

A Letter from a Prosecutor to a Young Woman



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Dear Elizabeth:

I don't see what more you could have done.

As you well know, reporting sexual assault is a remarkably difficult act. It is deeply emotional, terrifying for many reasons, unpredictable and often thankless. You may not have known while you were alive that the great majority of sexual violence is simply never reported to authorities. But you did report it, quickly and comprehensively. I'm in awe of your courage.

I can only imagine how difficult it was for you in particular, Lizzy. You were a 19-year-old college freshman who had struggled with depression; a lovely young woman who had just started studies again after a difficult first year. But you made it to St. Mary's, an excellent, close-knit school and one situated along with Notre Dame in the heartland of Catholic education. Arriving in this environment from a strong Catholic background must have been an incredible and hard-won joy for you.

But I'm sure it also made it infinitely more difficult to come forward and report what happened on the night of August 31. Being sexually assaulted at a place like Notre Dame and by a member of its football team- the very beating heart of the school for many- is an act that would have silenced most. Few things are more difficult to come to terms with than being attacked in a dorm room by a football player on one of the most venerated sports campuses in the world. The idea of telling anyone must have been horrific, especially as you were just settling into a new school, a new semester, a new season of hope. I've spent a career learning how hopes like that can be destroyed in the space of moments, and it never gets easier to hear.

Still, you faced down your fears and took action. You told your friends and wrote down what happened that very night. You went to campus police the next day. Despite the fear of being portrayed as God-knows-what and the fury that might rain down on you for reporting against a football player, you reported anyway. Despite the discomfort of an invasive physical examination, you endured one. Despite the fear and exhaustion that comes with entering counseling in order to fully recover from such an attack, you did that, too. You did everything that could possibly have been asked of you.

That's why I'm trying to understand why Notre Dame, the world-class, excellent institution where you were attacked, has reacted the way it has. I don't know why campus police didn't turn over a case file to the St. Joseph's County prosecutor's office until just several days ago- after your case became national news and your hometown paper began demanding answers. Nor do I understand what's behind the school's refusal to release police records regarding what they know about what happened to you- even to your parents.

Finally, and most disturbingly, I don't know why the man you reported against has played an entire season of football. While it's true that he is and should be considered innocent until proven otherwise, his privilege to play football isn't in any way related to his legal rights as a citizen. The fact is, you reported swiftly and completely a serious crime to the proper authorities that control his ability to play, and you followed through with evidence collection, counseling and cooperation.

Yet still they have chosen to refuse to even acknowledge your complaint, let alone bar him from playing at least until the investigation is completed. This despite your death. Coach Kelly won't state whether he's even spoken to the player you identified. He's quick to remind us that he stresses respect for women in his program, is a father himself, and wants "the right kind of guys" on his team. Well, the player hasn't been benched in three months; from this we can fairly deduce that Coach Kelly supports him as someone who is "the right kind of guy" and worthy of wearing the uniform. If that's so, why won't he give his reasons?

The sad fact is there's an ocean of ignorance out there regarding what happened to you, Lizzy. Many who are watching the case unfold are repeating over and over again the meaningless mantra that that we must all "Remember Duke Lacrosse." It's because many believe, with nothing to back it up, that women regularly accuse men falsely of sexual assault, and especially athletes. They're happy to extrapolate one example of a false accusation to every possible situation, despite the mountain of evidence suggesting that women just like you endure what you endured day in and day out, usually in numbed silence.

Even worse, some just don't think that sexual assault is nearly as important as college athletics, and they'll sacrifice the vindication of a budding, brilliant life like yours in a flurry of nonsense that will trivialize your suffering and ruthlessly twist reality. They'll call it regret. They'll call it a misunderstanding. They'll call it anything but what it is, and they'll ensconce and defend the man who did it so he can simply do it again. So even the prompt, thorough complaint you made and the investigation you participated in until your death wasn't enough to bench a football player for a few games until some evidence came to light, one way or another.

But as you know, there are also wonderful people both at Notre Dame and at St. Mary's. Both are beloved, respected schools for a reason, and I know you felt and still feel that. To the heroic staff from St. Mary's Belles Against Violence who worked with you and actually found you before you died, I hope you smile on them from where you are and bless their work.

I believe in a loving God, Lizzy. Although I'm a Catholic as you are I don't believe He punishes those tortured enough to take their own lives, and I'm confident that you've reached a plane of existence that will give you not only blessed relief but also infinite understanding. So I guess this letter is more for me than for you; you have the answers now.

Still, I'm sorry. I'm sorry I didn't know you in this life, and for what it's worth I would have been honored to work with you to see the case against your attacker proven. I would have had much to go on, given the dedication you showed to pursuing justice and the courage you summoned to do what most of us wouldn't have dared. Thank you.

Roger

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