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EDITORIAL DESK

Jocks And Prejudice

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As more facts come out about the Duke lacrosse scandal, it should prompt some deep reflection.

No, not just about racism and sexism, but also about the perniciousness of any kind of prejudice that reduces people -- yes, even white jocks -- to racial caricatures. This has not been the finest hour of either the news media or academia: too many rushed to make the Duke case part of the 300-year-old narrative of white men brutalizing black women. That narrative is real, but any incident needs to be examined on its own merits rather than simply glimpsed through the prisms of race and class.

Racism runs through American history -- African-American men still risk arrest for the de facto offense of "being black near a crime scene." But the lesson of that wretched past should be to look beyond race and focus relentlessly on facts.

So let's look at facts. Time-stamped photos show the accuser dancing at a lacrosse team party at 12:04 a.m. and slumped outside the house where the party was taking place at 12:30 a.m., so the alleged beating, gang rape and sodomy would have had to occur during that interval. Stuart Taylor Jr., the legal writer once for this newspaper and now for National Journal, has noted that the later photo shows her looking relaxed, with her clothes in good order.

Mr. Taylor, who has covered this case meticulously, told me he was more than 90 percent confident that the defendants were innocent.

One of the defendants is Reade Seligmann, whose cellphone made at least seven calls between 12:05 and 12:14. The last was to a taxi driver, who picked up Mr. Seligmann at 12:19. That's a pretty good alibi.

Meanwhile, no DNA evidence has turned up to confirm that the accuser had any sex with the lacrosse players (she said no condoms were used). It also turns out that the accuser is herself a bundle of complexities: a Navy veteran and full-time university honor student but one who moonlights for an escort service, has a criminal record and in the past has accused three men of gang-raping her.

I've been poring over a half-dozen police reports and witness reports filed in court in dribs and drabs, the latest just a few days ago. The initial police report by Sgt. J. C. Shelton shows that the accuser didn't raise the issue of rape until she was about to be locked up in a mental health center. Then when she said she had been raped, she was transported instead to a hospital, where the same police report says she recanted the rape charge, and finally reinstated it.

A different report by a police investigator says that the other dancer at the party initially scoffed that the allegation of rape was a "crock."

Granted, traumatized victims and witnesses can be terrified and confused. We don't know what happened, and we should avoid stereotyping the accuser because of her job -- but we should also avoid stereotypes of lacrosse players as "hooligans."

That's what the district attorney, Mike Nifong, called the Duke athletes. As I see it, he may be the real culprit here. For starters, his many public statements seem to violate the North Carolina rules of professional conduct; Section 3.8f bars prosecutors from "making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused."

Mr. Nifong may have had a motive for prosecuting a case that wouldn't otherwise merit it: using it as a campaign tool. Heavily outspent in a tough three-way election race, he was the lone white man on the ballot, and he needed both media attention and black votes to win. In the end, he got twice as many black votes as his closest opponent, and that put him over the top.

Unfortunately, many in the commentariat started by assuming that the lacrosse players were thugs. Prof. Houston Baker, who is now leaving Duke, demanded that the university dismiss the coaches and players as a response to "abhorrent sexual assault, verbal racial violence, and drunken white male privilege loosed among us."

Look, we have a shameful history in this country of racial prejudice. One of the low points came in the 1930's when the Scottsboro Boys were pulled off a train in Alabama and charged with rape because of the lies of two white women. The crowds and media began a witch hunt (one headline: "Nine Black Fiends Committed Revolting Crime") because they could not see past the teenagers' skin color.

So let's take a deep breath and step back. Black hobos shouldn't have been stereotyped then, and neither should white jocks today.

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