSD, Dieter said. (Reporting by Julia Harte in Washington and Jim Forsyth in San Antonio; Writing by Jon Herskovitz; Editing by Lisa Shumaker)
Read more: http://www.dailymail.co.uk/wires/reuters/article-3311418/U-S-courts-consider-war-trauma-veterans-death-row-report.html#ixzz3r3xR4l98
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The New Yorker
http://www.newyorker.com/news/daily-comment/why-are-so-many-veterans-on-death-row
Why Are So Many Veterans on Death Row?
BY **JEFFREY TOOBIN**
A new study shows that at least ten per cent of death-row inmates are military veterans.
The death penalty has always provided a window into the darkest corners of American life. Every pathology that infects the nation as a whole—racism, most notably—also affects our decisions about whom to execute. A new report from the Death Penalty Information Center adds a new twist to this venerable pattern.

The subject of the report, just in time for Veterans Day, is the impact of the death penalty on veterans. The author, Richard C. Dieter, the longtime executive director of the invaluable D.P.I.C., estimates that "at least 10% of the current death row—that is, over 300 inmates—are military veterans. Many others have already been executed." In a nation where roughly seven per cent of the population have served in the military, this number alone indicates disproportionate representation. But in a nation where military service has traditionally been seen as a route into the middle class—and where being a vet has been seen as more of a benefit than a burden—the military numbers are especially disturbing.

Why are so many veterans on death row? Dieter asserts that many veterans "have experienced trauma that few others in society have ever encountered—trauma that may have played a role in their committing serious crimes." Although this is hardly the case with every veteran, or even the overwhelming majority of them, Dieter goes on to relate several harrowing stories that follow this model. Because of such traumas, many veterans suffer from post-traumatic stress disorder, for which they have too often received poor treatment, or none at all.

Veterans who kill are not, by and large, hit men or members of organized crime or gangs. They very often lash out at those around them. Dieter notes that a third of the homicide victims killed by veterans returning from Iraq and Afghanistan were family members or girlfriends. Another quarter were fellow service members. This record suggests that, if these veterans had received adequate mental-health care, at least some of them and their victims might have had a different fate.

But it's possible to see, in the D.P.I.C. study, an echo of another recent high-profile study. Anne Case and Angus Deaton, of Princeton, found that the death rates for middle-aged white men have increased significantly in the past decade or so. This was largely due, according to the authors, to "increasing death rates from drug and alcohol poisonings, suicide, and chronic liver diseases and cirrhosis." The Princeton study fits into a larger pattern in American life, which is the declining health and fortunes of poorly educated American whites.

That cohort has gravitated to military service for generations. And while, again, most veterans never commit any crime, much less crimes that carry the death penalty, the sour legacies of our most recent wars certainly play into the despair of many veterans. Earlier generations of veterans came home from war to ticker-tape parades, a generous G.I. Bill, and a growing economy that offered them a chance at upward mobility. Younger veterans returned to P.T.S.D., a relatively stagnant economy, especially in rural and semi-rural areas, and an epidemic of drug abuse. And they came home to a society where widening income inequality suggested the futility of their engagement with the contemporary world.

In an interview with Vox, Deaton said that the death rate for members of this cohort had increased, in part, because they had "lost the narrative of their lives." This elegant, almost poetic phrase can be read to include the lost promise of military service—the vanished understanding that veterans earned more than a paycheck, that they also gained a step up in status, both economic and social. The reality has been that many veterans returned to lives that were materially and spiritually worse than the ones they left, and far worse than the ones they expected.

According to the Princeton study, a shocking number of poorly educated whites turned their rage inward, in the form of drug abuse and suicide. But a small handful inflicted their rage on others, and an even smaller number wound up on death row. They are different groups of people, and their individual stories are even more variegated, but it's possible to see across them the symptoms of a broader anguish.

Washington Post
https://www.washingtonpost.com/news/post-nation/wp/2015/11/10/one-in-10-death-row-inmates-are-military-veterans-report-says/
One in 10 death row inmates are military veterans, report says

One-tenth of those who currently on death row in the United States are military veterans, including some with post-traumatic stress disorder that was not factored into their sentences, according to a new report released on the eve of Veterans Day.

This report arrives as the country's use of the death penalty is simultaneously declining and facing increased scrutiny, something that has been argued before the U.S. Supreme Court and on the presidential campaign trail this year.

While it is not known exactly how many veterans have been sentenced to death, the report released Tuesday by the Death Penalty Information Center says that about 300 of the country's more than 3,000 death-row inmates have served in the military. It goes on to argue that a person's military service should be factored into a possible sentence, particularly if the person facing trial has shown signs of trauma and possible post-traumatic stress disorder.

"At a time in which the death penalty is being imposed less and less, it is disturbing that so many veterans who were mentally and emotionally scarred while serving their country are now facing execution," Robert Dunham, executive director of the Death Penalty Information Center, said in a statement.

The number of people put to death is falling nationwide, as are the number of death sentences handed down and the number of states carrying out executions. So far this year, 25 people have been executed, and the country is likely to have fewer executions this year than it has in nearly a quarter of a century.

The first person put to death in the United States this year was Andrew Brannan, who killed a Georgia sheriff's deputy in 1998. Brannan, who served in Vietnam, had argued that he developed post-traumatic stress disorder after his experiences in combat. *[PTSD, police altercations and the case of Andrew Brannan]*

This new report outlines Brannan's case and many others, stating that "many [veterans] have experienced trauma that few others in society have ever encountered — trauma that may have played a role in

their committing serious crimes," considerations that should be factored into how they are sentenced.

The report also noted that for many veterans currently on death row, their military service and any related mental illnesses "were barely touched on as their lives were being weighed by judges and juries."

It adds: "Even today, there are veterans on death row with PTSD that was unexplored at their trial or undervalued for its pernicious effects."

As a possible remedy, the report says that attorneys in capital cases should make sure to ask about possible military service, have mental health assessments that focus on possible trauma from that service and educate prosecutors, defense attorneys and judges about the effects of post-traumatic stress disorder.

Los Angeles Times

http://www.latimes.com/nation/la-na-veterans-death-penalty-20151109-story.html

Group calls for more help for battle-scarred veterans convicted of murder

Richard A. Serrano

Noting that some 300 U.S. veterans are sitting on death row in prisons around the country, an advocacy group Tuesday called for greater efforts to assist battle-scarred former troops who are convicted of capital murder after their military service.

The report from the Death Penalty Information Center in Washington found that veterans represent about 10% of those convicted of capital murder, roughly the same as their percentage of the overall prison population.

Researchers also concluded that judges, prosecutors and even the White House sometimes fail to appreciate the impact that post-traumatic

stress disorder and other mental issues can cause for returning veterans.

“Capital punishment stands out as a questionable punishment for those who have served in the military,” said Richard C. Dieter, the center’s senior programs director and formerly its longtime executive director. “Even today, there are veterans on death row with PTSD that was unexplored at their trial or undervalued for its pernicious effects.”

Dieter called for an “thorough examination” of America’s veterans on death row, targeting the timing of the report to the Veterans Day observance on Wednesday.

He said prosecutors and judges should be “aware of a veteran’s military background as soon as capital charges become possible,” as well as any mental problems from his service record.

California proposes new single-drug method for executions

“A broader understanding of the interaction between jarring trauma and the later eruption of violence could pave the way for a thorough reevaluation of society’s approach to violence and mental illness,” he

said. More should be done “in a country that is proud of its renewed respect for veterans.”

Kent S. Scheidegger, however, a leading supporter of the death penalty and legal director of the Sacramento-based Criminal Justice Legal Foundation, said a PTSD diagnosis does not automatically lead to violent acts.

“The defense has the right to have any issues in litigation brought up and considered by the jury,” he said in an interview. “But saying someone has PTSD is an enormously broad statement.”

Scheidegger said jurors and judges should be required to find a specific connection between a veteran’s mental incapacity and the crime committed.

“It’s a lot stronger mitigation case for the defense if there is a causal connection,” he said. “But in most cases, it has little mitigating value” in helping a defendant.

He added that PTSD and other military service-related issues often are not brought up at trial because defense lawyers “don’t think it will work for the jury.”

The report comes at a time of increased scrutiny over how lethal drugs are obtained and administered for executions, and as polls show the American public is becoming increasingly opposed to the death penalty.

The center's report highlighted the case of Louis Jones Jr., a decorated soldier from the first Gulf War and Grenada, who was put to death in 2003 after President George W. Bush refused to commute his sentence on allegations he suffered from PTSD after parachuting under enemy fire.

Though he had no prior criminal record, his murder of Army Pvt. Tracie McBride was particularly gruesome. He kidnapped her in Texas, raped her and then beat her to death.

His defense lawyers argued that he was deeply afflicted with PTSD and his wife testified that in the days before the attack that he assaulted her too, acting “very crazed,” “panicked” and “spinning out of control.”

Jones’ jury found that he committed the murder under severe mental or emotional disturbance, but sentenced him to death regardless.

The report also cited Andrew Brannan, the first person executed this year. He was a decorated combat veteran from the Vietnam War and qualified for a 100% disability for PTSD and bipolar mental illness, the report said.

One of the prosecutors at his trial for killing a deputy sheriff in Georgia downplayed Brannan's mental issues. “Everybody’s got a little bit of PTSD,” the prosecutor told the jury.

Another Vietnam combat veteran-turned-convict, John Cunningham, learned in July that the California Supreme Court had upheld his death sentence for killing three people. The report said he confessed to the crime, and described “dreams and experiences in Vietnam and expressing relief at being caught.”

James Floyd Davis, a Vietnam veteran from North Carolina, served two battle tours and was wounded, the report found. Twenty years ago, he killed three people, including a work supervisor who had fired him. The report said he suffered from mental illness and PTSD.

Even so, in 2009 Davis was briefly unshackled, escorted to a small room off death row and presented with two belated military medals -- the

Purple Heart and the Good Conduct Medal. Then he was returned to death row, where he remains.

The Guardian

http://www.theguardian.com/us-news/2015/nov/10/military-veterans-death-row-report

Military veterans on death row deserve special consideration, says report

With at least 300 veterans estimated to be awaiting execution – 10% of the total number – a new study says their service should be seen as a mitigating factor.

For a fleeting moment in 2009, James Davis was a wounded war veteran belatedly receiving his Purple Heart four decades after he fought in Vietnam. But after the medal was pinned, it was removed, his shackles were snapped back on, and he was escorted back to his cell on death row, where he remains to this day.

One spring day in 1995, Davis had walked into a tool company in Asheville, North Carolina, and opened fire. With a rain of bullets, Davis killed three people, including two of his bosses who had fired him earlier that week.

As his murder trial progressed, testimony showed that Davis was mentally ill, that he suffered from post-traumatic stress disorder, and that he had been abused as a child. But this was not raised until late in his trial, a misstep that advocates say led to Davis's death sentence.

Davis is one of hundreds former service members condemned to death at the hands of a government they risked their lives to protect and serve, according to a report, Battle Scars: Military Veterans and the Death Penalty, published by the Death Penalty Information Center on Tuesday.

"The government shouldn't be taking the life of people who spent part

of their life serving the government and were wounded mentally in that process," said Richard Dieter, the center's senior program director and the author of the report. "Their service should exclude them from being treated as the 'worst of the worst'. It's a mitigating factor, the same as age or disability might remove them from part of the death penalty. It's an exemption from part of the punishment, certainly not all of it."

As the US prepares to honor its citizens who have served in the armed forces on 11 November, Dieter said he hopes the report will act as a "wake-up call" for the criminal justice system and the American public, warning them that they have failed a small but significant population of veterans.

Though the exact number of veterans on death row is not known, the report estimates, based on a variety of surveys, that at least 10% of the condemned population in the US, at least 300 inmates, had prior military service – and more have already been executed.

"In a country that is proud of its renewed respect for veterans, and that is using the death penalty for a dwindling number of offenders, capital punishment stands out as a questionable punishment for those who have served in the military …" he wrote in the report. "The country owes its veterans a thorough examination of the use of the death penalty in their cases, even when their offenses are especially grievous."

The death chamber is seen at the state penitentiary in Huntsville, Texas September 29, 2010. Facebook Twitter Pinterest

Military service is often overlooked, discounted or presented as an aggravating factor in capital cases. Photograph: Handout/Reuters

Decades of studies on former servicemen and women have established ties between combat in war zones and increased rates of unemployment, substance abuse, domestic violence, homelessness and criminality.

The report includes several recommendations for keeping veterans off death row, including “mental health assessments for capitally charged veterans by professionals with experience in military health issues; mandatory training and assistance for defense teams handling such litigation from military experts; education about PTSD and related matters for prosecutors, judges, and defense attorneys who may be involved in such cases; allowance of mitigation testimony regarding military culture at capital trials; questioning of potential jurors regarding their views about the military; and allowing VA therapists to testify in capital cases”.

Most surprising, Dieter said, was how often a veteran’s military service was overlooked, discounted or even presented as an aggravating factor in capital cases.

“Defense attorneys failed to investigate this critical area of mitigation; prosecutors dismissed, or even belittled, their claims of mental trauma from the war; judges discounted such evidence on appeal; and governors passed on their opportunity to bestow the country’s mercy,” he wrote in the report.

A defendant’s military history is a “double-edged sword”, said Ken Rose, a defense attorney with the Center for Death Penalty Litigation in North Carolina who represents clients sentenced to death, including Davis, because lawyers, juries and judges can interpret it as both a mitigating and an aggravating factor.

“On the one hand it shows a commitment to the country. It’s patriotic and sometimes even a heroic service to the nation,” said Rose, who represents Davis. “But at the same time it can be seen as an indication that their client is a mad dog – a person who is totally out of control, who may get out and kill again.”

Rose agrees with the report’s suggestion that defense attorneys should

receive training when handling a case involving a veteran. To properly present a person's service as a solely mitigating factor, rather than an aggravating one, and sharply draw a connection between trauma suffered in combat and the act of violence takes a deep understanding of the military and mental illness, he said.

Otherwise, Rose said, "defense attorneys don't bring up this very valuable mitigating evidence for fear that it be turned against them".
The American public is starting to recognize the unique pressures veterans face when they return home from war, but the legal system has been slow to accommodate them, said Art Cody, the legal director at the Veterans Defense Program of the New York State Defenders Association. (Cody does not represent veterans in capital cases as New York does not have the death penalty.)
"Right now, they're getting what I call the military discount," Cody said. "The military discount is, 'Well, just like at Home Depot, I'll give you 10% off, so I'll give you 10 years instead of 12.'"
But in exchange for a more lenient punishment, Cody said he believes judges and prosecutors disregard testimony that is related to a defendant's combat experience and mental illness.
"We haven't reached the point yet where we're fully understanding the conditions that our troops are going through," Cody said.

TIME
http://time.com/4105522/veterans-death-row-inmates/
U.S. Veterans Comprise 10% of Death Row Inmates, Report Finds
About 300 former military personnel are awaiting execution

One in 10 death row inmates are veterans, according to a new report, which estimates that roughly 300 former military personnel are awaiting execution in the U.S.

The Death Penalty Information Center (DPIC) released a report Tuesday detailing death row veterans, some of whom suffer from post-traumatic stress disorder. It's unclear whether the number of condemned veterans is higher over the last several decades, but those numbers may have grown recently considering the many veterans returning from the wars in Iraq and Afghanistan, says DPIC Senior Program Director Richard Dieter.

DPIC, which advocates for more transparency surrounding executions, based its numbers on information collected from five states with the death penalty as well as the percentage of current prisoners who are veterans, which the Bureau of Justice Statistics estimates at roughly 10%.

According to the National Center for PTSD, roughly 10% to 20% of veterans from Iraq and Afghanistan have experienced post-traumatic stress disorder, and 30% of Vietnam veterans have experienced PTSD in their lifetimes. The disorder, however, doesn't disqualify someone convicted of murder from being sentenced to death in the same manner as an intellectual disability or severe mental illness can. Dieter said PTSD is oftentimes not brought up at trial because it can sometimes work against a defendant, since juries often don't know how to account for the role PTSD played in a crime.

"A jury doesn't know what to make of it," Dieter said. "But this is a strong reason to sentence them to life," as opposed to the death penalty, he added.

The first person executed this year was Andrew Brannan, a Vietnam War veteran diagnosed with PTSD who killed a deputy sheriff.

Only half of the veterans from Iraq and Afghanistan receive the recommended PTSD therapy, according to an Institute of Medicine reportreleased last year. And the Department of Veterans Affairs routinely saysthat the majority of veterans with PTSD are not violent.

Newsweek
http://www.newsweek.com/study-around-10-percent-people-death-row-are-veterans-392424
Report: Around 10 Percent of People on Death Row Are Veterans

BY LAUREN WALKER 11/10/15 AT 1:56 AM

Veterans make up nearly seven percent of the U.S. population, but represent around 10 percent of the people on death row, according to a Tuesday report from the Death Penalty Information Center, a Washington D.C.-based non-profit.

The report's author, senior program director Richard Dieter, arrived at his estimate by using the most recent, available data: A 2007 Justice Department study, which placed the number of veterans in prison in 2004 at 10 percent of the overall prison population. He then applied that percentage to those currently on death row. The total comes out to around 300 people.

Dieter says this estimate is conservative. "Following the Vietnam era," he writes, "veterans constituted about 20 percent of the prison population." Though the more recent estimate (10 percent) represents a decline from that period, "it did not include the likely upsurge due to the wars in Afghanistan and Iraq."

Dieter argues that veterans, even those who've committed the most heinous crimes, should receive special sentencing considerations because they fought for their country. "Many have experienced trauma that few others in society have ever encountered," Dieter writes.

Post-Traumatic Stress Disorder (PTSD) has affected a striking number of veterans. The Congressionally mandated *National Vietnam Veterans Readjustment Study* found that more than 800,000 Vietnam veterans suffered from PTSD and 15 percent of the male veterans continued to suffer more than 10 years later. A 2008 RAND Corporation study estimated that around 300,000 members of the military deployed to Iraq and Afghanistan had PTSD as well.

PTSD symptoms include intrusive memories such as flashbacks, dissociation and hypervigilance, which sometimes gives way to bursts of anger. Dieter notes that veterans are more likely than non-veterans to be in prison for homicide—the crime for which defendants can receive the death penalty—and suggests the trauma they experienced in

wartime may be a contributing factor.

The first person executed in 2015 was decorated Vietnam veteran Andrew Brannan. According to Dieter, he qualified for 100 percent disability from the Veterans Administration due to his PTSD and bipolar disorder. In 1998, a police officer pulled Brannan over in Georgia for speeding and asked him to get out of his truck. He started acting bizarrely, dancing in the street and asking the cop to shoot him. He then pulled a rifle from his own car and killed the officer.

During trial, Brannan's attorneys argued veterans should not face the ultimate punishment because their traumatic experiences at war may have contributed to their violent behavior at home. The prosecution made light of his experiences, saying "everybody's got a little bit of PTSD. We've all been through some kind of trauma or another." Georgia executed Brannan on January 13.

But having PTSD doesn't someone from being executed for their crimes. "PTSD as an insanity defense in a murder case is hard to use because the person knows the difference between right and wrong," Dr. Landy Sparr, director of the forensic psychiatry training program at Oregon Health & Science University, told CNN. "They are not delusional or psychotic. For example, they do not believe they have killed a Martian instead of a human."

Defense attorneys are trained to win an acquittal, Dieter says, and something like military service or mental illness can get thrown back in their face at a trial. "It may be used by the prosecution to say this person was trained to kill, this person used some of these skills," Dieter says. "One of the qualifications of the death penalty is that you are a future threat to society...and prosecutors know and use it to paint this person as a danger."

As the country prepares for Veterans Day on Wednesday, Dieter hopes his report will call attention to the struggles of those who served and encourage the authorities to identify where the system has failed them." Looking away and ignoring this issue serves neither veterans nor

victims," he writes. "The country owes its veterans a thorough examination of the use of the death penalty in their cases, even when their offenses are especially grievous."

NBC News
http://www.nbcnews.com/news/us-news/300-veterans-some-ptsd-are-death-row-report-n460111
300 Veterans, Some With PTSD, Are on Death Row: Report
by Tracy Connor

During Courtney Lockhart's capital murder trial, the jury heard testimony that he had returned from a bloody 16-month deployment to Ramadi, Iraq, a changed man.

His sweet nature was replaced by anger and paranoia, his ex-fiancee said. He hid in the closet at night, started living out of his car, drank too much and once put a gun to his own head.

The defense argued he was suffering from untreated PTSD and that he wasn't in his right mind when he abducted, robbed and fatally shot college student Lauren Burk in 2008.

The Alabama jury rejected the prosecution's call for the death penalty and sentenced him to life. But in a rare move, a judge overrode the panel's decision and put him on death row.

Murder defendant Courtney Lockhart listens during opening statements on Nov. 12, 2010 in his capital murder trial in Opelika, Ala. Dave Martin / AP, file

The case of Lockhart — whose brigade had a dozen other men charged with murder or attempted murder after coming home from Iraq — is highlighted in a new report by the Death Penalty Information Center, a group that opposes capital punishment.

"At a time in which the death penalty is being imposed less and less, it is disturbing that so many veterans who were mentally and emotionally scarred while serving their country are now facing execution," said Robert Dunham, the center's executive director.

About 300 veterans are on death row nationwide, about 10 percent of all those condemned to die, the group estimates.

It's unclear how many have been diagnosed with PTSD or have symptoms, but Dunham says that in too many cases, a veteran's mental scars are not examined closely enough by defense lawyers, prosecutors, judges, juries and governors who can commute death sentences.

The first prisoner executed this year, Andrew Brannan, was a Vietnam vet on disability for PTSD and bipolar disorder when he fatally shot a deputy nine times during a speeding stop.

Dash-cam video showed Brannan dancing in the street and saying "shoot me" before he pulled a rifle from his car and fatally shot the 22-year-old cop. The U.S. Supreme Court declined to stop his lethal injection.

Kent Scheidigger, legal director of the pro-capital punishment Criminal Justice Legal Foundation, said that since PTSD does not normally cause sufferers to become violent, the condition "may not have anything whatever to do with the crime."

"If a crime is sufficiently heinous, a death sentence may be the just outcome," he said. "Mental issues may be weighed in the balance, but they would have to be very severe before they outweighed, say, torture or serial killing."

At Lockhart's trial, according to media accounts at the time, a prosecution expert testified that he was not mentally ill and knew what he was doing was wrong when he killed Burk. A defense expert said he had symptoms of PTSD but not a diagnosed case.

Jim Burk, left, and Viviane Guerschon, right, attend a State Board of Adjustment hearing with a portrait of their daughter Lauren Burk, on Oct. 7, 2014, in Montgomery, Ala. Brynn Anderson / AP, file

After the jury heard testimony from those close to Lockhart about the problems he experienced after his military service, the panel voted 12-0 to spare his life, but the judge overruled them, saying they didn't know about other robberies he had committed.

Supreme Court Justice Sonia Sotomayor later wrote that jurors were "influenced by mitigating circumstances relating to severe psychological problems Lockhart suffered as a result of his combat in Iraq.''

"Lockhart spent 16 months in Iraq; 64 of the soldiers in his brigade never made it home, including Lockhart's best friend," she wrote. "The soldiers who survived all exhibited signs of posttraumatic stress disorder and other psychological conditions. Twelve of them have been arrested for murder or attempted murder."

The Death Penalty Information Center said its report was meant as a "wake-up call" to spark conversation about imposing capital punishment on trauma survivors.

"The country owes its veterans a thorough examination of the use of the death penalty in their cases, even when their offenses are especially grievous," the report said.

Huffington Post
Despite PTSD, Veterans End Up On Death Row
http://www.huffingtonpost.com/entry/military-vets-death-row_5640ed40e4b0307f2cae5f4d?qwha1yvi
About 300 military vets, some with battle-induced afflictions, await execution.

Michael McLaughlinReporter, The Huffington Post
In the Vietnam War, Larry Webster was a medal-winning hero who survived two tours of duty that left him addicted to drugs and alcohol and suffering from post-traumatic stress disorder.
Flash forward to 1983, and Webster was on trial as a homeless drifter who, along with several transients, fatally stabbed another man 25 times to steal his car near Sacramento, California.
The judge and jury heard all about the ghastly details of the crime, but very little about Webster's traumatic duty in Vietnam and his impoverished childhood in an abusive home. Perhaps it's not a surprise that he was sentenced to death.
After 30 years on death row, Webster, who'd been awarded a Bronze Star for bravery, caught a break. A federal judge vacated his death sentence, agreeing that his original attorney was ineffective for not presenting evidence about Webster's troubled upbringing and harrowing military service during the trial's sentencing phase. Webster is now serving life without parole.
"Had this evidence been presented, the jury would have understood exactly what Larry went through and how it was psychologically devastating, whether it was called PTSD or not," said James Thomson, Webster's current attorney."I was stunned that defense counsel failed to present the wealth of information available. Larry was a war hero."
Compared with some military veterans facing capital punishment, Webster was lucky. A new report, released the day before Veterans Day by the Death Penalty Information Center, estimates there are 300 vets among the roughly 3,000 inmates on death row in the U.S. An exact

count was impossible because not all states record whether inmates served in the armed forces.

The report, "Battle Scars: Military Veterans and the Death Penalty," highlights cases like Webster's, in which vets received death sentences despite PTSD and other combat-induced afflictions that likely played a role in the crimes they committed.

"The government wants to take their lives, but maybe it's partly responsible for what happened to them," said Richard Dieter, executive director of the Death Penalty Information Center. "There's almost a direct connection between the illness and the crime. That's not an excuse, but it's even more of a factor to consider."

The normal human fight-or-flight response has been scrambled in people with post-traumatic stress disorder. Something as simple as the sound of a car backfiring or a helicopter overhead can push a vet with PTSD into a charged state with adrenaline flooding their systems, said UCLA psychiatrist Bruce Kagan, who has worked with veterans for 30 years. In a small minority of cases, people with PTSD can lash out violently.

"The fight-or-flight response gets put on a hair trigger. Instead of it happening when there's something scary in your environment, it could be caused by something neutral," said Kagan. "Veterans [with PTSD] become more hyper-alert and hyper-vigilant sometimes to the point of paranoia, and it can reach psychotic proportions in a very small proportion of veterans."

There were 364,894 vets receiving treatment for PTSD through the Department of Veterans Affairs earlier this year. Rates of PTSD among troops who fought in Iraq and Afghanistan range from 11 percent to 20 percent, according to VA data. For Gulf War vets, about 12 percent have it in a given year. An estimate says 30 percent of Vietnam vets have PTSD at some point in their lives.

Clearly, only a very small number wind up accused of a capital crime. The case of Courtney Lockhart shows what some people like Dieter say is the criminal justice system's unfair treatment of veterans with PTSD. Lockhart spent 16 months in Ramadi, Iraq, where he witnessed many fellow soldiers get killed. In his brigade, 64 soldiers died. Lockhart returned home with PTSD.

In 2008, he carjacked and murdered an Auburn University freshman. A jury convicted him in 2010 and unanimously recommended life without parole. But the judge overrode the jury's decision and sentenced Lockhart to be executed. (Alabama, Delaware and Florida are the only states that permit judges to override a jury's recommended sentence, according to NPR.)

Circuit Court Judge Jacob Walker declined to answer questions about Lockhart's sentence.

"With all we know in this day and age about combat trauma, that we would still be putting veterans to death is unbelievable," said Brock Hunter, a Minnesota lawyer who works with the Veterans Defense Project. "Their service should be taken into account."

Some of the vets on death row were sentenced decades ago, at a time when PTSD was not well understood or discussed. The Supreme Court offered some hope to them in 2009, when it reviewed the conviction of George Porter, a decorated Korean War veteran with PTSD.

Porter had been on death row for the 1986 drunken shootings of his ex-girlfriend and her boyfriend in Florida. The Supreme Court justices unanimously threw out his sentence, faulting his defense for not investigating Porter's military record and finding evidence of battle-induced psychological trauma.

The intellectually disabled and insane are ineligible for the death penalty, but PTSD is a mental illness. The Porter ruling signaled that jurors ought to hear that a defendant has PTSD before deciding a sentence.

Even with greater awareness about traumatic military experiences, it appears some authorities are impervious to appeals for mercy for vets. Since 1976, when the Supreme Court reinstated the death penalty, governors have granted clemency to inmates 280 times. Not one ever mentioned a vet's service or injuries as a factor in sparing an inmate, Dieter found.

Younger veterans appear to be more open to admitting that combat left them psychologically wounded, even if they're physically fine, according to Ross McGlathery, director of VetsFirst, an organization that directs troops to medical care and other services. The military leadership also encourages vets to seek mental health care. But McGlathery, a Marine,

was concerned about about linking military service to criminal behavior years later.
“There are people who have PTSD and they need a lot of help,” he said, “but the military isn’t a gateway to crime.”

AFP
http://www.globalpost.com/article/6684506/2015/11/10/death-row-last-stop-many-us-veterans
Death row, last stop for many US veterans

Executed in 2015 in the US state of Georgia, Andrew Brannan is one of thousands of US soldiers who serve, come home from battle with mental scars, commit murder and are put to death.

At least 10 percent of those executed in the United States are military veterans, according to a report out Tuesday.

Alarmingly, courts hardly take into account the psychiatric conditions of the military veterans, according to the Death Penalty Information Center (DPIC).

A video of Brannan's behavior when he was stopped for speeding on January 12, 1998 gives some insight into his state of mind.

In the video, taken by the dashboard camera of police officer Kyle Dinkheller, Brannan emerges from his pickup truck and starts dancing crazily, trying to provoke the officer and refusing to follow orders.

Leaving a vehicle when stopped by a police officer is forbidden in most US jurisdictions.

"Fuck you!", Brannan shouts, "I am a fucking Vietnam Veteran!"

Once back in his car, Brannan grabs a weapon. Gunfire breaks out.

Dinkheller is hit nine times and dies on the spot. Brannan, with a wound in the abdomen, gets back in his pickup.

The video is shown at police training academies.

At the trial, Brannan's lawyers tried unsuccessfully to get lenient treatment based on extenuating circumstances. Decorated for his bravery, Brannan had been diagnosed with post-traumatic stress disorder (PTSD).
- From glory straight to infamy -

"Given that less than seven percent of the US population are veterans, very often judges, juries, prosecutors and even defense attorneys are essentially unfamiliar with the military experience," Art Cody, Legal Director Veterans Defense Program at the New York State Defenders Association, told AFP.

"There may be a perfunctory acknowledgment of veteran status, but very often judicial decision makers lacks sufficient understanding of how the military background and experience has affected the veteran-defendant and the crime with which he or she is charged," he said.

Some 300 veterans are on death row across the United States, and any were decorated soldiers before their downward spiral.

Such was the case of Robert Fisher, a Vietnam War veteran. President Lyndon Johnson awarded Fisher a Purple Heart for combat wounds he received in 1967. Thirteen years later, deeply affected by mental illness, Fisher killed his partner.

According to the DPIC report, more than 800.000 Vietnam veterans have signs of Post Traumatic Stress Disorder (PTSD). Another 300,000

Afghanistan and Iraq war veterans are also suffering from PTSD. Traumatic brain injuries are also common among the second group.
- From one sniper to the next -

The difficulties that many US combat veterans face as they rejoin civilian life was covered in Clint Eastwood's hit movie "American Sniper" with his focus on Chris Kyle, the most lethal sniper in US history.

Kyle was killed himself by Eddie Ray Routh, a former Marine with mental problems. Routh was sentenced in February to life in prison.

His case, according to the DPIC, shows that there can be a different approach, as the prosecutor did not seek to have Routh executed.

It was a chance that John Allen Muhammad, a Gulf War veteran, never got. He was sentenced to death for 10 sniper killings, mostly in the Washington DC area, that stunned the country.

Muhammad had outfitted the trunk of an old Chevrolet to let him lie down inside and shoot at people apparently picked by chance. Nicknamed the (Washington) "Beltway Sniper" for the October 2002 shootings, Muhammad was executed in 2009.

Several experts consulted by AFP however said that traumatic experiences soldiers have had on battlefields and violence acts they commit years later are not necessarily connected.

Indeed "the data on violence among veterans with PTSD suggests that alcohol, drug misuse, or other psychological problems are more likely contributors to violence," said Lauren Jenkins, a veterans advocate with ScoutComms, a public relations firm that supports veterans.

BuzzFeed
http://www.buzzfeed.com/tasneemnashrulla/new-report-highlights-crisis-of-war-veterans-with-ptsd-facin?utm_term=.exJ1pWKyb3#.we30WdeJaQ

New Report Highlights High Numbers Of Veterans With PTSD Facing Death Penalty

A report by the Death Penalty Information Center estimates there are at least 300 veterans on death row.

A new report detailing the circumstances faced by veterans on death row — about 10% of the nation's death row population, according to the Death Penalty Information Center's report — aims to serve "as a wake-up call" to how veterans are treated within the criminal justice system.

In January, Georgia executed Andrew Brannan, a Vietnam war veteran with mental illness, for killing a sheriff's deputy during a traffic stop in 1998.

Brannan's lawyers had appealed to the Supreme Court to stop his execution on the grounds that his trial lawyers had failed to offer enough evidence to the jury about his mental illness that could be directly traced to his military service in Vietnam. The Supreme Court declined to intervene and the Georgia Board of Pardons and Parole also rejected his clemency petition, however, making Brannan — a decorated veteran diagnosed with 100% disability — the first person to be executed in 2015.

The Death Penalty Information Center (DPIC)'s new report, released on the eve of Veterans Day on Nov. 11, aims to expose the number of war veterans with Post-Traumatic Stress Disorder (PTSD) facing the death penalty. The report estimates that there are at least 300 veterans on death row, forming about 10% of the nation's death row population.

About 11-20 of every 100 veterans who served in Operation Iraqi Freedom (2003) and Enduring Freedom (2001) have PTSD in a given year, according to the U.S. Department of Veteran Affairs. Around 12% of the Gulf War veterans have PTSD in a year, while around 30% of Vietnam war veterans have had PTSD in their lifetime.

"PTSD is not an excuse for all criminal acts, but it is a serious mental and emotional disorder that should be a strong mitigating factor against

imposing the death penalty," said Richard Dieter, DPIC's Senior Program Director and the author of the report, "Battle Scars: Military Veterans and the Death Penalty."

"Defense attorneys representing veterans accused of capital crimes often fail to investigate and present evidence of PTSD and other war-related mental injuries," Dieter said in a DPIC press release.

"Prosecutors, judges and juries are often not adequately informed about the psychological effects of being immersed in combat, even though the mental scars of war can be just as debilitating as physical injuries."

The report, described as "wake-up call to the justice system and the public at large," says the death penalty should be scrutinized more closely when used against veterans with mental disabilities traced to their service. Despite death sentences and executions slowing down across the country and with the most ambitious effort to abolish the death penalty underway, the report says hundreds of veterans, including many suffering from trauma, are facing executions even today.

"At a time in which the death penalty is being imposed less and less, it is disturbing that so many veterans who were mentally and emotionally scarred while serving their country are now facing execution," Robert Dunham, the executive director of DPIC, said in a statement.

The report also discusses the stories of two veterans with claims of PTSD who are currently on death row. John Cunningham, a Vietnam combat vet, was sentenced to death in California for killing three people at his former workplace in 1992. In July 2015, the California Supreme Court upheld his death sentence, despite "extensive evidence of his PTSD" being presented during his sentencing phase, the report said.

In 2015, the Supreme Court denied a petition to stop the execution of an Iraq war vet, Courtney Lockhart, who suffered from PTSD after serving 16 months in Ramadi, one of Iraq's deadliest regions. Lockhart witnessed the death of many of the 64 members of his brigade who died in Iraq, NPR reported in 2014. At least 12 soldiers from the brigade had been arrested for murder or attempted murder.

Overriding a jury's decision to sentence him to life in prison, a judge in Alabama sentenced Lockhart to death for murdering an Auburn University student.

The report asks states to reconsider imposing the punishment reserved for the "worst of the worst" criminals on veterans who gave their "vital

contribution to the safety of our country" and on the grounds that many service members had experienced severe trauma — not experienced by many in society — that may have led them to commit heinous crimes. "These considerations do not justify ignoring offenses committed by veterans, but should challenge the practice of sentencing veterans" to death, the report states.

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Number 6 on The Daily Beast's Cheat Sheet
http://www.thedailybeast.com/cheats/2015/11/10/vets-comprise-10-of-death-row-inmates.html
WHY?
Vets Comprise 10% of Death-Row Inmates
A study released Tuesday found that one in 10 U.S. death-row inmates are military veterans, including many who have experienced post-traumatic stress disorder. The Death Penalty Information Center (DPIC) report estimates about 300 former military personnel are on death row. Though it's unclear whether the number of veterans awaiting execution has climbed over the last several decades, the number may have grown following the wars in Iraq and Afghanistan, according to DPIC Senior Program Director Richard Dieter. Though roughly 10 to 20 percent of Iraq and Afghanistan vets are estimated to have experienced PTSD, the disorder doesn't disqualify someone convicted of murder from being sentenced to death, as an intellectual disability or severe mental illness could.
[Links to NBC News Story]

Vice News Morning Bulletin
http://www.vice.com/read/the-vice-morning-bulletin-10-11-15
Here is everything you need to know about the world this morning, curated by VICE.
300 Veterans on Death Row
One in 10 death row inmates are US veterans, according to a new report. The Death Penalty Information Center study estimates 300 former military personnel are on death row, some who have been diagnosed with PTSD. —**NBC News**

Gawker **http://gawker.com/veterans-and-the-death-penalty-1741494119**

Veterans and the Death Penalty

Tomorrow is Veterans Day. Spare a thought for the hundreds of veterans currently sitting on death row somewhere in America.

A new report from the Death Penalty Information Center ties together veterans, PTSD, and the death penalty. Prisoners sentenced to die for terrible crimes are not sympathetic figures, in most cases. But it is worth considering the report's underlying theme: our justice system has done a poor job of incorporating PTSD as a mitigating factor in capital cases.

The DPIC estimates that "at least 10%" of current death row prisoners—more than 300 people—are veterans, and more have already been executed. Here is the objection to that, in its most basic form:

> There are two reasons to reconsider imposing a punishment on veterans that is supposed to be reserved for the very worst offenders: First, veterans have made a vital contribution to the safety of our country. Second, many have experienced trauma that few others in society have ever encountered—trauma that may have played a role in their committing serious crimes. These considerations do not justify ignoring offenses committed by veterans, but should challenge the practice of sentencing veterans—particularly those with disabilities—to the traumatic conditions of death row followed by execution at the hands of the government they had served.

The report includes case studies of veterans on death row and an overview of the historical scope of the problem posed by returning

veterans with PTSD. Read it all here.

Those who actively support veterans tend to support measures that help to protect veterans by taking into account the hardship of their service. Those who oppose the death penalty tend to support any measures that cause the death penalty to be imposed on fewer people. Put these two groups together and there would seem to be a large and ready political coalition to be made for the purpose of looking at our sentencing laws and ensuring that they fairly and properly consider all aspects of a veteran's life.

Veteran's day ensures that at least once a year, we will all think about veteran's issues. Most issues faced by veterans are grim. This is one of them. And this is one of the easier ones to deal with.

New York Magazine

http://nymag.com/daily/intelligencer/2015/11/1-in-10-on-death-row-is-a-vet-with-ptsd.html#

1 in 10 on Death Row Is a Military Veteran With PTSD

One out of every ten people on death row is a veteran suffering from posttraumatic stress disorder, or PTSD, according to a report released on Monday by the Death Penalty Information Center, a nonprofit focused on studying the effects of capital sentencing. Veterans make up only 7 percent of the U.S. population, but with 300 former servicemen on death row, they represent 10 percent of all capital offenders awaiting execution.

The report draws on the latest Justice Department data, from 2007, meaning the figure is likely a low, given that American soldiers have continued to fight in both Iraq and Afghanistan since then.

The report's author, Richard Dieter, says that impact is often overlooked when veterans stand trial for criminal wrongdoing. He argues that veterans are more likely than ordinary civilians to be in prison for homicide, the report suggests, as bursts of anger, paranoia, and

hypervigilance are all PTSD side effects induced by prolonged exposure to combat. “Many have experienced trauma that few others in society have ever encountered,” Dieter wrote.

Judges and juries are often unsympathetic to the claim. Defending veterans with PTSD is a notoriously tricky endeavor as PTSD is not an applicable argument in an insanity plea. Worse yet, combat training and experience is often invoked against former soldiers facing homicide charges.

More than 300,000 veterans of the Iraq and Afghanistan wars have been diagnosed with PTSD, but only half of these servicemen and women reported receiving treatment in the last year. According to recent whistle-blower reports, the Department of Veteran Affairs has intentionally dragged its feet to fix a computer glitch preventing veterans to enroll in the free health-care program awaiting them at the end of service. The Huffington Post reported initially that 35,000 veterans were stuck in "pending" status because of the bug.

"VA is continuing to research Combat Veterans with expired eligibility in order to ensure appropriate remedies," the VA said in a recent statement.

CBS DFW

http://dfw.cbslocal.com/2015/11/10/new-report-looks-at-military-veterans-ptsd-capital-punishment/

New Report Looks At Military Veterans, PTSD & Capital Punishment

November 10, 2015 8:03 AM

NORTH TEXAS (CBSDFW.COM) – A day before Veterans Day, a new report suggests military veterans on death row haven’t received enough consideration for mental illnesses as a result of their combat experiences.

The report is called “Battle Scars: Military Veterans and the Death Penalty”.

Richard Dieter is the senior program director for the Death Penalty Information Center (DPIC), the non-profit organization who released the report.

Dieter says when it comes to crimes committed by veterans illnesses like Post Traumatic Stress Disorder need to be taken into account. “It should be a, what we call a mitigating factor, there that is something that lessens the punishment without providing a get out of jail free card.”

A case in Texas is part of the debate over executing citizens and veterans suffering from mental illness. Scott Panetti was a Navy veteran who dealt with mental illness and had been treated at a number of VA facilities in Texas before shooting and killing his in-laws in Fredericksburg, Texas, in 1992.

Panetti, who defended himself, dressed in a cowboy outfit and calling Jesus Christ as a witness, remains on death row.

Dieter says PTSD and other issues are unique to combat veterans and need to be taken into account before sentencing those service-people to death. “They’re not propensities to evil. They are disabilities that linger in a person’s mind and sometimes result in violent outbursts.”

So far this year, there are more then 360,000 vets receiving treatment for PTSD through the Department of Veterans Affairs. According to the Battle Scars report, there are approximately 300 veterans on death row today, and many others who have already been executed.

The report doesn’t say all veterans are being treated unfairly, but Dieter says defense attorneys often feel that a combat stress defense will be used against their clients.

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