

A College Student Was Found Not Guilty In A Rare Campus Rape Trial. Here's Why The Case Is A Big Deal.

Yale University student Saifullah Khan was found not guilty of four counts of sexual assault. His attorneys used the alleged victim's "scanty" Halloween costume, how much she drank, and texts she sent as evidence that their encounter was consensual.

By Brianna Sacks

A Yale University student who was suspended from the university for allegedly raping a classmate was found not guilty on Wednesday, closing a years-long case in which his attorneys repeatedly focused on what the alleged victim wore, her text messages, and how much she had to drink as part of their defense.

The case, as the New York Times noted, is rare, as only a sliver of campus rapes ever make it to trial and few involve open court testimony — a Department of Justice report estimates between just 4% and 20% of female college students report their sexual assault to authorities.

The drawn-out, emotional testimonies — grounded in how much the woman had to drink, the

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Saifullah Khan, outside court during his trial for rape of a fellow Yale University student, in New Haven, Connecticut.

costume she was wearing, who had first initiated sexual interaction, and the type of emojis she used in text

messages — offer a glimpse into the usually shrouded process officials use to handle and prosecute sexual assault cases.

The case also underscores the disconnect between the culture of victim empowerment that has emerged from the #MeToo movement and the ongoing difficulties universities have had curtailing campus rape.

Saifullah Khan, now 25, had been suspended from Yale during his senior year after a fellow senior accused him of raping her after they left a rowdy Halloween party in 2015. Khan was charged with four counts of sexual assault, including use of force and engaging in sexual intercourse with a person who is incapable of resisting.

The woman, now 24, told campus officials — and later testified — that she had drunk too much that night, repeatedly lost consciousness, and that Khan had “pinned” her down and raped her after he walked her back to her dorm room.

Khan described a different version of events, which cast the woman as the aggressor. She invited him back to her room, he testified, where she took off her top, asked for condoms, initiated hooking up, and never said or indicated “no.” The next morning, she was angry at him, Khan said, and asked why they had had sex, telling him that she didn’t want anyone to know, the New Haven Register reported.

“This is a case of two college kids at a Halloween party. She had had too

much to drink and claimed that she had had too much that she blacked out, but she remembered enough to conclude the next morning that she had been raped,” Khan’s attorney, Norm Pattis, told BuzzFeed News after the trial. “He was reading her signals and there was no indication she was not conscious or that she was pushing him away.”

On Nov. 3, 2015, two days after the incident, the woman went to campus police, Pattis said, and by Nov. 9, Yale had suspended Khan without a hearing and evicted him from his residence. He has yet to return to school, his attorney continued.

In a scathing statement calling on Yale to immediately reinstate Khan, Pattis said that the 25-year-old, who came to the US from Afghanistan to study, had his life completely derailed by the accusations.

“Yale rushed to judgment in this case and somehow managed to bring the New Haven State’s Attorney’s Office along for the ride,” the statement said. “We’re grateful to six courageous jurors who were able to understand that campus life isn’t the real world. Kids experiment with identity and sexuality. When an experiment goes awry, it’s not a crime.”

Yale did not respond to BuzzFeed News’ request for comment, but told the Register it had nothing to say about the decision.

The details of the trial, thoroughly documented by the New Haven Register, included days of intense,

tearful testimony in which the woman, who graduated in 2016, and her suspended classmate were pressed to recount specific, often graphic details of a sexual encounter that happened three years earlier. The defense homed in on the woman’s black cat Halloween costume, asking why she didn’t choose something more modest, and questioned her, in detail, about the five drinks she consumed that night.

“You could have gone as Cinderella in a long, flowing gown?” Pattis asked the woman during the trial. He also questioned how she had manipulated the zipper and clasp of the black tube top.

Although the woman maintained she had no romantic interest in Khan, Pattis argued that the “signals” she sent told a different story, such as her use of emojis in text messages, the fact that she had gone out to dinner with Khan before the alleged assault, and that she had once sent him a Shakespearean sonnet.

“In the context of this case, those things matter. They had several meals together. They were flirty. She dressed in a costume that I’m sure she knew what message it was sending and that he found arousing and had said he did,” the attorney told BuzzFeed News, noting that the prosecution had been first to introduce the vomit-covered black costume to the court.

“When do people get a pass on the signals they send? Since when do you get to go out wearing something

scanty that sends signals and not expect certain reactions?” Pattis said. “How you dress is no justification to be raped. But in the context of the evening the costume mattered. You have to own what you do.”

The Victim Rights Center of Connecticut and the state’s attorney’s office, which represented the woman, did not respond to BuzzFeed News’ request for comment.

Campus sexual assault advocacy groups have slammed Khan’s attorneys’ strategy.

“The defense that these attorneys used is every survivor’s worst victim-blaming nightmare,” said Jessica Davidson, executive director of End Rape on Campus. “This case is the reason why sexual assault is one of the lowest-reported crimes in the country. It shows the huge discrepancy between how courts and antiquated laws view sexual violence and how it is taught on campus.”

Davidson also noted that the alleged victim’s extreme state of drunkenness and the fact that she vomited multiple times suggest that any sexual encounter may have been a violation the university’s definition of sexual consent.

The case could also deter other sexual assault victims from taking their attacker to court because of how easily defense attorneys can spin past interactions and alcohol “to make juries skeptical of the victim,” said Alexandra Brodsky, an

attorney with the National Women’s Law Center.

The rare campus rape trial also took on a political significance, coming amid the national #MeToo movement that has spurred a sweeping ousting of powerful men accused of sexual harassment, as well as an ongoing debate over how colleges handle sexual assault allegations.

Khan’s lawyers accused Yale, which has come under scrutiny for mishandling previous sexual assault claims, of scapegoating their client to make a statement that the school is taking these accusations more seriously.

“We think the Title IX hysteria and the need to persuade the feds they were getting more serious about sexual assault pushed them to prosecute,” Pattis told BuzzFeed News.

Calling #MeToo “a political and social poison” that “can’t die quickly enough,” Pattis said Khan’s case had shown that the movement has disregarded the presumption of innocence because the “accused can’t defend themselves in court.”

Davidson slammed Pattis’s comments Wednesday, noting that the case highlights the fissures between the legal system and how sexual violence is defined on college campuses.

“Text messages, winking emojis, and a costume have nothing to do with consent,” she said. “The defense attorney’s comments display a fear of where #MeToo

and the movement against sexual violence can go because it requires our society to take a deep, ugly look at how all of us experienced sex and dating in college. But we have to do that to move forward.” ■