

Three Former Naval Academy Football Players Face Accuser at Hearing on Rape Charges

By Annys Shin

A hearing on rape allegations against three former U.S. Naval Academy football players got underway Tuesday morning at the Washington Navy Yard, with a female midshipman facing her alleged assailants for the first time in a legal proceeding. Each of the accused — cornerback Eric Graham of Eight Mile, Ala., safety Tra'ves Bush of Johnston, S.C., and linebacker Josh Tate of Nashville — was flanked by teams of military and civilian defense counsel. The three men are accused of sexually assaulting the midshipman at an April 2012 off-campus party. The young woman, a junior at the time of the alleged attack, testified Tuesday in a session of the hearing closed to reporters, her attorney said. The woman declined to comment as she left. The Washington Post generally does not identify alleged victims of sexual assault. The hearing comes at a time when the military's ability to police sexual violence within its ranks is under intense scrutiny. The Defense Department estimated that 26,000 service members were the targets of unwanted sexual contact last year, although only 3,374 incidences of sexual assault were reported, the Pentagon said in May. The Naval Academy superintendent, Vice Adm. Michael H. Miller, agreed in June to bring charges against the former football players. The woman's attorney, Susan Burke, criticized the delay, saying academy officials had failed to protect the accuser from intimidation by her alleged attackers and were slow to investigate. People familiar with the case said the accuser did not cooperate fully at first, which hindered the investigation. The accuser — who remains at the academy, as do Graham and Tate — did not immediately report the alleged assault. But allegations, posted by other students on social-media sites, began circulating after the party, Burke said. The accuser went public with her allegations in the spring, days after the academy's May 24 graduation ceremony, at which President Obama said: "Those who commit sexual assault are not only committing a crime, they threaten the trust and discipline that makes our military strong." One of the accused, Bush, had been scheduled to graduate but his graduation has been delayed pending the outcome of the case. Graham was a junior and Tate was a sophomore last school year. After the Pentagon's report was released in early May, Obama said that perpetrators of sexual assault in the military ought to be "court-martialed, fired, dishonorably discharged. Period." His comments have had an impact on military sexual assault cases, although perhaps not as he had intended. In June, a Navy judge in Hawaii ruled that two defendants in a sexual assault case could not be punitively discharged if found guilty because the president's comments constituted "unlawful command influence." Sen. Kirsten Gillibrand (D-N.Y.) has been pushing a proposal to remove authority over such cases from military command, legislation that has, so far, failed to gain enough support among military leaders and key lawmakers for passage. At the Naval Academy, there were 13 reported cases of sexual assault in the 2011-12 school year, down from 22 the previous year, according to the most recent available statistics from the Defense Department. By contrast, the Air Force Academy reported a 33 percent increase in reported cases of sexual assault. At the start of Tuesday's hearing, one of the defense attorneys, Lt. Cmdr. Angela Tang, referred to Gillibrand's proposal as she grilled Cmdr. Robert P. Monahan Jr., the hearing officer, on whether comments by public officials on sexual assault in the

military would affect his ability to be impartial. Monahan said they would not. The purpose of the hearing, known as an Article 32, is to determine whether there is sufficient evidence to warrant a court-martial. The hearing is expected to last several days, Naval 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. While the alleged assault took place off campus, Anne Arundel County prosecutors have let the Navy handle the case. Earlier this month, Arlington County prosecutors indicted the former chief of the Air Force's sexual assault prevention office on charges of assault and battery in the alleged groping of a woman outside a bar in Crystal City. The Naval Academy's football team has previously been rocked by allegations of sexual assault. In 2007, star quarterback Lamar Owens was cleared in the rape of a female midshipman but was convicted of misconduct for having sex in a dorm. He was expelled and ordered to repay \$90,000 in tuition by the secretary of the Navy. This year, sexual assault prevention training will be integrated into the regular academic day, academy officials said. Classes for midshipmen began last week.