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Rape Allegation Against Athletes Is Roiling Duke

By VIV BERNSTEIN AND JOE DRAPE; VIV BERNSTEIN REPORTED FROM DURHAM, N.C., FOR THIS ARTICLE AND JOE DRAPE FROM NEW YORK.
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Duke University suspended the season of its nationally ranked men's lacrosse team Tuesday while the authorities investigated allegations that a woman from a nearby college who had agreed to dance at a private party attended by many team members had been sexually assaulted.

The incident on March 13, which occurred at an off-campus house owned by the university, has brought into sharp relief long-simmering tensions between the private university and the city. The woman is black, most of the team members are white and law-enforcement officials say they are investigating allegations that racial epithets were shouted at the woman.

Residents, students and faculty members have staged at least five protests in the last four days, including one Tuesday night outside the building where Duke's president, Richard H. Brodhead, was holding a news conference. They are upset with the silence of team members and the university's handling of the case.

Mr. Brodhead's announcement that the team's season was being suspended came five days after 46 of 47 members of the Blue Devils lacrosse team provided DNA samples to Durham police investigators. The team's roster includes 26 players from New York, New Jersey and Connecticut high schools. Mr. Brodhead said that he met with the team's captains Tuesday morning and that they apologized for the embarrassment they had caused themselves, their families, the athletic department and the university. They also denied the allegations made by the woman, who said she had been assaulted in a bathroom by three team members.

Michael B. Nifong, the Durham County district attorney, criticized team members for not coming forward.

"The thing that most of us found so abhorrent, and the reason I decided to take it over myself, was the combination gang-like rape activity accompanied by the racial slurs and general racial hostility," Mr. Nifong said Tuesday in a telephone interview.

"There are three people who went into the bathroom with the young lady, and whether the other people there knew what was going on at the time, they do now and have not come forward. I'm disappointed that no one has been enough of a man to come forward. And if they would have spoken up at the time, this may never have happened."

Officials are investigating the incident as first-degree forcible rape, common law robbery, first-degree kidnapping, first-degree sexual offense and felonious strangulation. Mr. Nifong said it was unlikely the investigation would be completed in time in time for Duke to resume its season; the team's last scheduled game is May 7.

A statement attributed to the team's captains -- Matt Zash, David Evans, Dan Flannery and Bret Thompson -- said the team had cooperated with the police. "We have provided authorities with DNA samples," it said. "The understanding is that the results of the DNA testing will be available sometime next week. The DNA results will demonstrate that these allegations are absolutely false."

Since the March 13 incident became public, the authorities have said members of the team have not cooperated, and protests have arisen in this college town of 210,000 residents because of the alleged violent nature of the attack and its possible racial elements. The News and Observer of Raleigh, N.C., reported that the woman was a mother of two and a student at North Carolina Central University, also in Durham. She was hired with another female dancer to perform at the party.

The Duke lacrosse team has benefited from the sport's surge in popularity in recent

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years. The team has been ranked as high as No. 2 in the nation this season and lost in the N.C.A.A. championship game to Johns Hopkins last spring. The Blue Devils were expected to contend for another title this season.

Joe Alleva, the Duke athletic director, had decided to forfeit the team's games on Saturday and Tuesday night as a penalty for the party.

The woman told the police that she and another woman went to the house expecting to dance for 5 men at a bachelor party and instead found more than 40, according to The News and Observer. Public records list the house as the residence of Mr. Zash and Mr. Flannery.

She said that almost immediately upon performing, the men started taunting them with racial epithets. The women left shortly thereafter, according to a report of the incident in a search warrant that was granted on March 16. But they were persuaded to return after one of the men apologized.

According to the application for the search warrant, two men pulled the woman into a bathroom after she returned to the house. "Someone closed the door to the bathroom where she was and said, 'Sweetheart you can't leave,' " the report said.

Jason Bissey, a chef who lives near the house, said he saw the woman that night from his porch and told the police that he heard men harassing the women.

The police did not take a DNA sample from the only African-American player on the team because the woman said the three assailants were white, the police said.

Among 30 items seized by the police, according to Mr. Nifong and the search warrant, were five acrylic fingernails, cellphones and \$160 in \$20 bills that the woman said had been stolen from her.

Some of the players and Robert C. Ekstrand, a lawyer who is representing many of them, did not return telephone calls Tuesday.

John Danowski, the father of a star player for Duke, Matt Danowski, and a longtime coach of Hofstra's lacrosse team, would not comment on particulars of the incident and refused to say if his son was at the party.

The incident has cast an unflattering light on a university that has a track record for success and integrity in athletics rivaled only by its highly regarded academics.

In his statement, Mr. Brodhead addressed the turmoil the allegations brought to the Duke community, but balanced it with a reminder that no one had been charged.

"While we await the results of the investigation, I remind everyone that under our system of law, people are presumed innocent until proven guilty," Mr. Brodhead said in his statement. "One deep value the university is committed to is protecting us all from coercion and assault. An equally central value is that we must not judge each other on the basis of opinion or strong feeling rather than evidence of actual conduct."

Duke officials said they allowed the team members to vacate the house, and on Tuesday, signs reading "Where Are They" and "Outraged Duke Alum," littered its yard.

"How can I be surprised at the outrage?" Mr. Brodhead said. "If the things alleged are verified, they're outrageous."