



Written by [Joe Wolverton, II, J.D.](#) on July 21, 2011

Lead Defense Attorney in Ft. Hood Shooter Case Steps Down

John Galligan, a former Army colonel, did not [appear](#) with Major Nidal Hasan at Hasan's arraignment on Wednesday in Ft. Hood. In fact, the accused informed the court that he would now prefer to be represented by military lawyers from the Judge Advocate General corps.

Given the phrasing of Hasan's statement and attorney Galligan's own words in a letter explaining his departure, it is unclear whether Galligan was fired by Hasan or whether his stepping down was the result of a mutually agreed upon change in the relationship. Galligan's [letter](#) reads as follows:



Today marks my leave of absence as a member of the Hasan Defense Team. I will not at this time detail the reasons prompting this development. I will continue to monitor this important case as it proceeds thru the court-martial process.

Suffice it to say, this case highlights why I remain dedicated to the criminal defense function. Over the past year, my family and I have been vilified by many for defending Major Nidal Hasan. That disparagement is misplaced. You will recall that an early President, John Adams, was subjected to similar scorn when he led the defense of British soldiers charged in the Boston Massacre. President Adams reminded critics that he performed a vital role and served a noble function. As he wisely noted, we are not secure in our individual liberty and freedom if we do not maintain an abiding respect for the right of all defendants to fair proceedings.

Indeed, John Adams' expressed sentiments about representing the Boston Massacre defendants are apropos to my situation. Paraphrasing him,

The part I took in defense of [Major Nidal Hasan] procured me anxiety, and obloquy enough. It was, however, one of the most gallant, generous, manly and disinterested actions of my whole life, and one of the best pieces of service I ever rendered my country. Judgment of death against those soldiers would have been as foul a stain upon this country as the executions of the Quakers or Witches....

I have consistently argued that Major Hasan has not been treated fairly. I maintain that belief. As such, I deeply regret that my presence on the Defense Team has been interrupted. However, Major Hasan fully understands that I stand ready and anxious to resume an active role.

Regardless of the reasons for Galligan's unexpected move, it could not have come at a less opportune time for the Hasan defense. Prior to the arraignment on Wednesday, the Army [announced](#) it would seek imposition of the death penalty should Major Hasan be found guilty of the crimes of which he has been charged.



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The Galligan dismissal (or voluntary departure) was not the only curious turn during Wednesday's arraignment. While he was expected to enter a plea on the charges, Major Nidal Hasan chose not to enter a plea (not such an uncommon ploy). Speculation arose that the tactic was employed to keep prosecutors off the scent and might indicate the defense's intent to plead not guilty by reason of insanity.

The findings of an inquiry into Hasan's relevant mental state have not been publicly released. Per the mandates of the Uniform Code of Military Justice (UCMJ), Major Nidal Hasan underwent a mental evaluation by a team of three military medical professionals. The panel was composed of doctors chosen from the Army, Air Force, and Navy medical corps, and it began its evaluation of the case by reviewing the voluminous material contained in Hasan's file. The panel was tasked with investigating and then determining whether Hasan is mentally competent to stand trial and whether at the time of the crimes he allegedly committed he was suffering from such severe mental disease or defect as to render him unable to appreciate the wrongfulness of his actions.

Regardless of his mental state and the findings of the inquiry into it, according to the other applicable provisions of the UCMJ, Hasan could not plead guilty to charges that carry the death penalty.

The Army psychiatrist is charged with 13 counts of premeditated murder and 32 counts of attempted premeditated murder.

As of Wednesday, two Army attorneys have taken Galligan's place at the defense table. When asked about the possibility of an insanity plea, the JAG lawyers refused to comment.

The judge in the matter, Colonel Gregory Gross, set a trial date of March 5, 2012. Additional documents filed in the case indicate that jurors will be drawn from a pool of potential jurors from Fort Sill, Oklahoma.

The announcement of the Army's intent to seek the death penalty in the Hasan case came two weeks ago in a statement issued by the commanding general of Ft. Hood, Lieutenant General Donald Campbell. The move was expected as it was consistent with the recommendation of two Army officers who had previously reviewed the case and were asked to give their opinion as to the likelihood of success were the death penalty to be sought.

As is well-known to readers of [The New American](#), Hasan is accused of opening gunfire in a Ft. Hood processing center and murdering 13 people. He is also charged with the attempted murder of 32 others wounded during the rampage.

Hasan is confined to a wheelchair as a result of paralysis suffered after he was shot by police officers attempting to bring him down after his assault at the Army processing center where soldiers go prior to deployment to Afghanistan or Iraq. Hasan's own unit was scheduled for deployment to Afghanistan days after the attack.

Photo of Major Nidal Hasan: AP Images



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