

The last straw

The Lacrosse Case Demonstrates President Brodhead Lacks Real Leadership

President Richard Brodhead's supporters will point out that he has done a fine job of raising money, which is 70% of a university president's job these days. Unfortunately for Brodhead, that leaves 30% to leadership. For better or worse, the lacrosse affair was destined to define the early stages of his tenure, and once accounted for, the best grade Brodhead can hope for is a C minus. Though Chairman of the Board of Trustees Bob steel has been heavily involved in decision making, the Duke administration's handling of the lacrosse affair has reflected a troubling vacancy of judgment, integrity, courage, competence, and plain old common sense, all of which redound to the president.

Dick Brodhead's involvement and responsibility in this affair are not nearly as simple and innocent as many would like to believe. One simply cannot understand the astounding depths and intricacies of this affair without having an extraordinary grasp of the facts, and though many of the facts that are publicly known are shocking and appalling, there are a great deal more that remain unpublished that are equally or more troubling.

Most supporters of Brodhead do not know that administrators handed over troves of players' confidential information—information that was later used to frame suspects and obtain indictments—in violation of federal law to police (whose mendacity was well known to the administration). Most are unaware of the degree of intimacy between the Duke administration, Durham Police, and Mike Nifong; at times, Nifong went out of his way to do favors such as his attempted cover up for this illegally leaked information. Duke went to great lengths to make sure Nifong would not malign the university or accuse administrators of not cooperating. It was at Brodhead's request that Nifong left the imagined that both Bob steel and Dick Brodhead believed it was in the best interests of the University for the case to reach trial lest there be speculation about university involvement in the case's dismissal; because of this, they actually advocated going to trial (see Friends of Duke University). Many are unaware that the administration illegally shut down voter registration drives in the fall of 2006, thereby frustrating student efforts to unseat the corrupt Mike Nifong. Did the administration consider that such positions beneficial to their professional security might be inimical to Duke's long-term interests?

Most parents are unlikely to realize the extent of the harassment and humiliation endured by vulnerable Duke students by the most

Elliott Wolf 11/15/07 2:09 AM

Comment: Larry clarified the basis of this statement in the DSED blog, but the use of the word "troves" to describe information that may have been released is highly questionable.

Elliott Wolf 11/15/07 2:32 AM

Comment: Beyond anonymous sources, there seems to be no basis for this comment. KC Johnson's description: "the book presents no evidence that Nifong 'went out of his way' to do anything for the Duke administration. It does note Nifong's praise of the Duke administration in late March, and his willingness to issue the statement about the 43, but those matters don't suggest a policy of going 'out of his way' to do anything. It's clear, of course, that Nifong didn't view the administration as an obstacle to his plans."

privileged people on campus, their own professors, who most certainly are not covered by freedom of speech; indeed, in many cases there are grounds for revoking tenure. Nor do they realize that when made aware of these incidents, Brodhead did nothing. Ironically, it has been the students who have set the example throughout, showing leadership and wisdom, having the courage to take responsibility for their actions, and representing the school with dignity.

Some try to claim that Brodhead did not separate the university's position from the words and actions of many of Duke's morally allergic faculty (let alone condemn or punish it) because it is his duty to abstain from university debate. Put aside the foolishness of the idea that the Duke president cannot take a stance on serious issues when Duke matters are involved. long before the lacrosse party ever happened, Brodhead already had something of a history of injecting himself into racially turbulent issues and railroading his own students when he himself was threatened.

After allowing the Palestinian solidarity Movement to hold a conference at Duke, Brodhead was under harsh attack from many who deemed the group terrorist and anti-semitic in nature. In a thinly veiled effort to appease his own enraged critics, Brodhead published a letter issuing an embarrassing rebuke of a student who had expressed his views on the matters in the previous day's op-ed, claiming the student had promoted vile stereotypes. soon after, the student published an apology.

Many Brodhead supporters would likely faint upon learning that it was the Duke administration that implemented and maintained what Brodhead termed the "Good Neighbor Policy" in which Duke students are targeted, arrested, and punished by Durham police much more severely than other Durham residents for lesser crimes simply to limit drinking and disturbances off campus. Not only is the policy unconstitutional, but also it fosters abusive attitudes among police already aching to show the Duke kids how tough life is. It was this policy that unleashed officers like sergeant Gottlieb (of the lacrosse framing and excessive force variety) on Duke students. It was Duke that collaborated with police and AIE to illegally raid student off campus houses without

Elliott Wolf 11/15/07 2:31 AM

Comment: My research for the series "Dude, where are my rights?" revealed that the University tacitly approved of an increased police presence in Trinity Park. There was no evidence, however, that the University specifically approved of or developed a policy that encourage differential treatment.—only a striking indifference to such treatment. From the article: “

At the very least, the University is not doing everything in its power to ensure that Duke students are afforded the same rights as every other Durham resident. At the worst, it is actively encouraging law-enforcement officers to violate students' rights by providing a means to punish students with neither due process nor accountability.

Where we lie on that continuum depends wholly on the integrity of Durham law-enforcement agents, whom University officials inexplicably, and blindly, trust.”

Elliott Wolf 11/15/07 2:29 AM

Comment: Seemingly plagiarized from UPI, p 53.

Elliott Wolf 11/15/07 2:31 AM

Comment: Given that this is a statement in an article about the University, it arguably applies to the actions of the University itself (Kenny, feel free to clarify). If that is the case, however, it is inaccurate. Duke technically has the authority to define its judicial system however it wants to. The argument is that Duke is not fostering its own values and tacitly encouraging unfair treatment of its students. From the conclusion of the "Dude, where're my rights" series: “

Bryan was correct in arguing that, legally, "We don't have to give you any rights." As he noted, students have "a contractual relationship" with the University, and we agree upon matriculation to abide by the University's policies, whatever they may be. In making that argument, however, he devalues students' status as members of the University community, suggesting that we aren't entitled to even a semblance of self-determination or an assurance that we won't be jettisoned at the whim of the administration.

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warrants—well in excess of 100 instances—so that Judicial Affairs could subject them to Duke justice. Yes, Duke had its hands involved in nearly every aspect of this affair, and with regards to these policies, the Duke administration was caught with its hands in the cookie jar as the truths behind the lacrosse case unraveled.

Revisionist historians and Brodhead apologists promote the idea that for several months the merit of the rape allegations was unclear. The fact remains that the rational minded majority of Duke students had recognized the fraud for what it was by about the beginning of April. surely Brodhead knew as much or more than we did, and anyone paying significant attention to what was already in the media could be quite confident that the allegations were not merely false but impossible. All of us, even many trustees, have been deceived by Burness, Brodhead, and steel regarding their contact—duplicitous at first, then later non-existent—with players, their families, and especially their lawyers. This was no accident. To all who believed that Brodhead and authority figures at Duke were working behind the scenes to contain the hysteria, this intentional avoidance of communication is perhaps most disturbing of all.

Defense attorneys made multiple attempts to contact Brodhead and steel as early as March 27, 2006 pleading for the opportunity to show their unimpeachable digital timeline proving their clients' innocence thereby giving administrators the strength they needed to stand their ground and wait for DNA evidence before rushing to punish and condemn. Both men refused. Brodhead had no qualms whatsoever with speaking to Mike Nifong's minions. Nor did he hesitate to speak with the NAACP to hear whether they thought the players were guilty. Yet he had no interest in speaking with the players, their lawyers, or their coach.

Consider how much of Duke's mishandling was entirely preventable. The decision to refuse proof of innocence smacks of maintaining plausible deniability. The truth is Brodhead and steel had likely already made their minds up: for the supposed good of Duke, the case must go to trial. It was never going to be any other way.

Indeed, Brodhead did not hesitate to seize this opportunity to put the student body and the

Elliott Wolf 11/15/07 2:23 AM

Comment: Quoted in article. There is no basis for this statement beyond Larrey's anonymous sources. The current situation, as documented in "Part Po-Po," is that Duke expressed a willingness to punish students even when the 4th amendment was violated, thus arguably rewarding police officers for violating students' rights.

Elliott Wolf 11/15/07 2:24 AM

Comment: That is highly speculative. Neither the administration nor DSG conducted surveys to that end.

Elliott Wolf 11/15/07 2:26 AM

Comment: This was well documented in UPI and It's not about the Truth. Still should have cited a source.

lacrosse team in particular on trial. The lacrosse Ad Hoc Review Committee, the Campus Culture Initiative and so on were planned several days before the McFadyen email became public and coach Pressler was fired. Brodhead was simply waiting for the right opportunity. Nor did the pot-banging professors pass up an opportunity to spew their slander and hatred from the soapbox of their dreams. None were about to let this golden opportunity for undergraduate social engineering and ridicule slip through their fingers. The only thing that didn't matter was the validity of the accuser's contradictory stories. It simply never was about the truth for any of them, least of all Brodhead and steel. This was not a case of Brodhead failing to speak out on behalf of his students; it was a case of Duke administrators betraying and systematically undermining their own students' fight for justice.

Worst of all, it was a case of administrators betraying values at the very core of Duke's mission, most notably the pursuit and value of truth. ☞

The administration failed to adequately respond to the "rush to judgement" that fueled enraged protest on campus during the Lacrosse case.
Ken Larrey is President of Duke Students for An Ethical Duke

Elliott Wolf 11/15/07 2:28 AM

Comment: A 3/29 statement of the Academic Council referred to a Lacrosse Review Committee, but not to the CCI. While this is probably true, there is no evidence of it. According to KC Johnson: ". There's no evidence that the administration was simply waiting for a trigger event to spring all these committees on Duke-- i.e., if it weren't the McFadyen email, it would have been something else. I suspect that Larrey is probably correct in one respect: it's hard to believe that the administration came up with the ideas for all of these committees in the several hours between the publication of the McFadyen email and the Brodhead letter announcing the committees, and I'd be amazed if there hadn't been some sort of contingency planning between 3-27 and 4-5. But that's just a hunch on my part"

Elliott Wolf 11/15/07 2:28 AM

Comment: This ending is ironic on so many levels.

Elliott Wolf 11/15/07 2:07 AM

Comment: