

## Stuart Taylor Lectures at Duke University

On Friday November 2, 2007 Stuart Taylor spoke to an audience of approximately 70 people at Love Auditorium on the campus of Duke University in Durham. Mr. Taylor, the coauthor of *Until Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse*, is an opinion columnist for the *National Journal* and a graduate of Harvard Law School. Reviews of their book in Newsweek and The Economist were favorable, and HBO has expressed interest in making a docudrama based on the book. Duke Students for an Ethical Duke invited Mr. Taylor, and its president, Kenneth Larrey, introduced him. In the audience was James Coman, one of the two prosecutors who took over the case after Michael Nifong asked to be relieved.

Because his audience seemed well informed about the facts of the case, Mr. Taylor emphasized the more personal and historical aspects of how he came to write about the false accusation of three former Duke lacrosse players, David Evans, Collin Finnerty, and Reade Seligmann, and how the faculty and administration handled the case. His coauthor, Professor KC Johnson, had maintained an extensive blog, Durham in Wonderland, but the two of them did not decide to write this book together until well after Mr. Taylor had started.

Mr. Taylor answered also questions before and after his lecture. When asked what should be done now, Mr. Taylor suggested that an outside panel of respected individuals should study the actions of the faculty and administration, possibly as part of a settlement of a suit against Duke. Mr. Taylor listed some of the actions of the Duke administration that he felt were inappropriate; first, what he called misleading smears in public statements by President Brodhead and in private statements by other administrators implying that the lacrosse players had a history of racism and very bad conduct; second, their statements that in context implied that the lacrosse players might well have been guilty of rape, even after strong evidence of innocence had been made available to Duke officials; third, the administration's refusal to look at this evidence of innocence; fourth, the completely unwarranted firing of lacrosse coach Michael Pressler; and fifth, the release of key card records, among other things. He also indicated that further improprieties have been alleged, although not yet proven. "It gets worse the more I learn." In response to another question, Mr. Taylor indicated that there was at least a small chance that the North Carolina Office of the Attorney General and the United States Justice Department might investigate this case jointly, and that the misconduct of many in the police department as well as of Mr. Nifong should be criminally investigated.

Mr. Taylor also emphasized that future administrations must be proactive in assessing the evidence against students accused of crimes. Duke's President, Richard Broadhead, consistently refused to examine the defense's evidence, fearing it would give the appearance that Duke was unduly favoring the accused in a legal matter, a principle that President Broadhead took to illogical extremes, Taylor and Johnson argue. Taylor said that although he agreed with the decision to suspend Reade Seligmann and Collin Finnerty on the principle that a university must ensure the safety of its students, their suspensions should have been lifted about six months earlier than they were.

Mr. Taylor was asked about Duke University Law Professor James Coleman. Coleman had written a summary in early 2006 of the Duke Lacrosse players' behavior over several years, a report that Mr. Taylor and Professor Johnson point out is largely favorable to the players. Professor Coleman has recently written a letter in which he accuses the coauthors of unspecified dishonesty in their characterization of his report. Professor Coleman has also indicated that the group of 88 Duke faculty members who signed a paid advertisement in the Duke Chronicle has been unfairly treated. The advertisement indicated that there was a pervasive culture of racism and sexism at Duke and suggested that the lacrosse players were guilty. The ad has been the target of much criticism. Mr. Taylor speculated that Professor Coleman is trying to neutralize the impact of his own report.

Mr. Taylor praised the work of several in the mainstream media, including Dan Abrams, David Brooks, Chris Cuomo, and Nicholas Kristof. However, he was harshly critical of a number of reporters, especially some at the New York Times, where Mr. Brooks and Mr. Kristof are both columnists. When asked about the long-term fallout, Mr. Taylor seemed pessimistic about the ability of mainstream media to break old habits, especially where race is concerned, citing the incident in Jena, Louisiana. A reporter in Jena told Mr. Taylor that the descriptions of many key facts were "grossly misleading."

When he was asked what would constitute due diligence on the part of the parents sending their children to college, Mr. Taylor suggested that they should discourage their sons and daughters from taking classes from far left professors in the humanities. He clarified his comments by saying that the far left professors were not liberal, but subscribed to Marxism or fascism. He also said that parents should encourage their college-age sons to exercise considerable caution in matters of sexual conduct. In response to a question about what can interested parties do to change academic culture, Mr. Taylor said that students need to be wary of their professors and need to take them on, even continuing to do so as alumni. The hiring of faculty should be strictly on scholarly quality, as opposed to diversity.

Taylor also responded to a question about former district attorney Michael Nifong. He indicated that Mr. Nifong's actions by the end of March 2006 had essentially committed him on a path of professional suicide. Mr. Taylor was at a loss to explain Mr. Nifong's motivations fully but indicated that personal animosity toward attorneys Joseph Cheshire and Kirk Osborne may have played a role. A lawyer with experience both as a prosecutor and a defense attorney later explained in response to a reporter's question that prosecutors such as Mr. Nifong was under a broader and more stringent ethical obligation than a defense attorney, including a duty to seek justice, not necessarily a conviction.

Taylor also painted a nuanced picture of Duke Lacrosse player Ryan McFadyen's email after the night of the alleged rape. While agreeing that the contents of Ryan McFadyen's email are hard to stomach, Taylor pointed out that it was intended as private communication. Moreover, its recipients understood it as a sick joke and one that was a kind of parody of an even more graphic incident in the novel *American Psycho* that Ryan McFadyen was assigned as coursework. Taylor said that the culture is full of vile and disgusting stuff, but that when he presented first the contents then the context of the email to his twenty-year old daughter as a "reality-check", her reaction became

more measured when she understood that Ryan McFadyen was referencing something he had read.

Mr. Taylor described himself as a moderate (his articles in *The Atlantic* might be characterized as centrist), and Professor Johnson supports Senator Barack Obama for president. Therefore, their critique of academia does not seem to be a conservative jeremiad. Mr. Taylor described many of the group of 88 faculty members not as liberals but as “hard left.” Along these lines, although the subtitle of the book he coauthored includes the term “political correctness,” Mr. Taylor indicated that this term “understates” the problem of faculty who punish those of opposing political views, among other transgressions.

### **A Conversation with Professor Steven Baldwin**

More than a year and a half after the rape allegation vexed the Duke campus, there are indications that this case continues to stir emotions among some students. During a computer science class prior to Taylor’s lecture, one student was observed wearing a Duke Lacrosse t-shirt. Duke senior Kenneth Larrey said that it was scary that some Duke faculty could act as they had and not be punished, but in some cases rewarded.

In an interview several days after the Taylor lecture, Duke chemistry professor Steven Baldwin provided some insight from a faculty member’s point of view. He recalled how his letter to the Duke Chronicle defending his friend, former lacrosse coach Michael Pressler, was one of the factors that made him an enemy of many in the group of 88. Mr. Pressler was asked to resign less than a month after the night of the alleged rape.

In the fall of 2006 Professor Baldwin wrote an op-ed piece for the Duke Chronicle in which he said that he treated his students much as he did his children. Professor Baldwin made clear his judgment that many among the Duke faculty and administration had grievously let the lacrosse players down in this regard. Professor Baldwin took some of his fellow faculty members to task for savaging the reputations of particular lacrosse players in public, (he said he is still upset over it). Toward the end of his commentary he wrote that these faculty members deserved to be tarred and feathered, and ridden out of town on a rail.

The director of Women’s studies, Professor Robyn Wiegman, said that Baldwin’s words were the language of lynching (many strongly dispute this connotation). In addition, a group of faculty went to President Brodhead to ask that Professor Baldwin be fired. Subsequently, Professor Baldwin wrote a letter to the Duke Chronicle in which he offered apologies for his choice of words. Baldwin identifies himself as a liberal Democrat but said that this affair has made him a little more conservative. He explained that most individuals in academia are politically correct in terms of not using insensitive language and similar things.

Other than from a few members of the group of 88, Baldwin received much support for the main thrust of his essay. However, soon the issue Professor Baldwin’s choice of words sidetracked the discussion of how a university should treat its students who are under a legal cloud. Professor Baldwin indicated that Duke should have acted *in loco parentis* but failed. Professor Baldwin agreed that Collin Finnerty and Reade Seligmann should have been suspended then put on leave

but thought that it should have been lifted before the fall semester of 2006 rather than the spring of 2007. He also said that it was questionable for Duke to hire its own lawyer to advise the lacrosse students shortly after the incident.

Commenting on the advertisement put out by the group of 88 faculty members, Professor Baldwin said that other faculty assumed that there was something to the rape allegation after they saw the ad. The ad implied that the students were guilty and suggested that racism is pervasive at Duke. Neither the ad nor some of its signers are coherent, in Professor Baldwin's estimation. He characterized some of them as "very bright but not always rational."

Professor Baldwin had praise for President Brodhead's handling of the affair up until 1 April 2006, but he observed that something seemed to turn President Brodhead around. Duke's real failure occurred when it was clear that there was no case against the accused. Professor Baldwin said that President Brodhead gave a gracious apology that was six months late, for example, and in general did not show great leadership or go out on a limb.

The group of 88 faculty members responsible for the advertisement did not constitute a random sample of Duke faculty. For example, the signers of the ad included no one among the biology faculty, and only one from the physics department. In response to a question recalling C. P. Snow's essay about the two cultures (science versus the humanities), Professor Baldwin agreed that this divide was part of the explanation for how some within the group of 88 treated him. Duke has a bigger problem with militant hyper PC faculty than some other universities, but he felt that Duke's relationship with the black community of Durham was also a factor in why the story developed as it did. He said that some administrators would have to continue to deal with a "socially bifurcated faculty."

When asked to respond to Baldwin's Chronicle essay, attorney Harvey Silverglate described the faculty who pilloried the three players as "feckless." He went on to say, "it is unbearably sad that Professor Baldwin, having used a perfectly apt metaphor for how the unapologetic faculty members should be treated, then saw fit to kneel down at the altar of political correctness and issue the ritual apology." About the faculty allied with Professor Wiegman, Mr. Silverglate said "they kept silent about their outrageous conduct toward three students, and instead proceeded to torment the professor who showed the moral courage to seek to call them on it." Mr. Silverglate is the coauthor of the book "The Shadow University: The Betrayal Of Liberty On America's Campuses" with Alan Charles Kors, a professor of history at the University of Pennsylvania. The two also created the Foundation for Individual Rights in Education, in response to the cases of illiberal policies and violations of individual rights at colleges and universities.