

At Duke, the Massacre of Innocence

By ABIGAIL THERNSTROM

Privileged, rowdy white jocks at an elite, Southern college, a poor, young black stripper, and an alleged rape: It was a juicy, made-for-the-media story of race, class and sex, and it was told and retold for months with a ferocious, moralistic intensity. Reporters and pundits ripped into Duke University, the white race and the young lacrosse players at the center of the episode, and the local justice system quickly handed down indictments. But as Stuart Taylor Jr. and KC Johnson show in **"Until Proven Innocent"** -- and as the facts themselves would show when they finally came to light -- it was a false story, a toxic controversy built on lies and bad faith.

There was plenty of wrongdoing, of course, but it had very little to do with Duke's lacrosse players. It was perpetrated instead by a rogue district attorney determined to win re-election in a racially divided, town-gown city; ideologically driven reporters and their pseudo-expert sources; censorious faculty members driven by the imperatives of political correctness; a craven university president; and black community leaders seemingly ready to believe any charge of black victimization.

"Until Proven Innocent" is a stunning book. It recounts the Duke lacrosse case in fascinating detail and offers, along the way, a damning portrait of the institutions -- legal, educational and journalistic -- that do so much to shape contemporary American culture. Messrs. Taylor and Johnson make it clear that the Duke affair -- the rabid prosecution, the skewed commentary, the distorted media storyline -- was not some odd, outlier incident but the product of an elite culture's most treasured assumptions about American life, not least about America's supposed racial divide.

A bit of college-age stupidity triggered the sequence of events. The co-captains of the Duke lacrosse team held a house party in Durham, N.C., on March 13, 2006, and hired two strippers from an escort service for the occasion. The women who showed up -- Crystal Mangum and Kim Roberts -- happened to be black.

It turned out that Ms. Mangum -- although the public would not learn of such details until very late in the life-span of the scandal -- had a serious alcohol and narcotics problem. She had been diagnosed as bipolar and had spent a week in the state mental hospital the previous summer. Having arrived at the party late, she did not start dancing until midnight. Time-stamped photos show that her performance lasted only four minutes. By 12:30 she had passed out, as she often did -- it was later discovered -- at the Durham night club where she worked as an "exotic dancer." The other dancer, Ms. Roberts, eventually drove her to a grocery store and asked for help, and the security guard there called the police, who assumed that Ms. Mangum was "passed-out drunk."

In the custody of police, Ms. Mangum said nothing about a rape. (Ms. Roberts called the rape charge a "crock" when she first heard of it, until District Attorney Michael Nifong bribed her to say otherwise by reducing a bondsman's fee -- from an earlier conviction -- by roughly \$2,000.) Ms. Mangum, fearing recommitment to a mental hospital, landed on rape as the explanation for her incoherent and generally woeful condition when she was prompted by a nurse-advocate at a mental-health processing facility. There was no medical evidence to substantiate the charge.

In a series of interviews with prosecutors, Ms. Mangum drew wildly different and implausible pictures of the alleged rape. DNA tests from swabs taken the night of the incident revealed that she had had recent sexual contact with as many as four men, none of whom were Duke lacrosse players. Defense lawyers discovered this damning detail only after combing through more than 1,800 pages of documents released by the district attorney months after the testing was done. The DNA cover-up was only one of the procedural travesties that eventually cost Mr. Nifong his job and law license and (last week) earned him a one-day jail sentence.

In two photo-identification lineups, Ms. Mangum couldn't identify anyone as her rapist. On a third try -- before which Mr. Nifong announced to her that all the photos that she was about to see were of Duke lacrosse players -- she suddenly fingered three: David Evans, Collin Finnerty and Reade Seligmann. It was apparently of no consequence to Mr. Nifong that the lineup violated basic departmental rules and that none of the men she identified bore the slightest resemblance

to the descriptions she had given police.

Time-stamped photos -- at the party and at an ATM -- along with cellphone and taxi records showed indisputably that Mr. Seligmann could not have participated in the 30-minute, three-orifice gang rape and vicious beating of which Ms. Mangum accused the three players. Messrs. Evans and Finnerty did not have such air-tight alibis, but each cooperated fully with the police, even offering to take lie-detector tests, and there was not a shred of evidence against them. The district attorney branded the defendants as "hooligans," but others -- like Messrs. Taylor and Johnson here -- described them in glowing terms, as earnest, hard-working students.

The state attorney general -- after an agonizing yearlong investigation, culminating in Mr. Nifong's removal from the case -- determined in April 2007 that Messrs. Evans, Finnerty and Seligmann were innocent of all charges. Nothing -- absolutely nothing -- had happened at the party. The players' innocence had been apparent to their own attorneys from the outset. It should have been apparent to Mr. Nifong, too, given all the exculpatory details he knew. But he was desperate to win a close primary election and needed black votes, so he proceeded with an unjustified prosecution and publicly vilified innocent young men.

In this fundamental injustice, he was aided and abetted by others in Durham. Richard Brodhead, the president of Duke, condemned the lacrosse players as if they had already been found guilty, demanded the resignation of their coach and studiously ignored the mounting evidence that Ms. Mangum's charge was false. He was clearly terrified of the racial and gender activists on his own faculty. Houston Baker, a noted professor of English, called the lacrosse players "white, violent, drunken men veritably given license to rape," men who could "claim innocence . . . safe under the cover of silent whiteness." Protesters on campus and in the city itself waved "castrate" banners, put up "wanted" posters and threatened the physical safety of the lacrosse players.

The vitriolic rhetoric of the faculty and Durham's "progressive" community -- including the local chapter of the NAACP -- helped to intensify the scandal and stoke the media fires. The New York Times' coverage was particularly egregious, as Messrs. Taylor and Johnson vividly show. It ran dozens of prominent stories and "analysis" articles trying to plumb the pathologies of the lacrosse players and of a campus culture that allowed swaggering white males to prey on poor, defenseless young black women. As one shrewd Times alumnus later wrote: "You couldn't invent a story so precisely tuned to the outrage frequency of the modern, metropolitan, *bienpensant* journalist." Such Nifong allies -- unlike the district attorney himself -- paid no price for their shocking indifference to the truth.

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