



Rape Charges Filed Against Three Naval Academy Football Players

By Annys Shin Three U.S. Naval Academy football players were charged Wednesday with raping a female midshipman and making false statements in the latest sexual assault scandal to roil the elite service academy. The academy filed the charges but did not identify the accused. Their names will officially be made public at a preliminary hearing known as an Article 32 that will probably take place later this summer, military law experts said. The proceedings will become a closely watched case study of how the U.S. military polices sexual violence within its ranks. Within weeks of the release of a Pentagon study that said an estimated 26,000 U.S. service personnel reported "unwanted sexual contact" last year, a panoply of high-ranking generals appeared June 4 before a Senate panel to testify about the military's handling of sexual assaults. Although many were openly critical of the military's record, they successfully beat back an effort, spearheaded by Sen. Kirsten Gillibrand (D-N.Y.), to take away their authority over such cases. The three Naval Academy athletes, including one whose graduation in May was held up because he was under investigation, are accused of sexually assaulting a female midshipman during an April 2012 party at an off-campus house used by academy football players. The Naval Academy's superintendent, Vice Adm. Michael H. Miller, made the decision to move forward with an Article 32 hearing based on the findings of Naval Criminal Investigative Service investigators, academy spokesman John Schofield said. "This case is still in the pre-trial phase, so any further comment on this ongoing investigation would be inappropriate," he said in a written statement. The purpose of an Article 32 hearing is to help the Naval Academy superintendent decide whether the case merits a general court-martial, which is the military equivalent of a criminal trial. The hearing is conducted by an officer chosen from outside the superintendent's chain of command, who reviews the evidence and examines witnesses. The defense and prosecution also can cross-examine witnesses. The hearing officer then comes up with findings and passes recommendations to the superintendent. 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 maximum penalty for making false statements is five years in prison and a dishonorable discharge. Even if the midshipmen are acquitted of rape charges and convicted on lesser offenses, they could still be expelled, denied commission or forced to pay back some of the cost of their education. The probe began more than a year ago, prompting criticism from the accuser's attorney, Susan Burke, who said Navy officials were dragging their feet. Burke said Wednesday that although she was "cautiously optimistic" about the case's outcome, the Naval Academy's treatment of the victim and the football players raised "troubling questions" and "reflects why rape victims are fearful and skeptical of the military justice system." The victim's mother said she was relieved that the academy was moving forward with charges. "I'm just really glad to hear that," the victim's mother said. "It takes a huge load off my mind." She said academy officials had led her to believe that it would be weeks before charges were filed. "The sooner this is done and over with, the sooner my daughter can get on with her life." NCIS officials acknowledge that they dropped the case in the fall because "a declination of

prosecutive interest was received from the Command, based on what was known at the time," NCIS spokesman Ed Buice said. Buice would not comment on whether the case was halted at the urging of investigators or military prosecutors. During his three-year-old tenure, Miller has never gone against the recommendations of prosecutors or investigators in a sexual assault case, Schofield said. The Washington Post generally does not reveal the names of sexual assault victims. The now 20-year-old woman at the center of the case has said previously that she went to the April 2012 party, where alcohol was flowing freely, and had too much to drink. The next morning, she woke up with bruises but almost no memory of how she got them. Then, according to an account she gave Monday on CBS News, she began hearing of the alleged assault through posts on Facebook and Twitter. She said that there were witnesses and that the three accused midshipmen bragged to her about what they did. She was later disciplined for underage drinking, but the players were not, Burke said. The athletes were allowed to keep playing despite being under investigation, and the female midshipman was required to attend football games, Burke said. The midshipman went public with her allegations at the end of May, as the court-martial of a former academy instructor, Marine Maj. Mark Thompson, over an alleged 2011 assault on a female midshipman was getting underway. Thompson was later acquitted of aggravated sexual assault but found guilty on lesser charges. He was recently sentenced to 60 days in jail and fined \$60,000. A week earlier, President Obama had addressed the academy's 2013 graduating class, calling on them to follow their "inner compass" and show "moral courage" by speaking up about sexual assault.