No. 12-802

In the Supreme Court of the United States

MICHAEL C. BEHENNA,
Petitioner,

v.

UNITED STATES,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Armed Forces

BRIEF OF RETIRED FLAG AND GENERAL OFFICERS AND FORMER DEPARTMENT OF DEFENSE OFFICIAL AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

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QUESTION PRESENTED

Whether a servicemember in a combat zone categorically forfeits the right to self-defense as a matter of law by pointing a firearm without authorization at a suspected enemy.

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INTEREST OF *AMICI CURIAE*

Amici curiae[1] are thirty-seven retired flag[2] and general[3] officers (including 4-stars, 3-stars, 2-stars, and 1-stars) of the Army, Navy, Air Force, and Marine Corps and a former Department of Defense official who have served in various senior positions with operational command and/or administrative responsibilities for United States armed servicemembers, and in several cases, allied servicemembers. They include a former Chief of Naval Operations, who was a member of the Joint Chiefs of Staff; a recent NATO commander in Afghanistan; a former NATO Atlantic commander; a former Central

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[1] The names and former positions of *amici curiae* are set forth in the Appendix, bound with this brief. *Amici curiae* appear here in their individual capacities, rather than as representatives of the entities or institutions with which they may be employed or affiliated. No counsel for any party authored this brief in whole or in part, nor did any party make a monetary contribution to the brief.

Petitioner and respondent consented to the filing of this brief. Pursuant to Supreme Court Rule 37.2, counsel of record for all parties received notice of *amici*'s intent to file this brief at least 10 days prior to the due date for *amicus curiae* briefs.

[2] A "flag officer" is an officer holding the rank of admiral, vice admiral, rear admiral, or rear admiral (lower half) in the United States Navy or Coast Guard.

[3] A "general officer" is an officer holding the rank of general, lieutenant general, major general, or brigadier general in the United States Army, Air Force, or Marine Corps.

Command[4] commander; a former Atlantic Fleet commander; former Marine and Army division commanders; and former Navy warship and air wing commanders. Many of the *amici* have directly experienced close-in ground or aerial combat in one or more of the following conflicts: World War II, Korea, Vietnam, the Persian Gulf War, and the Iraq War. Virtually all *amici* have served at one time or another in combat zones, and virtually all have served at various times on courts-martial or have otherwise exercised disciplinary authority under the Uniform Code of Military Justice.

Amici take no position on whether petitioner Michael Behenna's claim that he shot a suspected enemy only after the latter lunged for Lieutenant Behenna's pistol is truthful. They believe, however, based on decades of professional military experience in combat zones and leadership at the very highest levels, that the decision of the Court of Appeals for the Armed Forces—which assumes that Lieutenant Behenna's claim is truthful—sets a dangerous legal precedent for servicemembers that this Court should review and reverse. Although Lieutenant Behenna should be subject to appropriate discipline for his unauthorized conduct, no servicemember in a combat zone should categorically forfeit the right to self-defense because his or her conduct was unauthorized.

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[4] The United States Central Command has operational jurisdiction over U.S. military forces in, among other places, Iraq and Afghanistan.

INTRODUCTION

This case arises from an incident in the Iraq War in 2008. The enemy attacked Army First Lieutenant Michael Behenna's platoon with an improvised explosive device, killing two of the soldiers under his command, as well as an Iraqi translator and two allied Iraqi security personnel.

Thereafter, local civilians identified an Iraqi man, Ali Mansur, as an al-Qaeda operative involved in planning and executing the attack. Lieutenant Behenna's platoon searched Mansur's home, found weapons and a Syrian passport, and detained Mansur. After an eleven-day detention, during which military intelligence interrogated Mansur with little success, Lieutenant Behenna was ordered to transport Mansur back to his home and release him.

En route to Mansur's home, Lieutenant Behenna deviated from his orders—in a serious breach of military discipline—and conducted his own unauthorized interrogation of Mansur. During the interrogation, Lieutenant Behenna shot and killed Mansur. Lieutenant Behenna claims that he acted in self-defense when Mansur lunged for Behenna's pistol.[5]

The government charged Lieutenant Behenna with premeditated murder under the Uniform Code of

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[5] As noted above, *amici* take no position on whether Lieutenant Behenna's asserted claim of self-defense is truthful. For purposes of his petition for certiorari, however, this Court must assume—as did the court below—that his claim is truthful.

Military Justice ("UCMJ"). A general court-martial found Lieutenant Behenna guilty of the lesser offense of unpremeditated murder, dismissed him from the service, and sentenced him to twenty-five years in prison.[6] After the court-martial and conviction, Lieutenant Behenna's attorneys learned that the *prosecution's* expert witness would have testified that the physical evidence corroborated Lieutenant Behenna's claim of self-defense—exculpatory evidence that the prosecution unconstitutionally failed to disclose under *Brady v. Maryland*, 373 U.S. 83 (1963).

In the decision below, a divided panel of the Court of Appeals for the Armed Forces ("CAAF") ruled 3-2 that Lieutenant Behenna categorically forfeited his right to self-defense by pointing a firearm without authorization at a suspected enemy outside of an "active battlefield situation." Pet. App. 13a. As the CAAF majority explained its decision, "*[a]ssuming the truth of [Lieutenant Behenna's] version of what transpired . . . he had lost the right to act in self-defense as a matter of law*." Pet. App. 22a (emphasis added).

More specifically, the CAAF reasoned that under Rule for Courts-Martial ("R.C.M.") 916(e)(4)[7] Lieutenant Behenna was the initial aggressor—because his interrogation of Mansur was unauthorized—and thereby lost his right to self-defense. Pet. App. 9a. Although the CAAF recognized

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[6] That sentence was subsequently reduced to twenty years.

[7] R.C.M. 916(e) governs claims of self-defense in court-martial cases involving charges of homicide or assault with deadly force, and is reprinted at Pet. 1-2.

that R.C.M. 916(e)(4) has been judicially construed to allow an aggressor to regain the right of self-defense if the other party escalates, *see* Pet. App. 9a-10a (citing *United States v. Lewis*, 65 M.J. 85, 88 (C.A.A.F. 2007)),[8] the CAAF reasoned that because Lieutenant Behenna had introduced deadly force by pointing his pistol, Mansur did not escalate—and thereby restore Lieutenant Behenna's right of self-defense—by "lung[ing] for the pistol." Pet. App. 16a; *see also id*. at 17a ("Even accepting the facts as [Lieutenant Behenna] described them on direct examination, no rational member [of the court-martial panel] could have found either that Mansur escalated the situation or that [Lieutenant Behenna] withdrew in good faith.").

Based on that determination, the CAAF majority concluded that legal errors in the presiding judge's instruction to the court-martial panel on self-defense were immaterial, Pet. App. 18a, as was the prosecution's failure to disclose the exculpatory expert testimony corroborating Lieutenant Behenna's claim of self-defense, Pet. App. 22a.

Judge Effron, joined by Judge Erdmann, dissented. Judge Effron wrote that "[i]f the government accuses a member of the armed forces of conducting an improper and abusive interrogation, the UCMJ provides ample

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[8] R.C.M. 916(e)(4) allows an aggressor to regain the right to self-defense only when the aggressor "had withdrawn in good faith after the aggression, combat, or provocation and before the offense alleged occurred." In *Lewis*, the CAAF held that R.C.M. 916(e)(4) incorporates the common law concept that the other party's escalation restores the initial aggressor's right to self-defense. *See Lewis*, 65 M.J. at 88-89.

authority to hold that person accountable in a court-martial . . . . Such accountability, however, does not require the servicemember to sacrifice the right to self-defense; nor does it deprive the servicemember of the right to have the [court-martial] panel decide whether, as a matter of fact, the circumstances justified the use of force to save the servicemember's life from an attack by a person suspected of supporting the enemy." Pet. App. 36a-37a.

As discussed below, this Court should grant review. The question presented is of vital importance to thousands of servicemembers who voluntarily place themselves in harm's way in service of this nation in foreign combat zones. Moreover, the decision below is not only wrong in principle, but also would endanger United States servicemembers if followed in practice.

SUMMARY OF THE ARGUMENT

1. This Court should grant review in this case to clarify the basic right of self-defense by servicemembers in combat zones. For purposes of the right to self-defense, the CAAF treated an American soldier's confrontation with a suspected al-Qaeda operative in a combat zone as no different in principle than a soldier's stateside barroom brawl. That makes no sense because the everyday risks to servicemembers in far-flung combat zones around the world are different in kind from the risks inherent in stateside altercations.

This Court has repeatedly granted review to clarify the defenses to civil liability for claims arising out of the performance of official duties by law enforcement

personnel, government officials, and others. The question presented in this case implicates an interest of servicemembers far more important than a defense to civil liability. It implicates their right to self-defense in life-threatening situations. As such, it warrants this Court's review.

2. In ruling that Lieutenant Behenna forfeited his right to self-defense by pointing a weapon at a suspected enemy without authorization, the CAAF erred at two levels. First, acting without authorization or contrary to orders in a combat zone should not categorically render a servicemember an "aggressor" for purposes of self-defense. The CAAF's categorical rule admits of no exception for military exigencies, which can sometimes justify servicemembers acting without authorization or even contrary to orders. Second, even if a servicemember is an aggressor under principles of self-defense, pointing a weapon to control a suspected enemy in a combat zone should not be deemed a use of deadly force that precludes the servicemember from regaining the right to self-defense if the suspected enemy escalates. The CAAF's categorical rule gives servicemembers in foreign combat zones *less* latitude for self-defense than this Court's cases give domestic law enforcement officers in Section 1983 and *Bivens* cases.

3. The CAAF's ruling also endangers servicemembers. Under the CAAF's categorical rule, servicemembers who point their weapons without authorization at suspected enemies in a combat zone lose their right to self-defense, and hence must flee if attacked. In this case, if Mansur had overpowered Lieutenant Behenna and seized his weapon, not only

Lieutenant Behenna's life but also the lives of nearby soldiers under his command could have been lost. If Lieutenant Behenna's testimony is truthful—as the decision of the CAAF assumes and this Court must assume—then Lieutenant Behenna would have been derelict of duty *not* to use his weapon to defend himself.

* * *

It is undisputed here that the prosecution unlawfully withheld exculpatory evidence corroborating Lieutenant Behenna's claim of self-defense. The CAAF held that this error was immaterial because Lieutenant Behenna forfeited his right to self-defense by pointing a weapon at a suspected enemy without authorization. This Court should grant the petition for certiorari, reverse the CAAF, and remand to allow a new court-martial panel to consider Lieutenant Behenna's claim that he acted in self-defense, including the corroborating evidence unlawfully withheld by the prosecution.

ARGUMENT

I. This Court Should Grant Review to Clarify the Self-Defense Rights of Servicemembers in Life-Threatening Situations in Combat Zones

Absent review by this Court, the decision of the CAAF will govern the self-defense rights of tens of thousands of United States servicemembers in life-threatening situations in far-flung combat zones that include, but are by no means limited to, Iraq and

Afghanistan.[9] Under the CAAF's categorical rule, any servicemember in a combat zone who is not in an "active battlefield situation" categorically forfeits the right to self-defense by pointing a firearm at a suspected or potential enemy without authorization.

The reality of contemporary United States military operations is that servicemembers in combat zones such as Iraq are in harm's way even in the absence of "active battlefield" operations—which is precisely why they receive combat pay and other additional benefits simply for serving in a combat zone. Servicemembers in combat zones who are not involved in "active battlefield situations" may nonetheless unexpectedly confront actual or suspected lethal threats from possible suicide bombers, truck bombs, improvised explosive devices, terrorists disguised as local civilians, and ostensibly "allied" local military and law enforcement personnel, and in such situations may sometimes aim their

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[9] By executive order of the President, the following areas are currently designated as combat zones because of the existence or potential for regular or irregular combat operations by United States armed forces deployed to these areas: Arabian Peninsula Areas, defined as the Persian Gulf, Red Sea, Gulf of Oman, the part of the Arabian Sea north of 10° North latitude and west of 68° East longitude, the Gulf of Aden, and the countries of Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates; Kosovo Area, defined as the Federal Republic of Yugoslavia (Serbia and Montenegro), Albania, the Adriatic Sea and the Ionian Sea north of the 39th Parallel; Afghanistan; three parts of the former Yugoslavia (Bosnia and Herzegovina, Croatia, and Macedonia); Pakistan; Tajikistan; Jordan; Philippines (only troops with orders referencing Operation Enduring Freedom); Kyrgyzstan; Uzbekistan; Yemen; Djibouti; and Somalia. *See* http://www.irs.gov/uac/Combat-Zones.

weapons—whether authorized or not—to control persons viewed as actual or potential threats.

This Court should grant review in this case to clarify the self-defense rights of servicemembers in such cases. After all, on numerous occasions this Court has granted review in Section 1983 and *Bivens* cases to clarify the defenses of persons alleged to have violated individual rights in the performance of their official duties, including presidents, *see Nixon v. Fitzgerald,* 457 U.S. 731 (1982); presidential aides, *see Harlow v. Fitzgerald,* 457 U.S. 800 (1982); grand jurors, *see Rehberg v. Paulk*, 132 S. Ct. 1497 (2012); police officers, *see Pearson v. Callahan*, 555 U.S. 223 (2009); secret service agents, *see Riechle v. Howards*, 132 S. Ct. 2088 (2012); attorneys, *see Filarsky v. Delia*, 132 S. Ct. 1657 (2012); cabinet officers, *see Ashcroft v. al-Kidd,* 131 S. Ct. 2074 (2011); public health service employees, *see Hui v. Castaneda*, 130 S. Ct. 1845 (2010); prosecutors, *see Van de Kamp v. Goldstein,* 555 U.S. 335 (2009); state legislators, *see Tenney v. Brandhove*, 341 U.S. 367 (1951); and school administrators, *see Safford Unified School Dist. No. 1 v. Redding*, 557 U.S. 364 (2009).

When the United States acts as the world's policeman, the cops on that international beat are servicemembers. The question presented in this case implicates an interest of servicemembers far more urgent than merely avoiding civil liability for claims arising out of the performance of their official duties; it implicates their right of self-defense in life-threatening situations on foreign soil while in service of their country. The scope of that right of self-defense—a right recognized as "a basic right . . . from ancient times to the present day," *McDonald v. City of Chicago*, 130

S. Ct. 3020, 3036 (2010)—is a vital and recurring question for servicemembers warranting this Court's review.

II. The CAAF's Decision Is Erroneous

The CAAF ruled that Lieutenant Behenna lost the right to self-defense because, by conducting an unauthorized interrogation, he was the "initial aggressor." Pet. App. 14a. The CAAF further ruled that by pointing his pistol at Mansur, Lieutenant Behenna introduced deadly force into the confrontation, and therefore, Mansur's lunging for that weapon was not an escalation that restored Behenna's right to self-defense. *Id.* at 15a-16a. Neither the lack of authorization for the interrogation nor the pointing of the weapon should have resulted in forfeiture of Lieutenant Behenna's right of self-defense.

A. Conduct That Is Unauthorized or Contrary to Orders in a Combat Zone Should Not Result in Automatic Forfeiture of the Right to Self-Defense

The CAAF's first error was in deeming Lieutenant Behenna as the "aggressor" *as a matter of law* because his interrogation of Mansur was unauthorized. As noted above, an "aggressor" loses the right to self-defense under R.C.M. 916(e)(4).

The CAAF's categorical rule that servicemembers lack the right to self-defense when engaged in unauthorized conduct is dangerously overbroad because military exigencies sometimes justify or even

demand that military personnel disregard orders. Indeed, a recent Congressional Medal of Honor recipient, Marine Sergeant Dakota Meyer, received that award—this nation's highest military decoration—for *defying his orders* and risking his life to rescue thirteen Americans and twenty-three Afghan allies who had been ambushed by the Taliban. *See* Elizabeth D. Samet, *When Disobeying Orders Seems the Only Option*, Wash. Post, Dec. 9, 2012, at B7 (Sergeant Meyer "understood it as 'disobeying a direct order,'" and "worried that he would 'be sent back to the States in disgrace'").

While no such exigencies appear to exist in this case, the CAAF's categorical rule means that unauthorized conduct results in forfeiture of the right of self-defense, regardless of context. That categorical rule is unsound because it denies a court-martial the ability to consider all of the facts and circumstances relevant to a claim of self-defense in a combat zone, including military exigencies short of an "active battlefield situation."

In a combat zone, the killing of a suspected enemy by a servicemember can be an act of murder, self-defense, or military duty. Determining which of these applies in a given case requires careful consideration of *all* the relevant circumstances. A servicemember's lack of authorization for engaging in the underlying conduct is one such circumstance, but contrary to the CAAF's categorical rule, it is not the *only* relevant circumstance in *every* case involving unauthorized conduct. Were it otherwise, even those servicemembers whose unauthorized conduct is nevertheless justified—such as the unauthorized conduct for which Sergeant Meyer

was awarded the Medal of Honor—would be deemed to have forfeited the right to self-defense. A servicemember accused of murder should be entitled to prove that he or she acted in self-defense, even if their conduct was otherwise unauthorized.

As Judge Effron observed in dissent, "the UCMJ provides ample authority" to hold servicemembers accountable for unauthorized conduct or disobeying orders. Pet. App. 37a. "Such accountability, however, does not require the servicemember to sacrifice the right to self-defense." *Id.*

Finally, the CAAF's categorical rule that unauthorized conduct forfeits the right to self-defense conflicts with U.S. military doctrine, which seeks to reward and encourage initiative by servicemembers. As Sergeant Meyer's example illustrates, the most important question concerning a servicemember's conduct in a combat zone is not whether such conduct was *authorized*, but whether such conduct was *justified* under the circumstances at the time. Servicemembers must be able to adapt to changing circumstances without fear of subsequent disciplinary retribution—much less forfeiture of their right to self-defense—for technical violations of orders that have been overtaken by events.[10]

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[10] Military history is replete with examples of the advantage that a military culture of initiative and adaptability provides to combat forces.

B. Pointing a Weapon at a Potential or Suspected Enemy in a Combat Zone Is Not the Use of Deadly Force

Even if, based on all the facts and circumstances, Lieutenant Behenna was the "aggressor" and thereby lost his right to self-defense, he would have regained that right under R.C.M. 916(e)(4) and the common law if Mansur "escalated" the situation by attempting to kill Lieutenant Behenna. *See Lewis*, 65 M.J. at 88-89. Although the CAAF assumed the truthfulness of Lieutenant Behenna's testimony that he shot Mansur when the latter lunged for Lieutenant Behenna's pistol, Pet. App. 22a, it nevertheless held that "Mansur could not have escalated the level of force in this situation" because Lieutenant Behenna "had already introduced deadly force" by pointing his pistol at Mansur, Pet. App. 15a-16a. In equating the *pointing* of a firearm in a combat zone with the actual *use* of deadly force, the CAAF erred.

A servicemember's pointing of a weapon at a suspected enemy in a combat zone is not the same as actually *using* deadly force. Pointing a firearm allows a servicemember to control the suspected enemy, and more importantly, to protect U.S. servicemembers and others in combat zones, which by definition entail hazards not present in other settings. Where U.S. servicemembers serve, in effect, as local law enforcement in combat zones, servicemembers must have the right at all times to point their weapons to control suspected or potential enemies—subject, of course, to disciplinary authority for abuse or misuse of that right.

The CAAF's categorical rule also defies both the Model Penal Code and this Court's Section 1983 and *Bivens* cases involving excessive force claims against domestic law enforcement personnel. *See* Pet. 20-22. Equally important, as discussed below, the CAAF's categorical rule defies common sense.

III. The CAAF's Decision Endangers Servicemembers

The unstated implication of the CAAF's holding that Lieutenant Behenna lost his right to self-defense by pointing his pistol at Mansur is that when Mansur lunged for the weapon, Lieutenant Behenna's only legal recourse was to turn and attempt to flee—*regardless of whether that was even possible*. Yet if Lieutenant Behenna had attempted to flee, Mansur might have pursued and overtaken him. If, after overtaking Lieutenant Behenna, Mansur had managed to wrest control of the former's pistol, not only Lieutenant Behenna's life, but also the lives of nearby soldiers under his command, would have been put in serious jeopardy.

Thus, assuming that Lieutenant Behenna's claim that Mansur lunged for his weapon is truthful—an assumption made by the CAAF that this Court must also make—it would have been a dereliction of duty for Lieutenant Behenna *not* to fire in self-defense. To be sure, Lieutenant Behenna could have avoided the confrontation entirely simply by following orders, a serious breach for which "the UCMJ provides ample authority" to hold Lieutenant Behenna accountable without denying him the right to self-defense. Pet. App. 37a (Effron, J., dissenting). But a bad situation created

by Lieutenant Behenna's own folly would have become even worse had he allowed Mansur to seize his pistol.

Even more troubling to *amici* are the implications of the CAAF's decision for servicemembers who find themselves in life-threatening situations in combat zones while engaged in unauthorized conduct that might be justified in the circumstances or result from simple inadvertence or even a minor lapse in judgment. Under the CAAF's categorical rule, such servicemembers forfeit the right to self-defense *as a matter of law* and cannot regain it if they point a weapon at an enemy. By requiring servicemembers in such circumstances to flee—*which may not even be possible*—rather than defend themselves if attacked, the decision of the CAAF creates untold dangers not only for servicemembers confronting actual or suspected enemies, but also for others under their protection, including their fellow servicemembers.

CONCLUSION

Lieutenant Behenna's unauthorized actions in a combat zone were a serious breach of military discipline and for that reason he should be subject to appropriate disciplinary action under the UCMJ. But in so acting without authorization, he did not forfeit his right to self-defense. This Court should grant the petition for certiorari, reverse the CAAF, and remand to allow a new court-martial panel to consider Lieutenant Behenna's claim that he acted in self-defense, including evidence unlawfully withheld by the prosecution corroborating that claim.

Respectfully submitted,

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February 27, 2013

APPENDIX

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LIST OF *AMICI CURIAE*

4-Star

General W. F. "Buck" Kernan, retired Army 4-star, served as Supreme Allied Commander (NATO) Atlantic, and Commander-in-Chief, Joint Forces Command.

General Daniel McNeill, retired Army 4-star, commanded airborne infantry units at the company, battalion, brigade, division, and corps levels and served as commander of the International Security Assistance Force (NATO) in Afghanistan in 2007-2008.

Admiral Robert J. Natter, retired Navy 4-star, served as the Commander in Chief, U.S. Atlantic Fleet, and Commander, U. S. Seventh Feet.

Admiral Carlise Trost, retired Navy 4-star, served as Chief of Naval Operations.

General Anthony Zinni, retired Marine 4-star, served as the Commander in Chief, U.S. Central Command, and as Special U.S. Peace Envoy to the Middle East.

3-Star

Vice Admiral Anthony A. Less, retired Navy 3-star, commanded an aircraft carrier, a deployed battle group, and Naval Air Forces, Atlantic Fleet.

Lieutenant General Bennett L. Lewis, retired Army 3-star, served as Commander, North Atlantic Division, Corps of Engineers, and Commander, U.S. Army Armament Command/Research & Development Center.

Lieutenant General Wilson A. "Dutch" Shoffner, retired Army 3-star, commanded the U.S. Army Combined Arms Command, where he was responsible for Army combat doctrine, and served as Commandant of the U.S. Army Command and General Staff College.

Lieutenant General Richard Trefry, retired Army 3-star, saw combat in Vietnam. He rose to Inspector General of the Army and later served as Military Assistant to the President.

2-Star

Rear Admiral John W. Bitoff, retired Navy 2-star, served at sea primarily in destroyer type ships and eventually commanded a Destroyer Group.

Rear Admiral Bruce A. Black, retired Naval Reserve 2-star, served as Commander of the Naval Reserve Intelligence Command.

Major General Edward M. Browne, retired Army 2-star, served in combat in Vietnam as an Army aviator and managed the Apache Attack Helicopter Program.

Rear Admiral James J. Carey, retired Naval Reserve 2-star, commanded Readiness Command Region Six.

Major General John R. D. Cleland, retired Army 2-star, served as a parachute infantry unit commander in combat in World War II, Korea, and Vietnam. He is a member of the U.S. Army Infantry Hall of Fame.

Major General Richard M. Cooke, retired Marine 2-star, served as commander of the Second Marine Air Wing and later as Deputy Commanding General, Marine Corps Forces Pacific.

Major General Jay T. Edwards, retired Air Force 2-star, flew combat missions in Vietnam and later served as commander, Oklahoma City Air Logistics Center.

Major General Charles Gorton, retired Army 2-star, commanded an Army division.

Major General Blair E. Hansen, retired Air Force 2-star, flew combat air missions in Iraq and commanded the 332nd Air Expeditionary Wing in Iraq.

Rear Admiral William E. Herron, retired Navy 2-star, served as Deputy Commander of the Naval Air Systems Command.

Rear Admiral Steven B. Kantrowitz, **JAGC**, retired Navy 2-star, served as the Assistant Deputy Judge Advocate General of the Navy and Deputy Commander, Naval Legal Service Command.

Major General Maurice Kendall, retired Army 2-star, served in combat in World War II, Korea, and Vietnam, and later served on the Joint Staff.

Major General Robert G. Lynn, retired Army 2-star, served in combat in Vietnam and later as Deputy Commanding General, U.S. Army Communications-Electronics Command.

Major General John E. Major, retired Army 2-star, served as Commanding General, Army Health Service Command.

Major General Walter Bruce Moore, retired Army 2-star, served as Deputy Commanding General, Fifth U.S. Army.

Major General James H. Mukoyama, Jr., retired Army 2-star, saw combat in Vietnam and later held commands at battalion, brigade, and division levels.

Major General John Anthony Studds, retired Marine 2-star, commanded a Marine expeditionary brigade, and saw ground combat in Vietnam as a company commander.

Major General Scott G. West, retired Army 2-star, served as the Director for Logistics, Multinational Forces – Iraq, and Commanding General, 21st Theater Sustainment Command, in Europe.

Rear Admiral Robert Wright, retired Navy 2-star, a naval aviator who served as Deputy Commander of Naval Space Command.

1-Star

Brigadier General Gary Bridges, retired Air Force 1-star, flew combat missions in Vietnam and served as Director of Financial Management for three major Air Force commands.

Brigadier General James B. Cobb, retired Air Force 1-star, served as vice commander of the 403rd Rescue and Weather Reconnaissance Wing.

Brigadier General Gary S. Connor, retired Air Force 1-star, served as the Deputy Chief of Staff, Communications and Information Systems, Multi-National Force – Iraq.

Rear Admiral (LH) Ernest A. Elliot, S.C., retired Navy 1-star, Commander, Defense Supply Center, Columbus.

Brigadier General Donald D. Harvel, retired Air Force 1-star, served as Deputy Commander of the Texas Air National Guard.

Rear Admiral (LH) Stephen I. Johnson, retired Navy 1-star, commanded a nuclear attack submarine.

Rear Admiral (LH) Donald P. Loren, retired Navy 1-star, commanded a guided missile frigate and Destroyer Squadron 28.

Brigadier General Herbert Riessen, retired Air Force 1-star, served on staff at Headquarters Air Combat Command.

Brigadier General Paul T. Weyrauch, retired Army 1-star, served two tours in Vietnam and as Chief of Staff to an Army Corps.

DOD Official

Hon. Joseph E. Schmitz, retired Naval Reserve Captain, served as Inspector General of the Department of Defense.