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Court Blocks Arrest of Counselor in Cadet Rape Case

By Associated Press (<http://www.ap.org/>)

[Denver, CO] – A federal appeals court has temporarily blocked the military from arresting a civilian counselor for refusing to turn over records of sessions with a former Air Force Academy cadet who said she was raped.

A lawyer for the counselor, Jennifer Bier, said there was a stay in place until Wednesday.

The government has until then to file a brief, the lawyer, Wendy Murphy, said Saturday.

Lawyers for First Lt. Joseph Harding, who is accused of raping two cadets while attending the academy, including Ms. Bier's patient, had won a military court order requiring Ms. Bier to turn over her records.

Judge Edward W. Nottingham of United States District Court here had earlier refused a request by Ms. Murphy to issue an order blocking her client's arrest. Judge Nottingham ruled that the right of Lieutenant Harding to confront his accusers outweighed the psychotherapist-patient privilege.

Ms. Bier is director of clinical services for Tessa, a rape and domestic violence crisis center in Colorado Springs. Her patient was one of 142 women who reported being sexually assaulted at the academy between 1993 and 2003. Some of the victims said they were punished for reporting the attacks.

As a result of the scandal, the Air Force removed the top four commanders at the academy under pressure from Congress.

Lieutenant Harding's court-martial is scheduled to begin on June 22 at Randolph Air Force Base in Texas.

Lieutenant Harding's lawyer, David Sheldon of Washington, said, "I understand Ms. Bier is exercising her rights to the federal courts, but at the end of the day she needs to comply with what is a lawful subpoena." He added, "She's violating a lawful court order, and no one is above the law, including Ms. Bier."

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