



January 8, 2007

Dear Members of the Duke Community:

I write to greet you at the start of a new year. I also want to address some important developments that have taken place while the University was on break, and to offer some thoughts as we go forward.

Last spring, this community became embroiled in a major controversy arising from a party held by members of the men's lacrosse team. It is universally acknowledged that the behavior at the party was inappropriate and unacceptable. Several factors came together to intensify the emotional response to this event. Though vehemently denied by team members, the accusations that resulted from the party raised deeply troubling questions about sexual violence and racial subjugation, issues of fundamental concern to any decent community. Passions were further intensified by a series of statements by the Durham District Attorney Mike Nifong that a rape had indeed taken place. Intense media coverage heightened these passions, promoting an air of instant certainty about rapidly changing "facts."

In the confusion of this situation, the University's response was guided by two principles: that if true, the conduct that had been alleged was grave and should be taken very seriously, and that our students had to be presumed innocent until proven guilty through the legal process.

As perceptions of the story changed, the University continued to maintain the need for broad deference to the legal process. If this case has taught us anything, it is our need for a legal process based in fairness, the rule of evidence, and withholding judgment until the truth is established.

In an interview with "60 Minutes" last fall, I noted that given the concerns that had been raised, when the case came before a judge and jury, Mr. Nifong's case would be on trial as much as the students would. But as that comment recognized, the road to a resolution necessarily involved going through legal process, not outside or around it.

In mid-December, there were important developments as the legal process entered the courtroom. These included the revelation, in sworn testimony, that the district attorney had not shared with the indicted students' potentially exculpatory evidence from the DNA tests. Also, on December 22, the Friday afternoon before Christmas, the district attorney announced that he was dropping the rape charge because the accuser was no longer certain about her claim. After Christmas, the North Carolina State Bar announced that it had reviewed concerns about the district attorney's public statements and found grounds to file a formal complaint. Days later, the North Carolina Conference of District Attorneys also called on Mr. Nifong to recuse himself in this case.

On December 22, I issued a statement saying that, given the certainty with which the district attorney made his public statements regarding the rape allegation, his decision to drop that charge must call into question the validity of the remaining charges. I added that the district attorney should now put this case in the hands of an independent party, who can restore confidence in the fairness of the process. That last phrase is, for me, the heart of the matter. We entrust our conflicts to the law to provide a path to a fair resolution. But to earn this faith from the public, those who work in the legal process must behave with elemental fairness and regard for the rights of those involved. We need and deserve for that faith to be restored.

In the wake of these new circumstances, I concluded upon the recommendation of Vice President Moneta that we should offer reinstatement to Collin Finnerty and Reade Seligmann so that they can return to Duke and resume their studies. (David Evans graduated last spring.) Interim suspension, the policy measure that had been invoked last April, is not a disciplinary measure or judgment of guilt. It is a temporary measure taken when a student is charged with a violent crime, and its use must balance a variety of factors, including the gravity of the charge, the presumption of innocence, the possibility of danger to the student or the community, and the need of students to continue with their education. Although the two students still face serious charges, in the changed circumstances, it seems only right to strike the balance at a different point. The fair thing is to allow the students to continue with their studies.

We all pray that the legal matter will be resolved in a fair and speedy fashion. But as a university, we also need to look to the future and see how we can learn from this chapter of history. By facing the lessons of this painful episode, we can make Duke a better place. Let me outline a few specifics.

First, we still have work to do on this campus. One thing that has made this event so difficult is that particular charges against individuals have tended to be conflated with larger community issues of race, gender, privilege, and respect. During these hard months, some have seemed to imply that if you insist on the students' innocence, then you must not care about the underlying issues. Others have seemed to suggest that if you insist on the underlying issues, then you must not care about fair treatment for the students.

But it is essential that we separate the legal case from the larger cultural issues and give each its separate, appropriate response. The Campus Culture Initiative, begun last year and due to report this spring, is not a referendum on the party last March. It is an effort to visualize the best community we could make for students to grow and learn in, a community of mutual respect and vibrant mutual engagement. It will be all of our work to advance toward that goal. I see this as a chance to build on existing strengths in our educational experience and to press toward higher ambitions: the latest chapter in Duke's long history of self-improvement.

Just as important, we must work together to restore the fabric of mutual respect. One of the things I have most regretted is the way students and faculty have felt themselves disparaged and their views caricatured in ongoing debates, often by individuals – sometimes anonymous – outside the Duke community. In the age of instantaneous worldwide media coverage, members of the lacrosse team were judged around the world on the basis of highly selective, highly prejudicial coverage last spring. A number of them were subjected to vile abuse. More recently, a group of Duke faculty members (including a number of African American faculty) have been widely attacked in blogs and emails – and in some cases personally attacked in highly repugnant and vicious terms – based on caricatured accounts of their statements on the lacrosse event.

We want to see an end to these destructive assaults. We cannot change the nature of modern communications, but we can make an effort on this campus to promote more constructive dialogue and a more charitable atmosphere for exchange. This does not mean that troublesome issues should now be avoided. It's the mark of maturity in a university when hard issues can be freely and vigorously engaged, and this past year has shown us many areas in need of discussion and debate. But it does mean that we need to be less quick to take offense at the words of others, and work harder to understand what others are actually trying to say - even if we then disagree with it.

In its very difficulty, this moment gives us a chance to strengthen the climate of respectful engagement in this community, and it is crucial that we come together to seize the chance. Turning conflict among divergent points of view into the basis for mutual education is at the core of the university's work.

Last, in the heat of recent debates, there's been a danger that we will lose sight of something fundamental, and I want to say it on all of our behalf. This is a great university, one of the greatest in the world. The vigor, intelligence, and devotion of each member of this community - faculty, students, and staff - are what make Duke great. This place needs all of us. And all of us are incalculably lucky to be part of this place, and to have the others who surround us for partners and colleagues.

Duke can and will become better yet, and it's our business to make it so. This is the season of the New Year - a time for new starts and fresh beginnings. Let's work together to make our university as great as it can be.

Richard H. Brodhead
President