



Woman Accusing 3 From Naval Academy of Rape "Didn't Want Anyone Else to Get in Trouble"

By Annys Shin
The female midshipman who has accused three former U.S. Naval Academy football players of raping her at a party more than a year ago said she initially tried to stop authorities from investigating because she was frightened and didn't want anyone to be punished. The young woman, now a senior at the academy, broke down in tears when asked why she had been so determined to make the case go away. "Mainly, I was scared," she said. "I didn't want it to become known. I didn't want anyone else to get in trouble. I think I just didn't have the courage." The woman spoke on the second day of a hearing known as an Article 32, which determines if there is enough evidence to warrant a court-martial. The Washington Post generally does not identify alleged victims of sexual assault. Her public testimony was delayed as her attorney and attorneys for the defendants argued behind closed doors over the admissibility of certain evidence. Her attorney, Susan Burke, said the medical records that prosecutors released to the defense violated the accuser's privacy rights because they cover a period dating to 2006, six years before the alleged incident. Defense attorneys questioned Burke's legal right to challenge the release of the records, which they described as "exculpatory." Whether those records will be included in the proceedings remains to be seen. The young woman, dressed in the same white uniform as the defendants, took the stand in the afternoon and shared her admittedly spotty memory of the party where she alleges the assault occurred. She said she drank heavily before and during the party and was separated from her friends. She described a split-level off-campus house packed with male midshipmen dressed in togas and female midshipmen in yoga pants. She then recalled brief conversations with the defendants — cornerback Eric Graham of Eight Mile, Ala., safety Tra'ves Bush of Johnston, S.C., and linebacker Josh Tate of Nashville — at various times that night. She said she awoke the next morning disheveled with a sore back, knotted hair and no clear memory of how she got that way. Soon she began hearing from friends and seeing tweets suggesting that multiple men had had sex with her at the party. She described conversations she had with Tate after the alleged incident, including one in her room, during which she said he tweeted that "the train tickets" were low. She said she took that to mean multiple men had had sex with her. She also described working in tandem with Graham to try to "squash" rumors of the alleged assault, which were circulating on campus. She said she begged friends not to report the alleged incident and volunteered for punishment for underage drinking. But at least one friend refused to keep quiet, forcing her to file a report that launched an investigation. The accuser said she did not cooperate with Navy investigators until September, and even then, she said, she withheld information. The accuser soon came under fire from Andrew Weinstein, an attorney for Bush, who bombarded her with questions about how often she lies and whether she was wearing a bra and underwear the night of the party. He pressed her on her mental health in the past, but the presiding officer, Cmdr. Robert Monahan Jr., restricted that line of questioning. Weinstein also questioned the accuser closely on how often she drank, how much and how many times she had blacked out in prior years. His interrogation style several times appeared to irritate Monahan, who at one point asked Weinstein to "stay away from sarcastic remarks." The young woman testified that she had a

prior intimate relationship with Bush. She said she remembered a brief conversation with Bush the night of the party in a bedroom but not having sex with him. The woman frequently responded to Weinstein's questions by saying "I don't know" and "I don't remember." But she remained calm. The cross-examination is expected to continue Thursday. The hearing comes amid questions about the military's commitment to tackle sexual violence within its ranks. The Defense Department estimated that 26,000 service members were the targets of unwanted sexual contact last year, although there were only 3,374 incidents of sexual assault reported, the Pentagon said in May. At the Naval Academy, there were 13 reports of sexual assault during the 2011-12 school year, compared with 22 the previous year, according to the most recent Defense Department statistics. The Naval Academy superintendent, Vice Adm. Michael H. Miller, decided in June that the former players would face charges. Bush's graduation was put on hold in May pending the outcome of the case. Graham is a senior, and Tate is a junior. The hearing, which began Tuesday at the Washington Navy Yard, is expected to last several days, academy spokesman John Schofield said. Under military law, the maximum penalty for rape is life in prison without the possibility of parole and a dishonorable discharge, said Lisa Windsor, a former judge advocate general who is in private practice in Washington. The men were also charged with making false statements. The maximum penalty for that offense is five years in prison and a dishonorable discharge.