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Reported sexual assault at Notre Dame campus leaves more questions than answers

Melinda Henneberger | Mar. 26, 2012

On her way back to St. Mary's College from the University of Notre Dame, just across the street in Notre Dame, Ind., freshman Lizzy Seeberg texted her therapist that she needed to talk ASAP. "Something bad happened," read her message, sent at 11:39 p.m. on Aug. 31, 2010. A sophomore in their dorm bolted from her study group after getting a similar message. When they talked a few minutes later, Lizzy was crying so hard she was having trouble breathing: "She looked really flushed and was breathing heavily and talking really fast; I couldn't understand her. I just heard her say 'boy,' 'Notre Dame,' 'football player.' She was crying and having the closest thing to a panic attack I've seen in my life. I told her to breathe and sit down and tell me everything."

What she eventually did tell both her therapist and her friend that night -- then committed to paper, in a handwritten statement she and the other young woman carefully signed, dated and handed over to campus police the next day, is that a Notre Dame football player sexually assaulted her in his room after two other students left them alone there. Yet Notre Dame police, who have jurisdiction to investigate even the most serious crimes on campus, still had not interviewed him when she committed suicide 10 days later -- and wouldn't for another five days. "He started sucking my neck and I started crying harder," Lizzy wrote. "He pulled down my tank top by the straps. He slipped them down my shoulders and proceeded to suck and lick my right breast while holding me down on his lap by the arms. I felt his hands start to move down towards my shorts as if he was trying to unbutton them or pull them off. I was still crying at this point and felt so scared that I couldn't move." When the local prosecutor declined to bring charges, as expected in a case without a living victim, his press release made the allegations sound so tame: "specifically, the touching of her breasts."

All their lives, women Lizzy's age have been taught to report unwanted touching. But after she did, the same friend of the player who'd left her alone with him sent her a series of text messages that scared her as much as the player himself had. "Don't do anything you would regret," he wrote. "Messing with Notre Dame football is a bad idea." Over the next 10 days, Lizzy became convinced he was right about that. The player wasn't hard to find on the practice field each afternoon, so what were investigators waiting for? It crushed Lizzy, said her therapist in Chicago, Dr. Heather Hale, that reporting a crime somehow made her a traitor to the school she'd grown up revering. But she also couldn't get past the idea that failing to follow through legally would make her party to any harm that came to other women on campus, either from the same man or others emboldened by her silence. In a Skype session with Lizzy the day before she died, Hale said, "the conflict was, 'Do I do the best I can and get on with my life, versus the fear that if I do that, this could happen to someone else?' "

Lizzy wanted it to be better for the next woman. But one subsequent case, never reported until now, involved another young woman who decided that you really don't mess with Notre Dame football. A year ago February, a female Notre Dame student who said another football player had raped her at an off-campus party told the friend who drove her to the hospital afterward that it was with Lizzy in mind that she decided against filing a complaint, that friend said.

In a sense, Lizzy's ordeal didn't end with her death. The damage to her memory since then is arguably more of a

violation than anything she reported to police -- and all the more shocking because it was not done thoughtlessly, by a kid in a moment he can't take back, but on purpose, by the very adults who heavily market the moral leadership of a Catholic institution. Notre Dame's mission statement could not be clearer: "The university is dedicated to the pursuit and sharing of truth for its own sake." But in this case, the university did just the opposite.

In life, Lizzy was both politically and personally conservative, a brand new member of the College Republicans who led her parish youth group and spoke openly about saving herself for marriage. But Notre Dame officials have painted and passed around a different picture of the dead 19-year-old. Sotto voce, they portray the player as wrongly accused by an aggressive young woman who lied to get back at him for sexually rejecting her the first moment they were ever alone together.

The player's lawyer, Notre Dame alumnus Joe Power, isn't whispering. He shouted in my ear about the "complete phony lie" designed to slander an exemplary young gentleman. His client, who has never been named or made to miss a football practice, had a reputation as a young man with a temper among some parents at his high school, and was suspended from high school over allegations of misbehavior.

Lizzy, whose parents signed waivers to make extensive information available, with no preconditions and nothing off-limits, has no such record. An anxiety disorder made Lizzy shun rather than seek attention, and she had no history of making up anything.

'Independent witnesses'

"Have you ever read the book *To Kill a Mockingbird*?" Power asked in a phone interview. Because, as in Harper Lee's classic, "this young lady was the aggressor." According to America's Best Lawyers, Power is the top personal injury litigator in the city of Chicago. Barreling right past innuendo, he said it was Lizzy who "had removed her blouse" and thrown herself on top of the player. And the player? "He put a stop to it, because his parents had taught him that was wrong. It's all untrue, according to the two independent witnesses."

He's referring to the player's friend who texted Lizzy, and to his date. Neither was in the room when the incident occurred, but before they left, Power said, "They observed that she was being rather forward and dancing with the young man; she was dancing *for* him." (Lizzy described the same moment this way: While they were dancing, the player began "pulling me towards him. It was uncomfortable but I didn't know how to stop it. Then he told me to give him a lap dance and I didn't know what to do. He pulled me down on his lap and he had his legs spread out. He started pulling my body around his crotch area and told me to keep doing it.")

When I asked Power whether his client's best friend and that friend's girlfriend could really be considered independent witnesses, he yelled, "First of all, you're a liar, because it's not his best friend, and she's no longer his girlfriend!" The two young men do now room together, in any case, and on social media the other young man posts video clips of his best plays, along with admiring comments.

"You should be writing for the John Birch Society, or the Ku Klux Klan," the lawyer continued, presumably because the player is black. "If you were in *To Kill a Mockingbird*, you'd be on the side of the Klan," out to destroy a black man falsely accused by a white woman. "And if you slander this innocent young man," he thundered, "you will pay!"

Power also suggested that Lizzy's parents should never have let her go away to college because Effexor is such a powerful drug that those on it require "close supervision." (The prescribing physician, Dr. Claudia Welke, called that an "absolutely false" characterization of the widely prescribed antidepressant, and of Lizzy's mental state prior to Aug. 31, 2010.) The lawyer alleged, too, that "this had happened before," a year earlier, in Lizzy's one semester at the University of Dayton in Ohio -- a remark that many of the alumni who've heard it have

taken to mean she accused someone there of sexual assault. But if Lizzy had ever before accused anyone, her doctors, family, closest friends and officials at the University of Dayton are unaware of it. The player's lawyer isn't some rogue freelancer acting on his own, either; questions sent to the university spokesman, Dennis Brown, were answered first by Power, who readily acknowledged that he'd received them from Notre Dame.

In a phone call in response to a message that I was working on a story about the Seeberg case, Brown initially offered to walk me through the particulars of the case off the record, then withdrew the offer when I told him I would not be bound by such an agreement in a way that would keep me from reporting information I already had. In a follow-up email, Brown said Notre Dame officials had decided not to meet with me because circumstances had changed now that I was writing a story -- just as I had been when we spoke. Also, he said, they had elected to honor their long-standing policy on privacy and their promise to the Seeberg family not to reveal the details of the case. When I wrote back to say that the Seebergs were unaware of any such promise but would be happy to sign a waiver making any and all relevant information public, he did not respond.

One Notre Dame parent and longtime donor I interviewed, who asked that his name not be used because his daughter had reported being raped by a fellow Notre Dame student, said a top university official told him Lizzy was without question the aggressor in the situation: "She was all over the boy."

Tom Seeberg said that a number of friends have reported that even at his daughter's funeral, and ever since, "they had been approached by friends and family members of a long-serving [Notre Dame] trustee" with stories writing Lizzy off as "a troubled girl" who had "done this before" and who had concocted a tale the university was simply too decent to publicly refute. On the contrary, "despite her challenges," her father said, "she got up every day and punched life in the face. Sometimes, when people suffer it's hard for them to get beyond themselves, but she kept giving, and that's why it's so sad and so sick that folks would try to turn her into a liar. I don't know, as my dad would say, how these men shave in the morning, how they look themselves in the mirror? Who are these men?"

In answer to questions submitted to Notre Dame in writing, the response from Brown said, "We are not aware of any Notre Dame officials making any kind of negative comment about Ms. Seeberg, and none of the many news reports on this matter have ever directly or indirectly indicated that anyone from Notre Dame cast her in an unfavorable light. That said, this tragic incident has been the subject of much conversation, speculation and scrutiny by many people beyond the oversight of the university."

A second chance

Family photos of Lizzy show her preppy in pink with bows in her hair at her home in the Chicago suburb of Northbrook, and paint-smudged outside a Habitat for Humanity house she helped build. Before she was a news story, she was a 19-year-old who loved country music, did a not-bad Sarah Palin imitation, and hoped to become a nurse someday. She also struggled with an anxiety disorder, originally diagnosed as asthma when she was a high school freshman, and with depression. She left Dayton to deal with it, spent her semester off at an "Outward Bound"-type therapeutic program in Hawaii, and arrived in South Bend with her yoga mat and vast shoe collection, ready to make the most of her second chance.

"The last thing I wrote in my notes" when she saw Lizzy right before she left, Welke said, "was, 'Emotionally grounded, looking forward to school.' She was in a really good place. I have hundreds and hundreds of patients and there are kids I see as high risk, but Lizzy was the last one of all of them I would have thought" would end her own life. She'd had suicidal thoughts before, Welke said, but the best predictor of suicide is an earlier attempt, and Lizzy had no such history. However, Welke said, sexual assault is also linked with suicide.

"I'm meeting so many nice people and am loving Saint Mary's so far!" she texted Hale on Aug. 21. She met the player when she went along with two other St. Mary's students -- her friend Kaliegh Fields and a friend of

Kaliegh's -- to visit a Notre Dame guy Kaliegh's friend was interested in. The player, who lived just down the hall from the young man they were visiting, was playing video games when they were introduced, Kaliegh said, and stopped to chat with them for half an hour or so. The next night, Aug. 31, Kaliegh's friend told her she was going back to Notre Dame and was bringing Lizzy because the player wanted to see her again. Lizzy didn't have to be coaxed; she was excited enough about seeing him again that she texted her mom about it. "Is he cute?" her mom replied. "And more importantly, is he a good guy?"

Lizzy didn't know, she said: "I'm going to get to know him and hang out and stuff. Maybe he's just a friend idk yet."

"Friends r good," her mom wrote back.

That night, in the player's room, the four of them put on some music and danced. After the other two disappeared, Lizzy said in her police statement, the player "talked about football camp this summer and ... how he can hardly go more than a few weeks without having sex. He then asked me about my past hook-ups with other guys. ... I didn't feel safe in his room. I asked him if there was a woman's bathroom in his dorm and he told me they didn't have one. ... Next I asked if I could go in the men's bathroom because I really had to go. He told me no because he could get in trouble for that. He said I could pee in the sink though." By Lizzy's account, she froze and cried as he groped her, then threw her off of him and said, "I could get kicked off the team for this." Then his friends came back, she said -- and directed her to the women's bathroom right down the hall.

'I'm a really good girl'

According to the friend she told first, "She felt bad about herself for putting herself in the position" by even being in his room. "She kept saying, 'I'm probably overreacting,' which of course she was not." But the girl who'd brought her to Notre Dame told her, "That's not that big a deal, Lizzy; you're fine." She didn't feel fine, though. "You don't understand," she told her friend at one point. "I'm a really good girl."

At 1:45 p.m. the next day, according to the records kept by a crisis counselor at St. Mary's, "Elizabeth Seeberg presented herself seeking support following a sexual assault. Throughout the session, Elizabeth shared fears," including her dread of telling her parents, which she did later that same day, and "the potential reaction of the perpetrators," which in her mind included not just the player but the other couple, whom she suspected of setting her up: "Elizabeth expressed her feelings that the event had been orchestrated and this impacted her fears." According to hospital records, Lizzy arrived there at 4:41 p.m. and gave a statement to the nurse, who swabbed her neck, chest and lips for saliva and collected the shirt and the bra she'd worn the night before as evidence. In the little box marked "description of patient's behavior," the nurse wrote "calm, appropriate, cooperative."

Detective David Dosmann of the Notre Dame Security Police returned the hospital's call at 4:55 p.m. and came right over to the hospital to meet her, arriving at 5:15 p.m. She gave him the handwritten account she'd put together the night before, and told him her story. The hospital records show he spent an hour with Lizzy, wrapping up the interview at 6:15. That same day, she received a series of messages from the young woman who'd told her what had happened the night before was no big deal. At first, she was solicitous: "Dude, are you ok?" And, "OK, good, I was worried." Later, though, she demanded, "Get in my room asap," and when asked why, responded, "because you need to tell [the player's friend] what's going on."

By the next day, Sept. 2, the other woman seemed frantic, messaging Lizzy, "I'm freaking out idk what to do." The player's friend had started texting Lizzy, too. That afternoon, even as Lizzy and her friend Kaliegh walked to Notre Dame's police station, where Lizzy identified a photo of the accused from the football roster, Kaliegh said, the player's friend "was texting and calling her" -- and scaring her all over again. "It was threatening."

Dosmann was "nice and comforting," Kaliegh said, when Lizzy told him about all the messages. "He said if [the

player's friend] continued to contact her, to let him know and he'd let him know it wasn't his business to get involved. She was still upset, but at least she thought it was going to be dealt with." Not long after they left the police station, Lizzy did hear from the player's friend again: "Don't do anything you would regret," he wrote. "Messing with Notre Dame football is a bad idea." And that text, said her father, who visited her the weekend after she filed the report, bothered her more than anything. After Lizzy sent Dosmann a screen shot of the last text, he did call the kid, told him to knock it off and interviewed him over the phone.

Thirteen of Lizzy's relatives had gone to St. Mary's and Notre Dame before her, including Buck Shaw, who played football for Knute Rockne. Her parents feel that legacy weighed on their daughter, who'd been "steeped in all things ND," and hadn't planned to take on its storied football program during her first month on campus. On Sept. 7, she wrote her therapist, "I can't get out of this f*!#ing hole I've started to dig. I'm trying to go to sleep because I'm sick" with a cold "and need to get rest but I can't stop thinking about taking all the pills I can find. I'm ready to check out because this sucks." She promised Hale she would never follow through. But then, on Sept. 9, she had a panic attack during a mandatory freshman orientation on sexual assault. "That's when she said it hit her," Kaliegh said, "that he was going to get away with it." That was also the day, nine days after the incident, that Dosmann first tried to get in touch with the player.

The next day, after she failed to show up for a 1:30 p.m. session with the woman who'd taken her to the hospital and led the orientation the night before, the counselor went to Lizzy's room and found her unresponsive. Paramedics and then ER doctors tried for almost 90 minutes to revive her before she was pronounced dead at 3:28. Her therapist cried when she told me that, in her opinion, "had this not happened, she'd be alive. I know she'd be alive." The president of St. Mary's College, Carol Ann Mooney, sat with Lizzy's body at the hospital until her mother arrived from Chicago.

Investigating athletes

Not even Notre Dame argues that her death spurred the pace of the investigation; on the contrary, officials put her death on the list of the factors they say prevented police from interviewing the player sooner. But a former Notre Dame Security Police officer who specialized in sexual assault cases said such delays are not quite as inexplicable as they might seem, since the university effectively makes it more difficult to investigate student athletes by barring police from going through the athletic department. "That's an order," said Pat Cottrell, who before he retired in 2009 was with Notre Dame Security Police for 19 years, and with the South Bend Police Department for 20 years before that. "Just a regular Joe, if they were working a job on campus, I could go there and say, 'Hey, I need to talk to you.' " But when an athlete is involved, he said, "if they don't respond, they don't respond, and that makes it harder to do your job." Notre Dame's statement said athletes get no special treatment, and police shouldn't in any case have to go through the Athletic Department.

In his statement for a campus disciplinary hearing convened in February 2011, where the player was found "not responsible" in the matter, he testified that until he met with police on Sept. 15, 2010, he didn't even know why they wanted to speak to him -- though his friend down the hall had spoken to police 13 days earlier.

He also said that he hadn't known he'd be seeing Lizzy on Aug. 31, that Lizzy was the only one of the four of them who'd had a beer that night, and that it was she who had told him about her "social activities while at Dayton. I did not discuss with her anything about my prior relationships." Even before the other two left the room, he said that Lizzy "at some point began performing a lap dance." The player did not say, as his lawyer did, that she took her own shirt off; instead, he wrote that once they were alone, she "lowered one of the straps" on her tank top. "It was clear to me that she was the aggressor," he said, and "I decided to stop what was going on."

On Sept. 17, Lizzy was buried along with the cowboy hat she wore to country music concerts and a foul ball she'd caught at Wrigley Field just a few months earlier. On Sept. 23, Lizzy's parents met with Notre Dame

police. According to the Seebergs, Notre Dame police said they weren't sure when they'd have time to follow up on the case. "They said they were pretty busy," Mary Seeberg said, "because it's football season and there's a lot of underage drinking."

Notre Dame's statement denied that the Seebergs were told any such thing. But no one has ever denied that the school's president, Holy Cross Fr. John Jenkins, refused to have any contact with the Seebergs, or to even read a letter the family wrote begging for a meeting, on the grounds that it might compromise his ability to serve as the final arbiter in a disciplinary hearing. The lawyer the Seebergs eventually hired to help them get a meeting got this response back from Notre Dame's counsel, Marianne Corr, on Nov. 9: "I still do not see the value of you and the Seebergs coming here for a meeting but of course you are welcome."

After the *Chicago Tribune* first broke the story of Lizzy's allegations and death on Nov. 21, Notre Dame's head football coach, Brian Kelly, wisecracked on a conference call with sportswriters that he didn't know the *Tribune* could afford all the reporters who were peppering him with questions about the case.

At first, Notre Dame officials said privacy laws prevented them from speaking about what had happened at all. But in response to criticism, Jenkins gave the *South Bend Tribune* an interview in which he said he had intentionally kept himself innocent of any detailed knowledge of the case, and yet was sure everything had been handled correctly.

He cited discrepancies between Lizzy's initial handwritten account and a second, supplemental one she gave police on Sept. 5 as a reason for the 15-day delay in interviewing the player. Though the Seebergs say Notre Dame police told them the two reports were "materially the same," the university denies anyone told them that.

Experts in sexual assault say victims almost always add to initial accounts and get some details wrong, particularly in terms of what happened when, because of the way the brain processes traumatic events. Joanne Archambault, who ran the San Diego Police Department's special victims unit for 10 years and now trains officers around the country, says, "Victims don't give a chronological story. I tell cops all the time that they can't ask, 'What happened then?' because they don't know. The victim can be wrong about details because what you're focused on when you're in a traumatic situation is not the same as if you were safe." Of the idea that someone whose initial and subsequent accounts differ in some respects must be lying, she sighed and said, "Juries can be like that, too; they want the story to go from A to B to C, but it isn't like that in real life." Unless, she added, the report really is a phony: "It's the false reports that are perfect." Asked if it's ever better to wait and evaluate various witness statements before interviewing the accused, she said no: "You don't have to rush in and arrest the guy, but you do have to get his statement."

Other cases

After Lizzy's death, Notre Dame officials did continue to investigate her, even interviewing her roommate at Dayton. But the player continued to take the field every Saturday, along with Michael Floyd, who was reinstated after a spring DUI that was his third alcohol-related offense, and the other player who a Notre Dame woman said had raped her in February 2011 -- the woman who, in light of Lizzy's case, hadn't reported it.

The student who drove that young woman to the hospital was in the dorm where she was a resident assistant when she got the SOS. "She said she'd been raped by a member of the football team at a party off-campus." The resident assistant, who asked that her name not be used because she, too, had reported being raped at Notre Dame two years earlier, stayed with her at the hospital, and then took her to the resident assistant's parents' home, which is within driving distance. There, her mother made breakfast and her father watched in horror as the young woman received text after text from the player's friends. "My wife and I looked at them, and they were trying to silence this girl." After the father informed Notre Dame officials about the texts, he said, they promised to get the guys to "knock it off."

"So they can talk to them about shutting up," the resident assistant's father went on, "but not about what happened? The inconsistency is nauseating." The young woman did not respond to messages I left for her. Because she's on scholarship, she fears losing it if she speaks out or makes the school look bad, her friend said.

As a result of the Seeberg case, the civil rights office of the U.S. Department of Education launched a seven-month investigation into how all cases are handled at the University of Notre Dame -- an investigation that ended in a settlement agreement that allowed the university to avoid a potential loss of Title IX funds. (See story [1].) As part of a crackdown by the Obama administration, the Department of Education also sent a "Dear Colleague" letter to all schools last spring, reiterating that all known cases of possible sexual assault must be investigated on college campuses, even when the possible victim does not press charges or file a complaint.

After that letter went out, the resident assistant said, Notre Dame officials did launch an investigation into the case involving her friend -- but told her, she said, that they would not be interviewing her because as a resident assistant in a dorm, she was in a pastoral position.

When I asked the resident assistant how much, if at all, Lizzy's experience influenced her friend's decision not to file a complaint, she said, "Oh, 100 percent; we talked a lot about Lizzy" and about the resident assistant's own experience of having the campus disciplinary board find the young man she had accused "not responsible" of anally raping her on a date. "She said, 'Nothing happened? Then I'm not doing it.' "

Actually, plenty happened after Notre Dame closed the books on the resident assistant's own complaint: Her confessor on campus stopped speaking to her, she said, and another priest snapped at her when she approached him after Mass. "Father, what do I do now?" she asked, days after learning the outcome of the hearing. It was a pastoral question, not a legal one. But his outraged response, she says, was: "How dare you blind-side me here!" Interesting he should put it that way, her father noted, since "they don't know it, but you did hit their blind side, and they're going to protect it at all costs." The resident assistant's father has tried repeatedly, he said, to persuade Jenkins to consider a more serious and spiritual response, but "he was so unwilling to open the box of ugliness."

The same week the resident assistant drove her friend to the hospital, I attended a Mass Jenkins said before the annual pro-life march in Washington. In his homily that day, he spoke about the moral courage required to protect the most vulnerable among us in an indifferent world. Inspiring stuff, really, so I waited to be the last to speak to him on the church steps, and asked him to help me understand why he had refused to meet with the Seebergs, or offer them so much as an "I'm sorry for your loss." His answer was off-the-record, but anyone walking by could have seen a man in a collar shaking with anger, and the tears in his eyes were most certainly not for Lizzy. I'm pretty sure I blind-sided him.

'We talked to the boys'

Though unrecognizable to those who knew her, the portrait of Lizzy being passed around does have some bold strokes in common with the caricatures of other women who have reported being sexually assaulted at Notre

Dame over the decades. In 1974, a South Bend woman who was hospitalized and then spent a month in a psychiatric facility after reporting being gang-raped by six Notre Dame football players was described by a top university administrator as "a queen of the slums with a mattress tied to her back." No charges were filed, but the accused were suspended for a year for violating school rules. At the time, even so revered a figure as Holy Cross Fr. Theodore Hesburgh said: "We didn't have to talk to the girl; we talked to the boys." Hesburgh, who is 94, made that remark to Notre Dame alumnus Robert Sam Anson, who in his student days had founded the campus newspaper. Anson quoted Hesburgh in a story very much like this one, written 35 years ago.

Those who argue that, if anything, Notre Dame is too hard on its athletes regularly cite the 2002 expulsion of three players and a former player accused of gang-raping a woman, though none of them served a day in jail. But their accuser insists they were only expelled after officials failed to dissuade her from going public: "First they said, 'No one's going to believe you.' " When she went to South Bend police anyway, Notre Dame officials "treated me horribly at every opportunity. I had PTSD [post-traumatic stress disorder] and I was afraid they [the players] were going to come after me again, but [school officials] wouldn't let me park my car on campus because they said that wouldn't be fair to the other students. When I tried to make an appointment with the counseling center, they called me back and said they couldn't see me because of pending legal matters, though the legal matter they were talking about was the state versus these four rapists."

My own experience at Notre Dame, where I graduated in 1980, was so positive that I've been back nearly every year since, to speak to writing classes, visit friends on faculty or see a game with my dad, who when he got around better never tired of walking the campus wearing his hubcap-size "Class of '44" button. When I last was there, right before graduation in 2011, there were flyers all over campus that announced, "Sexual assault is never the victim's fault." But over coffee, a student I'd first met when I was on campus as a visiting journalist in the fall of 2010 explained why she felt the Seeberg case "received more national attention than anyone here found necessary." It wasn't that she didn't believe Lizzy's allegations. Instead, "what drew my attention is she was depressed and was in some psychological distress prior to the event -- and that she wasn't raped. It was a disrespectful and wrong action, but I was more drawn to the fact that this wasn't something new. Ultimately, I didn't get worked up or outraged or upset about it."

Though Lizzy literally worried herself to death over the safety of Notre Dame and St. Mary's College women, Notre Dame women have not, I'm sorry to say, much troubled themselves in return: "I've asked a number of young women, 'What are your thoughts about the Lizzy Seeberg case?' " said Holy Cross Fr. Wilson D. Miscamble, who teaches diplomatic history, "and I'm struck by the, I don't want to say lack of charity, but their reaction is, 'She was so foolish to go to his room.' I've been surprised by the lack of a sisterhood mentality."

As theology professor Jean Porter sees it, "Most of my colleagues and almost all of my students tend to be very protective of the institution and our image, and they're not eager to look too closely at anything that might raise questions."

No language for yes

Perhaps Our Lady's university wasn't ever as prudish as billed on those T-shirts that said, "Sex Kills: Go to Notre Dame and live forever." But it's become a place that effectively condones what it can't contain, and can't contain what it won't acknowledge. Which is especially perplexing because once I start talking to young women still on campus who speak openly about being assaulted at Notre Dame, I literally run out of time to sit down with them all. One I do meet is Shea Streeter, a 2011 graduate whose parents met at Notre Dame, where her father played football. Not long before, she and a bunch of friends got to talking and realized that "of the eight of us, six had been sexually violated and we're all good friends and none of us knew that about each other -- and the other two had had bad experiences, too. How could we not know that about each other?" When I ventured that if women aren't talking to each other about such things, they might be even less likely to have those

conversations on a date, Shea stopped me: A date? She hadn't had one of those in four years.

Instead, she explained, students go to parties where they drink until they find themselves making out -- and "if the same thing happens the next weekend, then you're dating." Though alcohol is involved in more than 90 percent of campus sexual assaults, coerced sex under the influence is still more about power and rage than raging hormones. One guy who wouldn't take no for an answer, Shea mentioned, had told her on their way to his room, "We're not going to have sex tonight, because that would be wrong." It insulted her, she said, that he apparently thought that was a possibility. Hearing her describe this bleak social universe made me wonder whether sexual assault on this very Catholic campus has somehow become more morally acceptable, under cover of drunkenness, than sober consensual sex. Her feeling is yes: "When there's no language for yes, there's no language for no."

Power accused me of pursuing this story because the player Lizzy reported is black, but victims at Notre Dame include African-American women like Shea and, like the school as a whole, most of the accused are white. A former Notre Dame administrator whose daughter was raped on campus more than 10 years ago told me he doesn't believe athletes or the children of benefactors are treated any differently: "They do a poor job in general." And white or black, athlete or not, child of a prominent donor or a kid nobody ever heard of, the real constant seems to be, as my friend Ann Therese Palmer put it, "If this happens to you, then you're the one who is wrong." Palmer, an attorney and financial writer who was in the first class of women at Notre Dame in 1972, loves our alma mater as much as anyone I know. So much so, in fact, that she edited a 2007 book, *Thanking Father Ted: Thirty-five Years of Notre Dame Coeducation*, the proceeds of which fund scholarships in honor of Hesburgh, whom she calls "the Boss" and takes to lunch on his birthday every year.

Recently, though, so many daughters of her Notre Dame friends have been raped on campus that she's concluded she needs to warn women who are thinking of attending. The tipping point came when she realized that two friends who'd been roommates both had daughters who had reported being raped at Notre Dame -- and that one of the accused was the son of yet another friend and alumna. "It's not the Notre Dame I knew."

But then, there is so much we did not know about what went on even back then that it's only now I realize that when I was a freshman, I knew one of the players accused of raping that so-called queen of the slums a couple of years earlier; we flirted in the dining hall sometimes, and I certainly never heard that about him. And even if I had heard the story, would I have believed it?

That same year, a 17-year-old across the street at St. Mary's was not having such a wonderful time. Now a lawyer, she contacted me after reading an earlier story I wrote about Lizzy Seeberg to say that two of the same young men accused in the case Anson wrote about, along with a third man, were caught in the act of raping her in her dorm room two years after the original case. Her resident assistant shooed them out of the room and took her to a top St. Mary's official, who she says told her that one of the men had raped another St. Mary's student as well. And then? "I was told to shut up and mind my own business," and she did, until now. Which is not to say she ever really healed: "Every part of my life, every decision I've made has been completely different because of what happened that night."

Surely such things will keep happening, too, as long as there is such a straight line between the collective shrug over that "queen of the slums," and the disrespect shown Lizzy Seeberg even in death.

Lizzy's friends at St. Mary's still struggle, as one of them put it, with "sitting in a football stadium with 80,000 people cheering for someone who did this." And they get angry still when they hear Notre Dame women dismiss Lizzy, as if what happened to her could never happen to them. "Over there, they just paint her as if she was a loony tune," another of her friends says. "If that's what you hear, I guess that's what you think. But at what point do they say, 'Let's step in and solve this?' " That's no easy matter, of course, or every university in the country wouldn't be struggling with it to one degree or another.

The changes required as the result of the federal investigation could make a huge positive difference if taken seriously. But that would mean opening the "box of ugliness" and honestly confronting the story of Lizzy Seeberg and so many others.

[Melinda Henneberger is a political writer for *The Washington Post*.]

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- Sexual [1] assault an intractable problem across the country [1], by Melinda Henneberger

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