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# To support and defend the Constitution

Phyllis Zagano | Jul. 3, 2013 Just Catholic

For Americans, the Fourth of July is a time to celebrate independence with hot dogs and fireworks. There are lots of other fireworks at the U.S. Naval Academy, where three hot-dogging football players stand accused of raping a female Midshipman [1] at an off-campus drinking party.

Two possible responses: Either you shake you head in disbelief -- I mean, it is the Naval Academy -- or you say to yourself, Well, it's just kids gone wild. Either response is scary.

Living at the Naval Academy was once a cloistered male existence. In 1976, all U.S. service academies admitted women. Hijinks followed. But sex abuse at the level reported -- gang rape of a semi-comatose woman -- is well beyond hijinks.

Then there is the drinking. The legal age for alcohol consumption in the U.S. is 21. How old were these undergraduates? Then there is the off-campus location: Where were they? How far off campus? Who owns the property?

Kids gone wild? Yes, they do and apparently did. Nothing seems to stop the ridiculous behavior of some young people, born and bred in the Facebook era with Technicolor sex on every screen: TV, Internet, cinema, even smartphones. They've been talking about "hooking up" since they were in fifth grade. It's as if an entire generation is in heat.

The Naval Academy rape case sounds like a made-for-television drama. According to a Naval Academy spokesman, three male midshipmen [2] were charged with rape following the initial NCIS investigation, and the case headed to Article 32 proceedings. (Article 32 of the Uniform Code of Military Justice provides for the military equivalent of a grand jury investigation.)

The victim's attorney says the female midshipman attended a party in April 2012 at what was known as the "football house." She woke up bruised after her night out with the boys but initially refused to complain via the chain of command. When she did cooperate with NCIS, she was disciplined for drinking. Even though this one may work out as it should because of media lights shining on military justice, she should probably investigate another line of work.

This is not about a few good men. It is about command and control. Does the system work?

The problem seems simple: Sailor X abuses Sailor Y. Abused Sailor Y complains to the next person up the chain. But there is often more pressure to bury the complaint than to address it. If the next person up the chain is due for advancement or promotion, a form of military subsidiarity kicks in and abused Sailor Y often is pressured to drop the charge.

And there is another complicating factor. The admirals and generals who testified before Congress that absolute command structure would be jeopardized by any means to get around it did not address one question: What if

the next person up the chain is the abuser? What if the highest person in the military chain is the abuser? It is rather far-fetched to expect a Seaman Apprentice to march her (or him) self into the office of the civilian Secretary of the Navy.

Think sex abuse within the chain doesn't happen? I know one woman officer who suddenly found an admiral's hand on her leg. And then there was the Navy captain seated next to her at a conference who found the tablecloth sufficient to hide his explorations. The better -- civilian -- response is to grab the wandering appendage at the wrist and raise it to eye level, simultaneously asking loudly: "Is this yours?" But in the military, if you have any intention of being promoted or getting your pension, you just can't do that.

One of the requirements for admission to the Naval Academy is being of "good moral character." No matter what you think in matters of war and peace, taxpayers are paying a lot of money to educate and train future Navy and Marine Corps officers -- male and female -- at Annapolis, Md. After graduating from the Naval Academy, each new ensign or second lieutenant swears or affirms the oath of office: "I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the office upon which I am about to enter. So help me God."

There are many rights to defend.

[Phyllis Zagano is senior research associate-in-residence at Hofstra University and author of several books in Catholic studies. She will speak Sept. 20-21 at Wisdom House in Litchfield, Conn.; Oct. 13 at Thomas More Chapel of Yale University; and Oct. 23 at Boston College. Her recent books include *Women & Catholicism* (Palgrave-Macmillan), *Women in Ministry: Emerging Questions about the Diaconate* (Paulist Press) and *Women Deacons: Past, Present, Future* (with Gary Macy and William T. Ditewig, Paulist Press).]

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