

# Sports, Sex, Scandal: An Analysis of the Duke Lacrosse Rape Case through a Rhetorical Lens

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**Sports, Sex, Scandal:**  
**An Analysis of the Duke Lacrosse Rape Case through a Rhetorical Lens**

By  
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### **Acknowledgements**

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## Chapter One: Introduction

### Overview

Sex and scandal are commonly seen in athletics, and college sports are no exception. This combination can often result in abuse and violence. In many cases, alcohol is involved. Unfortunately, many of these scandals involve male college athletes. According to Melnick (1992), “Studies reveal that male athletes figure prominently in date rape, gang rapes and sexual assault on college campuses” (p. 32). Due to a sense of privilege, strength, and male pack mentality, these male athletes do not take responsibility for their actions and they disregard the possibility of negative consequences. Larimer observes (1991), “They come to school expecting they are entitled to everything that is there. Their positions on campus are larger than life...All of this can create an illusion of invincibility, an illusion that they are, indeed, larger than life and above the law.” (p. 9). From the top of the social collegiate hierarchy, they believe that they have an unquestionable exemption from authoritative penalties.

This concept that links sports, sex, and scandal has created a rampant stereotype in mainstream America. Due to word-of-mouth and past sports scandals, America holds innate negative stereotypes of male college athletes. The stereotype has infiltrated American media, the general public, and the court system. Instead of evaluating the facts, many people often assume guilt when athletics and scandal are mentioned in the same sentence. A prime example of this false rush to judgment is in the Duke Lacrosse Rape Scandal: “the *Los Angeles Times* [states] ‘Duke lacrosse scandal reinforces a growing sense that college sports are out of control, fueled by pampered athletes with a sense of entitlement’” (Halloran & Hook, 2006, p. 39). The scandal erupted when a stripper alleged that three Duke Lacrosse players had raped her at a Duke Lacrosse team party. The players denied the charges; however, their season was soon

suspended and a media whirlwind of accusations began. Despite Duke University's reputation of prestige, affluence, strong academics, and impressive Division I athletics, Duke was not able to escape the limelight swirling around sex and scandal.

In the face of scandal, Duke University, located in Durham, North Carolina, had a shiny exterior. Inside of the "Duke Bubble," morale was high. By 2006, Duke was being compared to Ivy League colleges. Taylor and Johnson (2007) reported, "One of the nation's ten top academic institutions, Duke could fill most seats in every entering class with high school valedictorians" (p. 2). With its sparkling image and soaring reputation, the elite university had an unquestionable credibility. Moreover, the men's lacrosse team was a highlight of the school. After nearly winning the NCAA Division I national championships in 2005, lacrosse players were returning to the fields with a vengeance and the students of the school were behind their efforts to bring home the national title (Taylor & Johnson, 2007).

However, this led Duke to harbor a false sense of security. Duke also had an underlying reputation of a "work hard, play hard" mentality. After work was completed, Duke was plagued with excessive drinking and debauchery. As Taylor and Johnson (2007) noted: "[Duke] had also earned a national reputation as a hedonistic scene of wild antics and rampant sexual 'hookups'-- mostly one-night stands-marinated in oceans of alcohol" (p. 2). As a high profile university, Duke's unspoken reputation could make them a prime target if something were to ignite a scandalous flame.

Furthermore, Duke had a number of adversaries, in a large part because of its rising social standing on the university scene. As Yaeger and Pressler (2007) worded it, "people love to hate Duke" (p. 2) Ivy League schools such as Harvard, Yale, and Cornell, viewed Duke as a fraud, attempting to imitate the elitist standing of true Ivy League universities. Duke was also seen as a

symbol of Caucasian prestige, power, and money that was surrounded by poverty, minorities, violence, and discouragement (Yaeger & Pressler, 2007). When the scandal became public, these factors caused the fallout to be magnified. In the past, Duke tended to ignore their opponents, but after the scandal, the impact of having multiple adversaries could not be ignored.

Continuing today, people of the Duke Lacrosse Scandal remain in the public eye as they attempt to piece back together a world that was smashed. It continues to serve as a symbol of a rush to false judgments. The case serves as a wake-up call to universities around the nation that have harbored false security concerning their reputations. Moreover, the Duke scandal highlights the imperfections of the court system that judged the accused based on stereotypes rather than facts. An examination of both the present and historical segments of the scandal will be beneficial in one's comprehension of the elaborate details that unfolded.

### **Purpose**

The purpose of this essay is to analyze the Duke Lacrosse Rape Scandal. Viewing the case from both a crisis position and from a media standpoint, I will evaluate how this case of rushed judgments began as a questionable allegation that escalated into a scandal involving rape, privilege, class, and race.

In crisis situations, it is not often one factor but many variables that entangle until they explode into a tumultuous set of affairs. Confusion is immediate, expedited judgment calls are made, and blame is placed. During times such as these, it is crucial to have knowledge of crisis communication and the strategies that accompany it. Furthermore, by understanding the historical significance of the crisis, one is able to better analyze the present situation. This allows all publics to both grasp a greater understanding of the crisis situation and to evaluate the crisis in an unbiased manner. Without these insights, decisions are misguided, images are

shattered, and false assumptions are made. The Duke Lacrosse Rape Scandal is a prime example of why it is important to have a working command of what defines a crisis and a grasp of the historical stages, strategies, timing, and focuses in a crisis.

Moreover, it is essential to understand the media's impact in a crisis situation. The press has far-reaching influence in American society, and what is written in the newspaper tends to mold the opinions of the public. In the Duke Lacrosse Rape Scandal, the media played a major role throughout the crisis. I will focus on how the media used two opposing narratives to depict the team members when they were first charged, and after they were exonerated. The players were first described as racist thugs and later, as young men of courage and poise. The way the media characterized the Duke players, influenced how the young men were perceived by the general public and the court system. The media's influence helped to escalate the crisis.

### **Methodology**

I will employ three complementary methodologies that allow the reader to gain a more elaborate and accurate understanding of the Duke Lacrosse Case. I begin by using Steven Fink's Stage Analysis Theory. The theory consists of four stages that allow the reader to dissect the Duke Case and evaluate why the scandal became a crisis. These stages are Prodromal stage, Acute stage, Chronic stage, and Crisis Resolution stage. The Duke Lacrosse Scandal evolved as one stage segued into the next. By studying each stage, the reader is able to better understand the progression of the crisis and gain insight into the multiple variables that played a role in each stage.

As a supplement to the Crisis Resolution section, I will use Benoit's Image Restoration Theory to examine how both Duke and the lacrosse players responded to the allegations in their attempts to restore their tarnished reputations. In his theory, Benoit (1997) emphasized five

strategies to achieve the goal of a restored reputation: denial, evasion of responsibility, reducing the offensiveness of the event, corrective action, and mortification. Within this thesis, I will evaluate how their choice in strategies helped to both correct and hurt the already damaged images of Duke University and the lacrosse players.

Lastly, I will use Walter Fisher's narrative paradigm to understand the media involvement and influence at each stage of the crisis. The narrative paradigm will serve as a guide as his theory establishes that human beings naturally use storytelling to understand and interpret reality (Fisher, 1984). Through the use of narrative paradigm, I will examine how the use of characterization within a narrative such as the Duke scandal, establishes the framework of the story that is being told.

In order to do this, I will examine newspapers, books, and journal articles covering the Duke case. These articles will cover the background information concerning the scandal, as well as the segment of time when the lacrosse players were accused and after when they were acquitted of the charges. This will allow me to evaluate how the lacrosse players, Duke University, and other major participants were depicted both during and after the scandal. I will also examine past research already completed on the Duke case. Among other things, it will allow me to compare differences in portrayals, terminology, and imagery as the Duke crisis progressed.

### **Organization of Thesis**

The thesis will be divided into seven chapters as outlined below:

- I. Introduction
- II. Prodromal Stage
- III. Acute Stage
- IV. Chronic Stage
- V. Crisis Resolution Stage
- VI. Image Restoration
- VII. Analysis & Conclusion

**Chapter I: Introduction**

This chapter establishes the framework of the thesis and the basis of argument. It is comprised of three sections that provide the reader with a brief overview of the Duke Lacrosse Scandal, the purpose of studying this particular case, and a summary of the necessary methodologies that will be needed to further examine the Duke crisis.

**Chapter II: Prodromal Stage**

This chapter will discuss previous sexual assaults and misdemeanors in college sports to show that there were warning signs prior to the crisis. I will evaluate an unconnected case of sexual assault by a Nebraska football star as well as previous misconduct found at Duke University. Furthermore, I will investigate the rampant race and class tensions found between Duke University and the surrounding city of Durham.

**Chapter III: Acute Stage**

This chapter will examine when the alleged rape of the stripper occurred and when the public and media were informed. This is when the reputation of Duke and the lacrosse players was originally called into question. I will evaluate the reactions made by Duke, Duke's president, the players, governmental officials, the general public, and the media.

**Chapter IV: Chronic Stage**

This chapter will further analyze the racial and class tensions, the turnover of both players and the coach, the results of DNA testing, and the media's analysis and investigation of the case. Factors such as these brought meaning to the scandal as it brought to light sex, race, and class tensions that are prevalent in American society. Furthermore, when evaluating the media's response, I will investigate how the media portrayed the lacrosse players when they were first accused and how this influenced outside opinions.

**Chapter V: Crisis Resolution Stage**

This chapter will discuss the events that led to the deteriorating legitimacy of the Duke case. I will investigate the recovery period of the scandal when the boys were found to be innocent, when the prosecutor was disbarred, and when the Duke Lacrosse players filed a lawsuit in retaliation. Furthermore, as the lacrosse players began to be labeled as innocent, I will examine the media's shifting portrayal of the exonerated team.

**Chapter VI: Image Restoration**

This chapter will examine how both Duke and the lacrosse players responded to the allegations in their attempts to restore their tarnished reputations. I will investigate the effectiveness of each of their choices in restoring their damaged images. I will evaluate the success of these responses according to media standards. Additionally, I will investigate how Mangum's most recent interactions with the law have continued to tarnish her image.

**Chapter VII: Analysis & Conclusion**

This final chapter discusses how the use of Fink's stage analysis as well as Benoit's restoration strategy allows the reader to expand his understanding of a crisis and the variables that played elemental roles in escalating the scandal. Furthermore, I will evaluate how the narrative paradigm found in the media played a crucial role in influencing the progression and outcome of the case. I will propose that the Duke Lacrosse Rape Scandal remains a symbol of a rush to false judgments that resulted from the underlying stereotypes of race, class, and sex.

## Chapter Two

### Prodromal Stage

According to Steven Fink (1986), a crisis is an “unstable time or state of affairs in which a decisive change is impending...with the distinct possibility of a highly undesirable outcome” (p. 15). It is accompanied with a great amount of “uncertainty and risk” (Fink, 1986, p. 15). Conditions are volatile and confusion becomes paramount. Fink believed that in order to achieve a greater understanding of the situation, a crisis needed to be dissected. He created a natural historical framework of four stages to allow for a closer examination of a crisis. The first stage is prodromal. During this time, those who are involved must remain alert in order to spot warning signs of a possible crisis. If warning signs are caught at this early stage, the problem can be resolved, and the crisis can be averted (Fink, 1986). In the case of the Duke Lacrosse Scandal; however, warning signs were ignored.

College athletics is not new to the limelight of scandal. College sports, both past and present, have had a reputation of binge drinking, decadence, and misdemeanors. It is a culture of sex, drugs, and alcohol. In one particular case in 2004, Brigham Young University football players “were kicked off the team for violating the school’s honor code at a party that included alcohol and sex” (“It’s little wonder”, 2004, p.64). This is not uncommon; however, and athletes across the country are often reprimanded for scandalous and excessive behavior. Further problematic is the mentality held by many male athletes: “Male bonding experiences, the athletic justice system in which athletes tend to view themselves above the rules and the big man on campus syndrome tend to promote among athletes that they are a special, privileged group” (Melnick, 1992, p. 32). This biased mindset causes many male athletes to believe that they can get away with anything and that regulations do not apply to them. This misconduct can include sexual assault and rape.

Male athletes are at the top of the collegiate hierarchy and they believe that no one can touch them.

This type of misconduct should not be ignored because sports scandal, whether professional or collegiate, can have a detrimental effect on all individuals involved with the team. In 2005, Stephanie Hughes and Matt Shank dissected the reactionary element of a sport crisis. As a result of scandalized collegiate athletics, they found that: alumni support will be lost; the amount of incoming freshmen will decrease; the image of the university will be tainted; public perception of the sport will be altered; and the university president may be asked to step down. According to Hughes and Shank:

The potential fallout from these activities can be just as significant at the amateur level for groups whose athletic teams and individuals are so closely identified with universities or large scale events such as the Olympics...In addition, the continuing media coverage of this scandal ensures that little reparation can be achieved while this situation endures (p. 208).

For these reasons, it is important to be aware of the warning signs that could lead to a full-blown crisis. Ultimately, a scandal can cost the university \$900,000 in investigation charges and \$15 million in lost tuition. Hughes and Shank further discovered that although a sports crisis will affect each college differently, all universities will experience short and long term effects of the scandal on those individuals associated with the scandalized sport (Hughes & Shank, 2005).

This will later be seen in the Duke Lacrosse Case. However, Duke University Lacrosse is not the only college athletic team that has suffered from scandal.

In one specific case in 1996, Nebraska football star, Christian Peter was charged a second time for third degree sexual assault. The police were called to pick up Peter after he made

derogatory comments and unwanted sexual advances towards multiple women at a local bar.

According to a witness: “Peter grabbed [a woman] by the neck...Peter also made obnoxious and obscene passes at her and at one point started pointing at women around him, saying, ‘You’re a pig. You’re a pig. You’re a pig.’ Then as they would walk away disgusted, he would say, ‘You all love me’” (Time, Inc., 1996, p. 16). Peter had previously been on probation for one and a half years after being accused of the same crime. With no lesson learned, he repeated his crude behavior (Time, Inc., 1996, p. 16).

Another example of collegiate misconduct occurred at the University of Minnesota in 2001. Football players, Steven Watson and Mackenzy Toussaint, were charged with rape and sexual assault of a 19-year old woman in Toussaint’s dorm. They were suspended from the team. During Watson’s indictment, it was discovered that he had had a prior conviction of sexual assault: “The prosecution raised questions about Watson’s previous record. In December 2000 during his first year at the university, he was arrested on suspicion of criminal sexual conduct but was not charged. [Coach] Mason suspended him, but Watson was reinstated before the MicronPC.com Bowl game...” (Craig, 2001, p. 1B). With no penalty received, Watson again behaved in a deplorable manner. This form of sexual violence is commonly seen throughout college athletics.

Yet another example of sexual misconduct and college athletics can be found at the University of Colorado. Katie Hnida was the only girl on the University of Colorado football team. In 2004, four years after the crime was committed, Katie Hnida spoke out about her rape by a fellow teammate during her time at the university. Previously she had been too frightened to report the sexual assault. Although, she did not press charges, she wanted to make the transgression public as a way to help others and to heal (“Ex-Colorado Kicker,” p. 7D). As the

pattern that connects sexual assault and male athletes would predict, this rape charge was not the only accusation made against the Colorado football team: “Her accusation came after three weeks of stunning allegations involving the Colorado football program. Three women have sued the school in federal court, saying they were raped by players or recruits at or after an off-campus party in December 2001” (“Ex-Colorado Kicker,” 2004, p. 7D). Since no punishment was given to past offenders, additional male college athletes chose to participate in this inexcusable behavior. Unfortunately, these are not isolated cases, but common occurrences.

Duke University Lacrosse is certainly no exception to the rule of misconduct both in campus life and in sports. Beneath the sterling exterior, Duke was known for its hard party culture. Students possessed a carefree attitude about sex, drugs, and alcohol. They worked hard in order to play hard. The university was prestigious, yet overindulgent; a large reason why many outsiders resented Duke. Leaders of this wild pack mentality were the members of the Duke men’s lacrosse team.

Members of the Duke men’s lacrosse team were the most popular students and the hardest partiers. “Even more than most Duke students and athletes, lacrosse players drank much too much. They were much too loud when drunk...They were often cited by Durham police for noise and open containers. And those shy of twenty-one often got caught drinking illegally” (Taylor & Johnson, 2007, p. 9). They had a reputation for partying. Many of the members on the team had a fraternity style mentality that involved activities accompanied by excessive drinking. Some team members had police records that cited them for public urination and underage drinking. According to CNN Wire (2006): “The Duke University lacrosse team’s ‘extensive record’ of alcohol-fueled misconduct over the past five years ‘should have alarmed administrators...’ (para. 1). Due to their antics, the Duke team easily fit into the national

negative stereotype of male lacrosse athletes. There was a “preexisting stereotype- up and down the East Coast- of lacrosse players as a privileged, conceited, drunken, boorish, even thuggish mix of rich-kid entitlement and big-jock swagger” (Taylor & Johnson, 2007, p. 8). These athletes of privilege, social dominance, and overindulgence appeared to fit into this damaging mold. During this pre-crisis period, actions should have been taken. However, Duke University officials ignored the warning signs and took no pre-emptive measures to quell the party culture of the team.

Even before the rape allegations became national news, Duke University athletics was not able to escape the intrigue of scandal. The men’s lacrosse team already had a mark against one of its teammates, Colin Finnerty. Finnerty was charged with assault in 2005. He was accused and convicted for attacking a man while using anti-gay slurs (Bacon & Dorell, 2006, p. 3A). The accuser elaborated that he had been “punched...in the face and body, because he told them to stop calling him gay and other derogatory names” (as cited in Macur, 2006, pD8). Furthermore, the accuser alleged that the attack was unprovoked. Finnerty was found guilty and sentenced to twenty-five hours of community service and six months of probation. Coach Michael Pressler as well as other members of the Duke athletic community chose to let the court distribute punishment (Macur, 2006). Perhaps it would have been more beneficial if Finnerty was punished by those who had the most influence over him.

Aside from the overindulged party culture at Duke and the previous assault charge of one lacrosse player, there was an underlying warning sign of racial and class tensions that Duke failed to acknowledge. According to Yaeger and Pressler (2007):

The contrast between the surrounding community and the young, elite, predominately white Duke is startling and cause for friction. The national media have described Durham as ‘a small Southern town where conflict over race and class dominates daily life’ (p. 2).

The contrast between the prestigious Duke and the poorer surrounding area caused increased tension. Envy and hatred fueled the animosity aimed at Duke. Inside the “Duke Bubble,” people were on the path to success, while outside of the elite Duke world, people were faced with disappointment. Durham, a town of underprivileged, working-class African Americans was a town known for poor conditions and struggling families. In 2005, it was the murder capital of North Carolina. Its location surrounding Duke highlighted its disparity compared to the wealth and prestige of the university. According to Don Yaeger and Mike Pressler (2007), “Though not all of Durham adheres to the poor, blue-collar family image...nevertheless, its crime rate and poverty levels are alarming” (p. 2). Duke was resented for its good fortune and Durhamites often referred to the university as “the plantation.” This distraught town-gown relationship would be highlighted during the scandal (Taylor & Johnson, 2007). Duke failed to recognize the many pre-crisis warning signs so when the scandal became public, the crisis quickly escalated.

The prodromal stage is a period of time when warning signs signal the potential for a major problem to occur within the organization. At Duke, there was some dysfunctional behavior by members of the men’s lacrosse team; however, their conduct did not exceed the emerging norms for male athletes developing across the nation. The elements that did stand out as warning signs were Duke’s growing reputation as a party school and its image for tolerating hedonistic behavior. Moreover, the town-gown relationship between the city of Durham and Duke

University continued to deteriorate. School administrators should have been more sensitive to the antagonistic relationship developing between the citizens of Durham and Duke University.

## Chapter Three

### Acute Crisis Stage

On March 13, 2006, the men's Duke Lacrosse team decided to throw a party. Alcohol was bought, the location was set at 610 North Buchanan Boulevard, the members of the team were notified, and to increase the excitement, they called for a stripper. Approximately forty men from the Duke Lacrosse team attended. That night, exotic dancers, Kim Roberts and Crystal Mangum, both African-American, were sent to the house. However, Mangum showed up impaired and matters soon began to unravel. Five minutes into the performance, the two hour set that was paid for was cut short. The players and the dancers began to bicker and the dancers fled to the bathroom. Players pleaded with them to unlock the door but the dancers refused. When the dancers finally resurfaced, the inebriated Mangum had to be carried to the car (Yaeger & Pressler, 2007). Further angered words were exchanged as a result of the athletes' loss of money and a racial slur was vocalized: "Tell your grandfather I said thanks for my cotton shirt" (Yaeger & Pressler, 2007, p.13). As a retort, Roberts called 911 to declare a hate crime as she drove away. Jason Bissey, a chef that lived in the neighborhood, had overheard the racial slur and had later called in to confirm the incidence ("Court news: Rape and racism," 2006).

Roberts stopped at a local grocery store where a security guard, observing Mangum's incoherent behavior, had Mangum taken to the hospital. For the entire time, Mangum made no mention of being raped. Upon arriving at the hospital during the early morning of March 14<sup>th</sup>, Mangum pleaded not to be jailed. When a nurse, mistaking Mangum's disorganization for being traumatized, questioned if she had been raped, Mangum seized the opportunity and proceeded to accuse three white Duke Lacrosse players of gang-rape (Taylor & Johnson, 2007). Mangum, a

27-year old North Carolina Central University student and mother of two, had ignited a scandal (Yardley, 2006).

Fink called this second stage when the media and public become informed, the acute crisis stage. It is the period of time when the organization and individuals involved are faced with increased governmental and media scrutiny and reputations are called into question. Fink (1986) emphasized that there was an “avalanche speed and intensity that often accompan[ied] and characterize[d] this stage” (p. 23). During this time, there is nothing that can be done to mitigate the explosive introduction of the crisis into the public arena.

According to police reports, Crystal Mangum alleged that “she was blocked in a bathroom, held, kicked and strangled while she was sexually assaulted for about thirty minutes” (Wilson, 2006a, p.A23). From that point on, the fallout occurred in rapid succession. Coach Pressler was informed the next day and soon multiple Duke officials, including President Richard Brodhead, were involved. The overall decision was that the team would remain silent and cooperate with police in order to avoid a huge media frenzy.

On March 16th, lacrosse players cooperated when police conducted a search without warrant of the lacrosse house on 610 North Buchanan (Bernstein, 2006). The police revealed that they had found four laptop computers, five cameras, a bath mat, a bath rug, five broken artificial fingernails, a bottle of K-Y jelly, and cash (“911 calls lead,” 2006). All of these items were then taken into custody. Furthermore, the lacrosse players continued to cooperate when they were requested to submit DNA samples for testing. By complying with the testing, Duke Lacrosse hoped to prove their innocence. Forty-six out of forty-seven members of the team made plans to go to the Duke University Medical Center. Devon Sherwood, the only African-American on the

team, was excused from testing because Mangum affirmed that the alleged attackers were all Caucasian (Yaeger & Pressler, 2007). On March 23<sup>rd</sup>, the players arrived at the Duke Medical Center only to find out that the news had been leaked to the media. A mob of journalists and photographers waited outside of the center waiting to gain footage of the men accused of rape (Yaeger & Pressler, 2007). Bob Ekstrand, the players' lawyer, suggested that they cover their faces as they walked to the door in an attempt to keep their identities private; however, this decision backfired and the media and public viewed it in a negative light:

The pictures of these players hiding their faces, paired with the presence of lawyers repeating “no comment,” would lead police, protestors, and District Attorney Nifong to declare that the team—which several days earlier had been praised for its “cooperation” in the case—was hiding behind a “Blue Wall of Silence.” It was an image that confirmed their guilt in the minds of outraged feminists, equal rights and sexual assault victim advocates, and much of the Duke and Durham community (Yaeger & Pressler, 2007, p.76).

The scandal was quickly spinning out of control. The “Blue Wall of Silence” and media avoidance had become a symbol of their guilt. Public onlookers viewed the team's suspicious actions with disdain. On March 24<sup>th</sup>, the four team captains, Matt Zash, David Evans, Dan Flannery, and Bret Thomspson, had privately apologized for any shame that they had caused, but the time had come to make a public statement of innocence. Although the DNA testing would later confirm their innocence, the investigation continued (Yaeger & Pressler, 2007). On March 28<sup>th</sup>, after five days of silence, the players of the lacrosse team issued a statement:

It declared that the lacrosse players were all innocent of rape and –far more important – the DNA results would prove it. The captains also expressed “sincere regret over the lapse in judgment in having the party on March 13 which has caused so much anguish for the Duke Community and shame to our families and ourselves (Taylor & Johnson, 2007, p.93).

With their first public statement of innocence, the Duke men’s lacrosse team was no longer standing on the sidelines as the media bashed them. They vehemently denied the accusations and they attempted to quell the consistent accusations of guilt.

To add further injury to the players’ case, on April 5<sup>th</sup> Durham country officials disclosed an outrageous e-mail sent by Duke Lacrosse player Ryan McFayden. According to authorities, the e-mail talked about “hiring strippers and then killing them” (“Crime: Duke lacrosse players,” 2006a, para. 9). However, although McFayden’s e-mail was in poor taste, the message eluded to *American Psycho*, a novel popularly assigned in Duke classes, about a Wall Street man that killed several women. His e-mail that had meant to be a joke was sensationalized by the national media to sound like a murderous plot. McFayden was soon suspended from the university and the media embellished the “murderous scheming” (Taylor and Johnson, 2007). However, matters would soon get worse.

The crisis came to a head when on April 18<sup>th</sup>, Duke Lacrosse players Colin Finnerty and Reade Seligmann were arrested and charged with rape, first-degree sexual offense, and kidnapping which pertained to the allegations made by Crystal Mangum (“Crime: Duke lacrosse players,” 2006a, para. 1). Seligmann and Finnerty were suspended from school. Then on May 15<sup>th</sup>, David Evans, a co-captain of the team, became the third player charged. His charges

matched those cited to the first two defendants (“Crime: third player,” 2006b, para. 2). As a result, the lacrosse season was suspended and Coach Mike Pressler was fired (Taylor & Johnson, 2007). The media continued to sensationalize the news as each story broke. As the scandal evolved, the three young men were most often cast in an unfavorable light. However, these young men were just three of the important participants in the scandal. In order to grasp a full understanding of the scandal, one must be knowledgeable about each participant.

Within the context of the events, focus should be placed on several major players. One such group that should be highlighted was the Duke men’s lacrosse team. As discussed previously, the majority of them were Caucasian men of privilege and wealth who had been graced with great opportunities. Although they were also known as hard partiers, they maintained good grades, volunteered in the community, worked hard in practice, and had promising futures (Taylor & Johnson, 2007). The three accused players, Colin Finnerty, Reade Seligmann, and David Evans easily fit into this group.

Colin Finnerty was known to be “a sweet-tempered, shy, considerate kid in a big body, this baby face, this deep voice, a Jolly Green Giant” (Taylor & Johnson, 2007, p. 12). However, he had one blotch on his record; the charge of a homophobic hate crime. It would only later be uncovered after the media frenzy died down, that Finnerty had never hit any of the accusers and the two men he had been fighting were not gay (Taylor & Johnson, 2007). Reade Seligmann was an all-American athlete who was known to be kind, academically strong, giving, and a constant worrier which had earned him the nickname “Frazzle.” Lastly, David Evans, a senior co-captain of the team was known as a vocal leader, goal-oriented, as well as “a great teammate that cared about his peers. He was actively involved in the community service program and was quick to come to the aide of a friend who needed support during a difficult time” (p. 12). All

three men, along with the entire Duke men's lacrosse team, insisted on their innocence throughout the entire case.

Another major participant was the players' coach, Mike Pressler. He led the team from 2001 to spring 2006 when he was fired in the wake of the allegations. Pressler was a respected coach who believed in the team working as a unit. Although he was not able to control the team's heavy drinking, Pressler did influence the team to stay out of major trouble, work hard, and get good grades. He remained a supporter of the team during the scandal (Taylor & Johnson, 2007). Upon being forced to resign, Coach Pressler made a speech to the team that confirmed that his allegiance remained with them:

Gentlemen...Someday we will have our day. Someday I will tell the world the truth. I promise you all the lies, all the myths, all the injustice will be made right. Someday we will tell the world the truth. I promise you...Stick together and always stand up for the truth (as stated in Yaeger & Pressler, 2007, p. 171-172).

Perhaps if Pressler had not stood up for the young men, he would have been able to retain his job. However, throughout the crisis, Pressler remained adamant that the young men told the truth and their accusers were in the wrong.

Yet another important contributor to the case was the President of Duke, Richard Brodhead. Four years into his position, he was characterized as calm yet powerful, and as a man unaccustomed to balancing academics with Division I athletics. Throughout the scandal, Brodhead claimed his neutrality but consistently made public statements about the players and took actions, such as suspending the team, which leaned towards an assumption of guilt (Yaeger & Pressler, 2007). The team originally had believed President Brodhead to be on their side as he had privately affirmed that he supported the young men. However, in his first public statement,

President Brodhead appeared to have a different point of view. According to Taylor & Johnson (2007), Brodhead commented: “Physical coercion and sexual assault are unacceptable in any setting and have no place at Duke...the criminal allegations against three members of our lacrosse team, if verified, will warrant very serious penalties” (as cited in, p. 70). This statement implied the young men’s guilt. In a later statement, Brodhead went on to say that “Racism and its hateful language have no place in this community...I am sorry that the woman and her friend were subjected to such abuse” (as cited in, p.96). These declarations, although not confirming the athletes’ guilt outright, helped to confirm the negative suspicions that many members of the media and general public were already harboring towards the accused.

Michael Nifong, the district attorney of the case, was also influential in the scandal. During the scandal, Nifong was up for re-election. It was later alleged that Nifong immediately emphasized the players’ guilt in order to make use of the race and class tensions within the case, gain free publicity, and further his own career (Taylor & Johnson, 2007). In many instances his prejudgments were quoted in the national media: “In this case, where you have the act of rape--essentially a gang rape--is bad enough in and of itself, but when it’s made with racial epithets against the victim, I mean, it’s just absolutely unconscionable” (p. 87). This statement was made only a few short weeks after the allegations were made. During this same time period he went on to say: “The information that I have does lead me to conclude that a rape occurred...I’m making a statement to the Durham community...This is not the kind of activity we condone, and it must be dealt with quickly and harshly” (Taylor & Johnson, 2006, p. 87). He lacked sufficient evidence yet he still publically condemned the Duke men’s team. He unethically used his powerful position to influence the public. He would later be disbarred for his actions.

Moreover, the entire scandal began due to the rape allegations of Crystal Gail Magnum and her accomplice, Kim Roberts. Both women were African American, strippers, and had criminal records. Roberts was a college dropout who had married her child's father but had later divorced him. She began her career as a payroll specialist but was caught stealing twenty-five thousand dollars and charged with embezzlement. Mangum was a student at North Carolina Central University and a divorced mother of two children. She had a history of mental instability including bipolar disorder and a regular abuse of drugs and alcohol (Yaeger & Pressler, 2007). She had a criminal record of "larceny, speeding to elude arrest, assault on a government official, and driving while impaired" (p. 4). She had also previously accused three men of gang rape but her father later reported that these allegations were false (Taylor & Johnson, 2007).

Despite their questionable histories, the public chose to immediately believe the dancers' accusations against the team. When the second dancer, Roberts, was prompted about the alleged rape on MSNBC, she admitted to not having actually seen the rape occur but insisted that Mangum was telling the truth: "I think that it's quite possible something really terrible had happened to her" (as cited in, 2006a, p. A23). Roberts further supported the accusations made by Mangum when she discussed how in the beginning of the night Mangum was "talkative and friendly and smiling" and later in the night she was completely inarticulate (p. A23). Roberts implies that Mangum's incoherence was due to the reprehensible actions of the young men.

Lastly, the media and Durham townspeople served as major players within the scandal. Both groups pre-supposed the guilt of the players and played off of each others' accusations. Durhamites highlighted the race and class tensions within the case and angrily pointed their finger at Duke: "This is a race issue...People at Duke have a lot of money on their side" (as stated in Meadows et al., 2006, p.40). This statement made by a college student at the mostly

black North Carolina Central University in Durham, implied that the only reason that the Duke men were not immediately convicted was because they had affluence, power, and race on their side. The media latched onto these negative ideas and influenced the views of the general public. One such journalist, Brenda Stevenson, of the *Los Angeles Sentinel* (2006) used the anger expressed by the Durhamites over crime and race, to fuel her accusatory article:

Hate crime evidence appears clear, offered by both dancers, two pedestrians, and a neighbor. There also is the email written by the one player after the party, fantasizing that he would invite other strippers to his room but this time “skin” and “kill” the “bitches” for sexual satisfaction. This case is not just one of rape and kidnapping. If the dancer’s story is real, she came close to experiencing female lynching. Shouldn’t hate crime violations also be investigated? (p. A7)

This theme of abuse, exploitation, and assumed guilt was rampant throughout both local and national newspapers. This helped to ignite the fury of the national frenzy that turned all eyes onto the scandal enveloping Duke.

The acute crisis stage is the period of time when issues of the crisis explode and the failings of the organization are brought to the attention of the government, the public, and the media. Reputations are scrutinized and called into question. At Duke, this occurred when Kim Roberts and Crystal Mangum, both strippers, were invited to an off-campus party at a lacrosse house. The events of the evening quickly got out of hand and resulted in Mangum accusing the men’s lacrosse team of gang rape. Almost immediately, the scandal was leaked to the media and was brought to the attention of the nation. The media assumed the guilt of the players and the public soon followed suit. The crisis escalated when three members of the Duke men’s lacrosse team:

Finnerty, Seligmann, and Evans were arrested and charged with rape, first-degree sexual offense, and kidnapping.

## Chapter Four

### Chronic Stage

The third stage and often the longest phase, is the chronic crisis stage. Also known as the clean up or post-mortem phase, Fink (1986) defined it as the period of time when measures could be taken to correct the problems and also as a time of continued media and governmental scrutiny.

In terms of the media scrutiny, one can also evaluate the narratives created by the press in order to determine how the accused lacrosse players were viewed by both the public and the media. The use of narrative to interpret and to create a framework within a story is a theory coined by Walter Fisher: Narrative Paradigm. According to Fisher (1984), human beings are natural storytellers and therefore, he emphasizes the importance of narration in our lives. In his scholarly work, "Narration as a Human Communication Paradigm: The Case of Public Moral Argument," Fisher (1984) defines narration as, "a theory of symbolic actions- words and/or deeds- that have sequence and meaning for those who live, create, or interpret them. The narrative perspective, therefore, has relevance to real as well as fictive worlds, to stories of living and to stories of imagination" (p. 375). It combines fact with fiction to allow a deeper interpretation of our experiences within society. As narrative paradigm dictates, through the use of symbols, humans are able to analyze, interpret, and make sense of the world. Human communication serves as a means to relate to a story, and narration allows humans to blend the elements of argument, persuasion and literary, aesthetic. In this sense, narrative paradigm "does not deny reason and rationality; it reconstitutes them, making them amenable to all forms of human communication" (1984, p. 376). It transposes reality into a more identifiable realm.

Fisher (1989) further emphasizes that in narrative paradigm, our interpretations of stories are “shaped by history, culture, and character” (p. 57). These characteristics allow humans to use both intellect and emotion in order to evaluate the truthfulness of the story (Rybacki & Rybacki, 1991). It must be determined if the story has identifiable qualities that the audience can relate to: “Audiences accept stories because they find truth in them and then use those stories to validate belief and behavior” (p. 124). Fisher uses narrative probability and narrative fidelity as the tests of reason and value that determine if the narrative qualifies as rational and as having “logic of good reasons” (Fisher, 1989, p. 57).

According to Fisher (1985), narrative probability “refers to formal features of a story conceived as a discrete sequence of thought and/or action in life or literature...it concerns the question of whether or not a story coheres or ‘hangs together,’ whether or not the story is free of contradictions” (p. 349). This test evaluates if the story is complete and if the story remains consistent without outside ambiguity. Narrative fidelity “concerns the ‘truth qualities’ of the story, the degree to which it accords with logic of good reasons: the soundness of its reasoning and the value of its values” (p. 349). It evaluates if the audience can identify with the story based on their own experiences (Rybacki & Rybacki, 1991).

Within this thesis, I will use the narrative feature of characterization to give structure to my paper. Characterization focuses on how the characters are presented: “The extent to which a story is believable often depends on its characters, their motives, and behavior. Characters are defined by their decisions and actions and the values reflected by their choices” (Rybacki & Rybacki, 1991, p. 115). The audience must believe that the actions of the character are plausible based on what the audience knows about human behavior. The perception of the audience, based on their own experiences, and the storyline, constitutes the believability of the narrative and the

characters within it. In summary, the audience must decide if it is “probable for a heroic [or villainous] character to think or act in the way portrayed, and is that behavior consistent with human nature” (p. 116). As will be seen in the thesis, the characterizations of the lacrosse players further enhanced the believability of the story.

In the case of Duke, the media had a field day with the scandal and were not shy about declaring the athletes’ guilt. What began as a minor story barely mentioned in local news briefs, became blown into a national story gracing the headlines of every nationally ranked newspaper (Yaeger & Pressler, 2007). On March 29<sup>th</sup>, *The New York Times*, one of the most widely read newspapers in the world, globally announced the Duke scandal with a headline entitled: “Rape Allegations Against Athletes is Roiling Duke” (as cited in Yaeger & Pressler, 2007, p.147). *The New York Times* (2006) reported that, “the incident has cast an unflattering light on a university that has a track record for success and integrity rivaled only by its high standards” (Bernstein & Drape, p.A1). From this point on, the media frenzy could not be subdued and more than one hundred thousand stories were written concerning the case (Yaeger & Pressler, 2007). Unfortunately, from the beginning, the media sensationalized the news in a negative light. Ruth Sheehan, a twice-a-week columnist, preached:

Members of the Duke men’s lacrosse team: You know... We know you know. Whatever happened in the bathroom at the stripper party gone terribly, terribly bad, you know who was involved. Every one of you does. And one of you needs to come forward and tell the police (as cited in Yaeger & Pressler, 2007, p.155).

Accusatory reporting was not uncommon. The media viewed the accused as guilty until proven innocent, a backwards thinking representation of justice.

Three separate newspapers were especially accusatory and hateful when speaking of the accused lacrosse players. The three articles written by Selena Roberts, Reverend Jesse Jackson, and Lynne Duke, will serve as prime examples of narratives that used negative characterizations to accuse the players. Each of these artifacts, which are from the beginning months when the players were first accused in March 2006, reduced the players' characters to immoral, self-serving, and privileged white men.

March 13, 2006 was the night of the infamous Duke Lacrosse party that resulted in the rape scandal watched by the nation. Alcohol was bought, strippers were hired, and the elements of the scandal were sent into motion. Once the scandal went public, opinions were immediately formed; most of these opinions assumed the guilt of the players. The media followed suit and vilified the accused young men. They qualified the guilt of the players by emphasizing that their decadent behavior was typical of young, White, entitled men who followed a male pack mentality. This negative portrayal of the accused became the general narrative followed by the mass media and each of these cohesive narratives helped to shape the public's opinion during the scandal. It fortified the public's belief in their guilt.

In the March 31<sup>st</sup> edition of *The New York Times*, writer Selena Roberts assumed the guilt of the three lacrosse players before rape charges had even been filed. She compared the entire Duke Lacrosse team to drug dealers who would not come forward with truthful information in the effort to protect the code of "Blue silence": "The stigma as a traitor—and the threat of repercussion and isolation—is more powerful than the instinct to do what's right, a pattern perpetuated on every level of sports, from prep to pro" (Roberts, 2006, p. 1). Without evidence to prove their guilt, she associated the Duke Lacrosse players with a gang that was more interested in protecting themselves than protecting a helpless and innocent victim. To further

prove her point, Roberts quoted, Katie Gentile, an assistant professor and the director of the Women's Center at John Jay College: "The idea of breaking ranks within a team is identified as weak... The bottom line is, your self-esteem is more valuable to you than someone else's life" (as cited in Roberts, 2006, p. 1). She exaggerated that the players protected their conscience by not "snitching" on the bad deeds of the team.

Roberts points out that this instance of sexual assault by athletes is not the first occurrence of such an event. She gives the example of Mepham High School on Long Island where varsity members of the football team were accused of sodomizing the younger players. She states that sexually molesting junior athletes is a common male hazing ritual. She also brings up the example of when members of the Minnesota Vikings football team made unwanted sexual advances towards a hostess on a cruise ship. Roberts states that in each of these cases it was difficult to get to the full truth because no one would "snitch" on their teammates (Roberts, 2006).

Roberts goes even further to accuse the Lacrosse team by reporting that the members of the Lacrosse team were being uncooperative in the police investigation: "Players have been forced to give up their DNA, but to the dismay of the investigators, none have come forward to reveal an eyewitness account" (Roberts, 2006, p. 1). This statement again emphasizes the "no snitch" policy amongst the team but it also states that the players were *forced* to give DNA. The usage of the word forced, implies that the lacrosse players were being uncooperative because they had something to hide. In reality, all forty-six White members of the team that were required to give DNA, showed up at the hospital without complaint. To Roberts; however, this group of young men typified guilty defendants who appear "virtuous on the outside [and] debauched on the

inside” (p. 1). This same negative stereotype of the accused can be seen within African American newspapers.

In the late April edition of the *Los Angeles Sentinel*, an African American newspaper in California, Reverend Jesse Jackson submitted an article vilifying the characters of the Duke Lacrosse team. It should be noted that his statements were made after DNA tests of the forty-six White members of the Duke Lacrosse team came back negative and therefore, connected none of the team members to the rape.

Jackson makes statements that qualify his utter disbelief of the Duke players’ innocence: “The players deny that that happened, but they immediately retained lawyers and stopped talking....tests show injuries consistent with rape” (Jackson, 2006, p. A6). Jackson is implying that if the lacrosse players were in fact innocent, they would have no need for either lawyers or silence. Therefore, these actions confirm their guilt. Even if DNA results came back negative, the fact that rape injuries were found, equates the assault with the lacrosse team. He further criticizes their use of silence when he states: “Race and class and sex. What happened? We don’t know for sure because the Duke players are maintaining a code of silence” (p. A6). Silence continues to be associated with guilt. As further evidence, Jackson states that to begin with “the team was notorious for its gross behavior” (p. A6) with crimes such as public urination and underage drinking, therefore, gang rape was just the next step in their immoral actions.

Moreover, Jackson uses the words of district attorney Nifong to back up his argument that the defendants are guilty: “we don’t know exactly what happened that night initial DNA tests came back negative....But something happened on that night of March 13. Something so compelling that Durham district attorney Michael Nifong was prompted to say, ‘this case is not going

away' ....these facts are not in dispute" (Jackson, 2006, p. A6). Jackson confirms that there is no question that the behaviors that occurred on that fateful night were both abusive and immoral.

Furthermore, Jackson states that this type of immoral behavior would be expected of the White lacrosse players because of: "The history of White men and Black women-the fantasies and realities of exploitation- goes back to the nation's beginning and the arrival of slaves from Africa" (Jackson, 2006, p. A6.). Jackson puts the context of the rape narrative into the history of abuse where White men have always fantasized about taking advantage of Black women. The gang rape of the Duke scandal follows the historical trend. Jackson further emphasizes that this exploitative behavior is expected of White men when he quotes Rebecca Hill, a woman who studies African American women's images in the media at UC Berkeley, "turn on a music video. A Black woman is somebody who has excess sexuality...It's excess sexuality that White men are entitled to" (as cited in Jackson, 2006, p. A6). This emphasizes that due to a sense of entitlement, Duke players along with all White men, constantly objectify and mistreat African American women.

In the May 24<sup>th</sup> edition of *The Washington Post*, writer Lynne Duke also highlights that the history of racism and sexism is prevalent in the Duke case. Lynne Duke (2006) states: "But whatever actually happened that March 13 night at Duke University—both the reported rape and its surrounding details are hotly disputed—it appears at least that the disturbing historic script of the sexual abuse of black women was playing out inside that lacrosse team house party" (p. C01). Similar to Reverend Jackson, Duke believes that these privileged, White young men are guilty of the crime because they are abiding by the same racist narrative found in American history. Lynne Duke uses historical evidence to confirm that the players have raped and objectified the young African American woman: "It is that the Duke case is in some ways

reminiscent of a black woman's vulnerability to a white man during the days of slavery, reconstruction and Jim Crow, when sex was used as a tool of racial domination" (p. C01). As exhibited in history, the Duke players have chosen to showcase their racial superiority in the form of sexual assault and rape.

Lynne Duke also mentions that because African American women are often viewed as overly sexual and promiscuous, White men feel entitled to Black women. It is the same argument that Reverend Jackson made: "a stereotype of black women as hypersexual beings and thus fair game." It implies that because of the women's immense sexuality, White men have no sense of restraint so they must immediately exploit the African American women. It implies that the Duke players were "fascinated" and had no control over their subsequent actions.

Lynne Duke (2006) further smears the characters of the Duke players when she states: "whether she was drunk or drugged is not publically known. Roberts [the other dancer] has said that the woman's demeanor changed dramatically after she drank something the men offered them as soon as they arrived" (p. C01). By including this statement, Duke implies that the lacrosse players gave Mangum a rape drug before raping and sexually assaulting her. This gives further evidence to the players' guilt. Additionally, Lynne Duke summarizes the beliefs of fellow journalists when she states: "not spared in the game of image-battering, the lacrosse players have been portrayed by some as privileged, racist brutes prone to binge drinking, who preyed upon a troubled and struggling young woman" (p. C01). Although Lynne Duke does not explicitly say that this is her belief, from her character attacks of the players seen throughout the article, it is implied that she also holds this negative opinion of the players.

Each of these articles portrays the Duke Lacrosse players as symbols of everything that is wrong with today's society: racism, sexism, entitlement, immorality. This narrative became consistent throughout the media and gave "good reason" to qualify the players as guilty. The media told a story that remained consistent throughout. As defined in narrative probability, the media gave "coherence" to the story by providing evidence of the trend of racism from American history, players' past immoral behaviors, and the questionable reactions of the players to confirm their guilt. The audience was also able to corroborate the narrative fidelity of the media story because the audience could identify the narrative with their own experiences of racism, sexism, and dealing with individuals who feel entitled. The media had a great influence on the general public and they too were quick to assume the defendants were undoubtedly guilty.

Throughout the time of the scandal, protests were rampant both locally and on a national scale. These were led by women's rights advocates, Black rights advocates, and victim sympathizers. Protesters criticized the university for its slow response in disciplining the players and for its lack of transparency with the public. Duke did not issue a public statement until eleven days after the incident (Lipka, 2006b). Some opponents believed that the university waited until "after its men's basketball team had been eliminated from NCAA competition—to cancel games until the police investigation is complete" (Gonzales, 2006, para. 2). However, the main focus of the protests remained on the presumed guilty athletes. One such protesting group, an organization of Duke professors entitled "Group of 88," named for its eighty-eight faculty members, condemned the lacrosse athletes far before the March 13<sup>th</sup> incident. They believed the debauchery was only to be expected. Group of 88 did not wait for evidence of guilt and in violation of academic code, they denounced the very students that they were supposed to support

(Taylor & Johnson, 2007). Michael Barone, a reporter for *U.S. News & World Report* summed up the accusations and protestations:

The ‘Group of 88’ Duke professors, journalists for *The New York Times* and Durham *Herald Sun*, and heads of black and feminist organizations all seemed to have a powerful emotional need to believe. A need to believe that those they classify as victims must be virtuous and those they classify as oppressors must be villains. A need to believe that this is the way the world usually works. Except it doesn’t” (as cited in Taylor & Johnson, 2007, p.151).

The public and media had chosen to shun the boys far before there was any proof. Even after DNA tests confirmed the athletes’ innocence, the outside world continued to glare down on the accused.

The acceleration of the scandal could not be controlled. Accusations remained set in stone and any actions taken by the defendants to abate the situation were barely noticed. Coach Pressler stood by his athletes through it all. He continued to support the young men, even when Ryan McFayden’s contemptible e-mail referencing *American Psycho* became public on April 5<sup>th</sup> and events took a turn for the worse. McFayden was suspended and President Brodhead held Pressler accountable for the athletes and their past disciplinary issues. He was immediately fired. Moreover, this e-mail which Brodhead described as “sickening and repulsive” (Lipka, 2006a, p.A42), led to the cancellation of the Duke men’s lacrosse season. In an act of dignity and respect, Pressler (2007) announced the recent events to his players:

Gentlemen, our darkest hour has arrived...the season has been cancelled and I am resigning, effective immediately, as the head men’s lacrosse coach at Duke...You are not

responsible for this, you did not do this. It is not Ryan McFayden's fault. It is the administration that did this to us..." (as cited in Yaeger & Pressler, p.171).

His statement reiterated what they had all feared. It appeared that few were on the side of the defendants and they were on the road to conviction. To make matters worse, the case caused tensions of race and class to emerge.

Duke University and the city of Durham had always faced conflict, although not always on a surface level. However the two places could not be more different. Duke was an esteemed university where the majority of attendees were white, privileged, and rich. Some "Durhamites" even referred to Duke as "the Plantation" (Taylor & Johnson, 2007). Right outside the gothic walls of Duke, was Durham, a city where residents were often black, poor, and disheartened. Taylor and Johnson (2007) describe Durham:

Durham's \$23,000 median per capita income is just over half the \$41,000 in annual tuition and fees paid by a single Duke student. The city's 210,000 people are 44 percent African American, and there are substantial pockets of poverty. Some 15,000 Durhamites work mostly unskilled and low-skilled jobs at Duke, the city's largest employer (p.18).

When the scandal broke between a black, down-trodden stripper trying to make ends meet and three white, preppy, successful young men, the controversy dredged up issues of class, race, resentment, and envy. In the media, the case became a symbol of a struggle between white and black, rich and poor. It brought new meaning to the rape scandal and quickly caught the attention of the public eye. The National Public Radio (2006) reported, "It was probably inevitable that the Duke lacrosse case, with its undertones of sex and race and privilege would

become a media obsession.” The scandal was a hot topic but the underlying tensions of race and class threw the story into the national spotlight.

Fortunately for the accused lacrosse players, some people were beginning to question the legitimacy of the case. Some facts were not matching up and the motives of the head prosecutor, Nifong, were being questioned. According to Anne Applebaum (2006) of *The Washington Post*, there was “the subsequent discovery of time-stamped photographs allegedly showing [Crystal] was abused before she arrived; the testimony of the security guard; the shifting claims of the other dancer; the mixed DNA evidence; the district attorney running for reelection...” (p.A2). Members of the lacrosse team at the party had taken photos and the chronological order of the time stamps discredited the accusers claim that she had been assaulted for thirty minutes (Hull, 2006). Later in the night, when the two women arrived at the nearby store, the security guard who helped them later testified that there had been no mention of rape (Applebaum, 2006). When questioned, the other dancer, Kim Roberts had originally denied that legitimacy of Crystal’s story but had later changed her views (Yaeger & Pressler, 2007). Also, the DNA results had come back negative but police, media, and the public continued to view the defendants as guilty. Moreover, Durham police had violated policy when they showed Crystal a photo lineup of only lacrosse players and no additional pictures of non-lacrosse players (Hull, 2006). It also should be mentioned that Crystal had a criminal record that resulted in four misdemeanors after a car chase: larceny for stealing a taxi, as well as speeding to elude arrest, assault on a governmental official, and DWI (Yaeger & Pressler, 2007, p.52).

Furthermore, Nifong was up for reelection and his tactics during the case were beginning to be scrutinized. William Yardley of *The New York Times* (2006) reported, “Accusations of political motives in the lacrosse case have persisted, with attacks coming from defense attorneys

and legal observers with no connection to the case” (p.A16). In the election, Nifong had been a lesser-known white man competing to get the votes of a black community. If he could twist the scandal to his advantage, he could easily win their votes. From the beginning of the scandal, Nifong made it publically known that he viewed the defendants as guilty: “There’s no doubt in my mind that she was raped and assaulted at this location” (Yaeger & Pressler, 2007, p.104). After the DNA came back negative, instead of acquitting the case, Nifong insisted that this was not substantial proof of innocence and the alleged perpetrators could have easily used a condom. Nifong then proceeded to go on an eighteen-day media tour attending various media arenas such as *Good Morning America* and *Wilmington Herald* where he expressed his pre-judged opinion of the defendants and gained support for his campaign: “Nifong redefined the title “Mouth of the South” as he repeatedly expressed his opinions about the lacrosse players, his certainty of the rape allegations, and his commitment to seeking justice on behalf of the accuser” (Yaeger & Pressler, 2007, p.100). According to legal policy, his media rampage violated Section 3.8 of the North Carolina Code of Professional Responsibility which prohibited officials from making public displays that could sway the general public to view the defendants as guilty (Yaeger & Pressler, 2007).

The chronic stage is the longest stage of a crisis. It is characterized by continued media and governmental attention. In the Duke lacrosse scandal, the crystallizing negative image of the members of the Duke lacrosse team, was at odds with the facts of the case. The evidence indicated that there was no DNA proof; that Crystal Mangum’s story about the bathroom rape was unverifiable; and that eye witness accounts could not support Mangum’s testimony. However, most media outlets continued to depict the players as guilty. Furthermore, the media tended to highlight the town-gown tension between Duke and Durham as further evidence to

support the assumed guilt of the young men. The media's negative portrayal of the Duke men's lacrosse team greatly influenced public opinion surrounding the case.

## Chapter Five

### Crisis Resolution Stage

Fink (1986) described the fourth stage, the resolution phase, as the period of time when the organization would become “well and whole again” (p. 25). The worst of the crisis would be over and necessary steps would be taken to fully resolve the catastrophe. In the case of the Duke Lacrosse Scandal, the crisis was nearing the resolution stage in the second half of 2006. The accusations were crumbling, Nifong was being criticized, and people were beginning to question the credibility of the claims.

The fortune of the lacrosse players began to turn around when on June 5, 2006, President Richard Brodhead re-instated the Duke men’s lacrosse team after a two-month suspension. The reinstatement was recommended by a faculty committee. Although the team would be strictly supervised and a new code of conduct was enacted, this was a positive step forward for the demoralized lacrosse team. Viv Bernstein and Juliet Macur of *The New York Times* (2006) described the code of conduct:

Violations...include underage drinking, disorderly conduct and harassment. The penalties for breaking the rules are counseling and community service for a first offense, a three-game suspension for a second offense and a season-long suspension for a third offense (p.D1).

However strict the new regulations, it helped to raise the morale of the dispirited team, something that was greatly needed after two months of media scrutiny. John Danowski, former coach at Hofstra, was hired to revitalize and to lead the downtrodden team (Litsky, 2006). The month of June was also highlighted by Ryan McFayden’s reinstatement on June 30<sup>th</sup>. McFayden

was the lacrosse player who had sent the malicious e-mail referencing *American Psycho* (Yaeger & Pressler, 2007).

Then in October 2006, a major battle was won when the second dancer, Kim Roberts, began to change her story of what had actually occurred. Roberts at first endorsed the rape story told by Mangum, but later when Roberts was a guest on *60 Minutes*, she questioned if the attack had actually happened. Roberts clarified that: “she and the accuser had not ‘tried to hold on to each other’ before they were separated at the bedroom door at the party” (Wilson, 2006b, p. 14). Since they had not been separated as Roberts had originally stated, this left no pocket of time for the rape to occur. This major victory was solidified when Roberts fully denied the attack on *60 Minutes*. According to the report:

Roberts said, she walked out of the house to her car, leaving the other woman alone for five to 10 minutes. When the other woman joined her in the car, Roberts said, she did not indicate that she had been assaulted. She even suggested that the two women go back inside to make more money (Epstein, 2006).

The legitimacy of the allegations was being chipped away. Roberts’ public denial of the attack helped to refute the grave accusations and moreover, helped to sway public opinion towards viewing the accused as innocent.

The case was falling apart. On December 15<sup>th</sup>, Brian Meehan, who had been in charge of administering the DNA tests, revealed that he had withheld a report disclosing that DNA matches were found for other men, but not of the athletes. Previously, the DNA results had come back negative for the men of the lacrosse team but no other findings had been articulated. This information was hidden after making an agreement with Nifong. This would have

challenged the validity of the claim (Yaeger & Pressler, 2007). On December 22<sup>nd</sup>, Nifong dropped the rape charges on the three young men. His explanation for the development was that Crystal Mangum was no longer certain if the rape had occurred. According to Nifong, the lack of “scientific or other evidence independent of the victim’s testimony [made his office] unable to meet its burden of proof” (as cited in “Crime: Duke rape case charges,” 2006c, para. 1).

Although they were still charged with felony and sexual-offense, the lacrosse players were taking a step towards vindication.

Moreover, District Attorney Nifong’s motives began to be questioned. He was in the middle of his campaign for his upcoming election. As a White prosecutor looking to gain the support of a mainly African American community, people began to accuse Nifong of using the case to his advantage by highlighting the issues of race and class within the scandal (Yaeger & Pressler, 2007). On December 28<sup>th</sup>, the North Carolina State bar publically filed an ethics complaint against Nifong. He was initially accused of “making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused” (Taylor & Johnson, 2007, p.321). Nifong had repeatedly given statements to the media calling the Duke players “hooligans,” implying their guilt. In other words, he failed to follow legal policy that prohibited him from making his opinion known to the general public, during his media rampage. It is illegal for a man of his position to voice his opinions to the media (Yaeger & Pressler, 2007). He was also charged with “dishonesty, fraud, deceit, or misrepresentation” (Taylor & Johnson, 2007, p.321). Among other things, Nifong had withheld information linking other males to the rape of Crystal Mangum, he had manipulated the police lineup so that only lacrosse players were included, and he had failed to recognize the accredited alibi of Reade Seligmann, that Seligmann had been in another location at the time of the alleged rape. Seligmann’s alibi was confirmed by

time-stamp photos, electronic records, and the testimonies of a cabbie and a neighbor (Taylor & Johnson, 2007).

Matters quickly progressed from there. On January 3<sup>rd</sup>, 2007, Colin Finnerty and Reade Seligmann were permitted to return to Duke after being suspended due to the sexual assault charges. On January 12<sup>th</sup>, District Attorney Nifong requested that the case be turned over to the North Carolina attorney General's office and on January 13<sup>th</sup>, state's attorney general Roy Cooper agreed to handle the case ("Crime: state takes over," 2007). As the new prosecutor, Cooper planned to run the investigation with diligence and respect to morals. He proceeded to re-interview all witnesses and double check all evidence (Taylor & Johnson, 2007). Finally on April 11<sup>th</sup>, Cooper had come to a decision. He declared all defendants innocent in the following statement:

We believe that these cases were the result of a tragic rush to accuse and a failure to verify serious allegations. Based on the inconsistencies between the evidence and the various accounts given by the accusing witness, we believe that these three individuals are innocent of these charges (as cited in Taylor & Johnson, 2007, p.352).

After over a year, the players had finally been exonerated. They had seen their world shattered and their reputations crushed. The public had been quick to pre-judge their guilt and had turned against them. Now, Finnerty, Seigmann, and Evans were receiving vindication.

On May 24<sup>th</sup>, the NCAA approved Duke's request to allow an additional year of eligibility for the members of the Duke's men lacrosse team. This was in response to the cancellation of the prior season due to the rape allegations. This allowed non-seniors in 2006, a fifth year of

eligibility and for current seniors, it allowed them the same privilege if they agreed to take graduate courses (Auman, 2007).

Events continued to favor the exonerate lacrosse players. In June 2007, Michael Nifong was disbarred by the North Carolina State Bar for violating over twenty-four legal policies. One such policy included “withholding exculpatory DNA evidence” (Yaeger & Pressler, 2007, p.304). He was jailed for twenty-four hours in September 2007 and then fined \$500 for lying to the judge (Yaeger & Pressler, 2007). In response to the case and the actions of Michael Nifong, state attorney general Roy Cooper commented:

There have been many points in this case where caution would have served justice better than bravado. And in a rush to condemn, a community and a state lost its ability to see clearly... This case shows the enormous consequences of overreaching by a prosecutor (as cited in Taylor & Johnson, 2007, p.352).

The man that had led the prejudgment of the lacrosse players was facing the dire consequences. The attorney had now becomes the defendant.

To accompany the trial and conviction of Michael Nifong, Michael Pressler released his book *It's Not About the Truth: The Untold Story of the Duke Lacrosse Rape Case and the Lives It Shattered* in June 2007. This book allowed him the ability to tell the truth of what really happened that fateful year. In his acknowledgments at the beginning of the book, Pressler stated: “To the 2006 Duke lacrosse team: Thank you for ‘staying the course.’ As I promised, ‘We will have our day’” (Yaeger & Pressler, 2007). His telling of the story became a *New York Times Bestseller*.

To round out the tumultuous year, beginning in the second half of 2007 and continuing into 2008, lawsuits began to amount. In March 2007, Pressler and Duke reached an undisclosed settlement. However, in January 2008, Mike Pressler filed an additional lawsuit against Duke claiming defamation (Yaeger & Pressler, 2007). It resulted from an April 2007 *Newsday* article where John Burness, Duke's former senior vice president for public affairs, misleadingly claimed that Pressler was fired because "he had not adequately supervised his team" (Yaeger & Pressler, 2007, p. 302). Continuing to speak out of turn, Burness was quoted a few months later by the Associated Press in June 2007: "It was essential for the team to have a change in leadership in order to move forward" (as cited in Blythe, 2010, para. 13). This implied that Pressler caused the downfall and recklessness of the team. These statements violated the original settlement reached in March. A settlement of an undisclosed amount was finally reached in March 2010 (Blythe, 2010).

In June 2007, Colin Finnerty, Reade Seligmann, and David Evans reached a financial settlement with Duke. The amount was undisclosed. Additionally, the young men filed a lawsuit against Nifong, the city of Durham, former Durham city police chief Steven Chalmers, and police investigators Benjamin Himan and Mark Gottlieb. The lawsuit also filed claims against, Brian Meehan, the director of DNA Security Inc, and the lab that conducted the DNA testing. No claims were made against accuser Crystal Mangum as many believed that she was not of sound mind ("Duke lacrosse defendants," 2011). North Carolina Attorney General Roy Cooper later conveyed this belief: "Our investigators who talked with her and the attorneys who talked with her over a period of time think that she may actually believe the many different stories that she had been telling" (as seen in Meadows, 2010, p. 1). She had been treated for

mental illness in the past. The three men hoped to receive \$30 million dollars each and a restructuring of the legal system.

After some adjustments, the lawsuit was finally permitted to proceed in April 2011. U.S. District Judge James Beaty, the judge presiding over the case, allowed the three young men “to pursue claims such as malicious prosecution, concealment of evidence and fabrication of false evidence. He dismissed several other accusations, such as intentional infliction of emotional distress” (“Duke lacrosse defendants,” 2011, para. 2). These accusations were dismissed because Beaty felt that areas of the 162-page lawsuit were excessive and could not be supported by factual evidence; however, the young men and their attorneys were pleased with the charges that were accepted. The lawsuit further claimed that “the criminal case against the players [is] ‘one of the most chilling episodes of premeditated police, prosecutorial and scientific misconduct in modern American history’” (“Duke lacrosse defendants,” 2011, para. 9). This was in connection to the deliberate concealment of DNA evidence that could have determined the innocence of the players in the first few months of the case.

In September 2007, Ryan McFayden, Matthew Wilson, and Breck Archer, all un-charged members of the 2006 Duke team, filed a separate lawsuit for economic loss, damage of character, and intrusion of privacy. In 2011, U.S. District Judge Beaty also allowed this lawsuit to proceed although the charges were severely limited. Beaty stated that he would permit the three young men to file for obstruction of justice claims against Nifong and investigator Gottlieb due to their abuse of power and their tampering with evidence. In support of the lawsuit, Beaty further verbalized: “the intentional or reckless use of false or misleading evidence before a magistrate judge to obtain a warrant and effect a search and seizure is exactly the type of 'unreasonable'

search and seizure the Fourth Amendment is designed to protect against” (as cited in Gorman, 2011, para. 13). For these stated reasons, the lawsuit was permitted to move forward.

In February 21, 2008, thirty-eight out of the forty-seven players of the 2006 Duke men’s lacrosse team sued Duke, the city of Durham, Duke administration including President Richard Brodhead and former senior vice president for public affairs, John Burness, members of the state District Attorney’s Office, members of the city Police Department, and Duke Medical Center (Aldridge, 2008) for emotional suffering, injury of character, harassment, denial of civil rights, and violation of policies (Yeager & Pressler, 2007). All of these members of the community had turned their backs on the lacrosse players when they needed their support the most. According to Chuck Cooper, the attorney who announced the lawsuit, players are seeking:

...An acknowledgment that they were wronged by institutions and individuals that they trusted to treat them honestly. The pain and suffering they experienced cannot be erased; the misconduct of the University and town officials cannot be undone. But this suit will enable them to learn the full truth, to put facts in plain view in a court of law, and to hold Duke’s leaders and town officials accountable for their wrongdoing (as cited in “38 Duke lacrosse,” 2008, para. 8).

The request of monetary damages was unspecified but this unification of the Duke lacrosse players helped to articulate that the case was extremely mismanaged and the consequences were irrevocable. The lawsuit did not name Nifong, who was filing for Chapter 7 bankruptcy protection at the time that the lawsuit was filed. U.S. District Judge James Beaty has also reviewed this case.

After many adjustments that significantly narrowed the accusations, the case was permitted to move forward in March 2011. All of the charges filed by the parents of the players were thrown out, but the lawsuit continued to charge investigators of the Durham police department involved in the case. It also cited President Richard Brodhead and Duke University for the “[abuse of] a confidential relationship and common law obstruction of justice” (“Duke lacrosse defendants,” 2011, para. 12). It has recently been leaked that these remaining members of the Duke team are suing for an undisclosed amount predicted to be millions of dollars. Duke plans to adamantly defend itself in the lawsuit but the case that the players filed remains strong. With many of the original lawsuits moving forward at the present time, top Duke officials including John Burness are now in the clear but the claims against President Brodhead, Durham police officers Himan and Gottlieb, and former Durham police chief Steve Chalmers still remain (“Duke lacrosse defendants,” 2011).

As a complement to these many revelations, the media began to alter their previous guilty opinions of the men’s Duke lacrosse team. Enough evidence had been found to qualify the innocence of the Duke players. From April 11, 2007 and onwards, the press changed their narrative of the Duke scandal and began to emphasize the innocence and courage of the young men who were improperly subjected to a “rush to judgment.” A positive light was shed on the exonerated defendants and any of their previous indiscretions such as excessive drinking and public urination, were excused by the simple fact that “boys will be boys.”

The three artifacts that I will use, written by Steve Politi, Julianne Malveaux, and Fluto Shinzawa, are taken from the time period after the Duke players were declared innocent of all charges in April 2007. These three articles typify the new, restructured narrative that portrays the Duke players as heroes that have endured the adversity caused from false accusations. Their

characters are described in terms of courage, dignity, and maturity. These opposing narratives highlight the contrasting characterizations of the Duke players in the media as the young men transitioned from being accused to being exonerated.

On April 20<sup>th</sup>, only eight days after the players' exoneration, Julianne Malveaux of *USA Today*, highlighted the exemplary characters of the men's Duke Lacrosse team. Although only a short article, in a few words Malveaux (2007) is able to emphasize the admirable qualities found in college students, like the Duke team: "The three former Duke University lacrosse players now declared innocent of kidnapping, assault and rape charges also used their moment in the headlines to transit an image of dignity and maturity" (p. 13A). Malveaux emphasizes their resilience and courage during a traumatic experience. She also compares the strong characters of the Duke team to the courage and dignity shown by the college students at Virginia Tech University after the Virginia Tech School Shooting which left thirty-three members of their college community dead: "College students are doing lots of teaching by example these days" (Malveaux, 2007, p. 13A). At both Duke and at Virginia Tech, Malveaux states that college students serve as an example to our entire society when they exhibit such poise and grace in the face of adversity.

Malveaux further emphasizes that when young men and women lose their innocence in the public eye, society should remember that experiencing a catastrophic event such as a scandal, is often much more overwhelming at a young age. Despite being part of a devastating scandal, the strong characters of the young men at Duke continued to shine through: "we must also appreciate the young people who at moments of great adversity are leading us all by example" (Malveaux, 2007, p. 13A). Malveaux concludes that since the Duke players and other college students

exhibited their strength in the face of hardships, it inspires others to do the same. Malveaux's article serves as just one example of a positive narrative about the exonerated Duke players.

In the May 20<sup>th</sup> issue of *The Star-Ledger* (Newark, New Jersey), writer Steve Politi (2007) summed up the most recent proceedings of the case: "defendants in the notorious rape case that ripped their world apart. And now, finally exonerated a few weeks ago, they are trying to move on with their lives" (p. 1). His use of the word *finally* implies that the Duke players should have been exonerated long before the scandal became so developed. Throughout the article, Politi focuses on one of the recently vindicated defendants: Reade Seligmann. During the case, Seligmann had had an alibi due to the time-stamped video of him using the ATM while the rape was supposedly committed. This alibi was ignored in the case. Politi highlights Seligmann's strong character when discussing how Seligmann chose to become a volunteer assistant coach at his old high school, Delbarton School, while the media discredited his character. Instead of responding to the media's slander, Seligmann was serving as a role model (Politi, 2006).

Furthermore, Politi (2006) discusses Seligmann's good character as described by his loved ones: "His friends and family say that throughout the case, Seligmann never turned bitter....the way Seligmann handled himself in those early weeks....helped sway public opinion at a time when the entire team was portrayed as villains" (p. 1). Politi emphasizes that Seligmann's courage and maturity are what helped the public to eventually believe in the innocence of the Duke team. To further serve as evidence of Seligmann's good character, Politi quotes K.C. Johnson, a Brooklyn College professor who wrote a book on the case: "I'm sure in the deepest recess of his mind, Nifong wishes the accuser fingered someone else....He had an alibi and his character was unassailable. Reade was Nifong's worst nightmare" (p. 1). This emphasizes that

Seligmann's admirable traits and strong character were part of the reason that Nifong's case, placing the characters in a negative light, began to crumble.

Moreover, Politi discusses the tattoo that Seligmann had placed on his back. Although this may seem insignificant, it is the message that is important: "Seligmann got a tattoo with the Latin phrase *Succisa virescit*. The words are the motto for Delbarton, the place that believed in him from the beginning, and translated into English they mean, 'Cut down, grow back stronger'" (Politi, 2006, p.1). This tattoo symbolizes Seligmann's courage, strong character, and perseverance. The tattoo is on his back to signify that Seligmann is stronger and is moving on from the pains of the scandal (Politi, 2006).

On May 23, 2008, *The Boston Globe* writer Fluto Shinzawa also emphasized the strong character of the team: "Only two years later, Duke lacrosse has risen from the rubble, stronger than ever" (p. E1). The members of the team have shown bravery and dignity throughout the entire rape case and for this reason, the scandalizing light that was cast over their lives for over a year, only served to strengthen them. To serve as further evidence of the team's exemplary characters, Shinzawa quotes the former lacrosse coach of Duke, Mike Pressler: "Forget about lacrosse for a second. We're in the business of raising young men....For me, the proudest moment was that in the worst of it, when every talking head was trying to take them down, they never lowered themselves to their level; they took the high road" (p. E1). The young men immersed in a scandal showed poise and grace when they chose to hold firm belief in the truth and when they chose to not respond to the negativity that provoked them from all sides.

Furthermore, Shinzawa discusses the Duke's team participation in community service for the last two years since the scandal. The majority of their time volunteering was spent at the Ronald McDonald House in Durham, North Carolina. The Ronald McDonald House helps hospitalized

children. Interim Duke athletic director Chris Kennedy noted that the Duke Lacrosse players have consistently “honored the code of conduct” and that the team has not been plagued with behavioral issues. The members of the Duke team have been model citizens (Shinzawa, 2008, p.E1).

Moreover, Shinzawa highlights the strong character of the Duke Lacrosse players by quoting current Duke Lacrosse coach, John Danowski:

They were run out of town but chose to stay. It took unbelievable courage for them to stand up to the world, to the people on campus, and to the DA and say, ‘You can think whatever you want and say whatever you want. We’re not hiding and running from everybody.’ That was really powerful. It became more important than lacrosse. I think that typifies the character of the group (as cited in Shinzawa, 2008, p. E1).

It is possible that Shinzawa concludes his article with this statement because it is such a powerful description of the strong characters that were necessary for the Duke team to endure the adversity and negativity of the scandal.

These positive narratives reversed the audiences’ perception of the Duke players. Although the positive narratives were undoubtedly questioned at first when compared to the previously negative narration, the stories became consistent, all highlighting the Duke players’ strong characters and admirable qualities. This consistency permitted “good reason” to believe that the courageous young men were wronged. This “coherence” as stated in narrative probability, allowed the audience to identify with the truthfulness of the story. Furthermore, as defined in narrative fidelity, the audience could identify with the positive narratives because the audience has had “similar experiences” in encountering a rush to judge someone, in not giving someone a chance, and in dealing with people who only look out for their own personal gain.

These many revelations in the courtroom and the media have paved the way for the beginning steps that have helped to solidify the innocence of the accused players and that have begun to heal the destruction that was brought upon the entire Duke men's lacrosse team, Duke University, and the surrounding Durham community. Although headway has been made, with the many pending lawsuits and the consistent media attention, it will continue to be many years until the crisis is fully resolved.

The crisis resolution stage is the period of time when the worst of the crisis is over and the organization and its participating individuals are made whole again. For Finnerty, Reade, and Evans, media coverage began to portray them in a positive light by emphasizing their courage and honesty throughout the scandal. For Nifong, his dishonesty led to disbarment by the state of North Carolina, and several lawsuits were filed against him for his harmful actions. For Duke, the image that emerged was that of a university that chose to "rush to judgment." They failed to protect the very students who were entrusted in their care. As a result, the students of the men's lacrosse team began to file lawsuits pursuing claims against all parties who supported, abetted, and profited from the "rush to judgment." Ironically, Crystal Mangum was not named in any lawsuit. No one believed that she fully understood the charges that she set forth due to her history of mental instability.

## **Chapter Six**

### **Image Restoration**

The resolution stage is also the time when the group aims to restore their tarnished image. William L. Benoit (1997) emphasized the importance of reputation to an organization as well as the importance to an individual (p.177). In his theory, Benoit (1997) emphasized five strategies to achieve the goal of a restored reputation: denial, evasion of responsibility, reducing the offensiveness of the event, corrective action, and mortification.

In the context of denial, the accused can either completely deny responsibility or can shift the blame to someone else. In the strategy entitled evasion of responsibility, the accused can say that they were provoked, that they had inadequate information (defeasibility), or that they performed the act with good intentions. In the category of reducing offensiveness, an organization can emphasize admirable traits (bolster), minimize the severity of the act, and compare the act to something more horrendous so that it seems less offensive (differentiation). One can also highlight that fact that there are more important issues (transcendence), decrease the legitimacy of the accuser's accusations, or compensate the victim. When taking corrective action, the organization can show that they are attempting to solve the problem and taking actions to prevent it from happening again. Finally, in mortification, the accused party can apologize for their offensive act (Benoit, p.179). In the case of the Duke lacrosse scandal, image restoration was required for both the lacrosse players and for Duke University.

Duke University used many of Benoit's strategies when attempting to restore its reputation in the aftermath of the scandal. Following the exoneration of the three young men, Duke was criticized for its hastiness in blaming the athletes before there was substantial evidence.

Additionally, the university was criticized for the rapidity in which they tried to separate themselves from the accused instead of standing by to support them. As a result, when the boys were cleared, Duke had to take steps to restore its image. Duke University held press conferences, created a Web site, and produced press releases in order to restore its reputation (Fortunato, 2008). The main strategies and tactics that Duke used were mortification, transcendence, defeasibility, corrective action, compensation, and bolster.

In September 2007, as a representative of Duke, President Brodhead apologized to the public. Brodhead said that “he regretted Duke’s ‘failure to reach out’ in ‘a time of extraordinary peril’” (as cited in Associated Press [AP], 2007, para. 2). He repented for not standing by the three college athletes when they most needed him. Duke and the administrators also made comments involving transcendence in the issue. On behalf of Duke University, John F. Burness, senior vice president for public affairs at Duke commented: “It’s never been a case of not being supportive of our students... We have a process in this country for determining guilt or innocence. It can be cumbersome, but you have to put faith in it over the long run” (Mangan, 2007, para. 14). This statement implied that the actions of Duke never were about whether they supported the accused or not, but instead if they continued to have faith in the American justice system.

In terms of defeasibility, Brodhead and the associates of Duke blamed the intensity, entanglements, and the ever changing information during the case as the reasons that they acted in the wrong. In an interview Brodhead stated: “Given the complexities of this case, getting the communication right would never have been easy” (AP, 2007, para. 3). This implied that Duke’s actions could not be blamed because they lacked sufficient information. Moreover, Duke took steps to ensure corrective action. First, they re-instated the men’s lacrosse team after wrongly suspending the team. Additionally, with compliance from the NCAA, Duke allowed the lacrosse

players to play for a fifth year on the team to make up for their previously cancelled season (Yaeger & Pressler, 2007). Lastly, Duke created five separate committees to review the culture of the school. These committees evaluated: the previous behavior of the lacrosse team before the incident, the university's response to the crisis, the student court system, the university's culture and values on school grounds, and the effectiveness of the advice given by the Presidential Council (Fortunato, 2008). The most important results of the committees determined that Duke should:

...Organize alcohol-free social events, take away fraternities' prime campus real estate... raise admission standards for athletes while decreasing their practice and travel obligations...Students should be required to take at least one course on diversity, and the university should renew its efforts to recruit female and minority professors (Lipka, 2007, para. 2).

These steps signified that the university was taking actions to prevent such an event from ever occurring again.

An additional step that Duke took to restore its reputation was bolstering. Throughout the scandal, Duke continuously emphasized its good qualities. To reduce the offensiveness of the act, Brodhead constantly highlighted the number of minority students enrolled at Duke as well as the number of prestigious minority faculty members that had been and continue to be a part of the Duke tradition. In a *60 Minutes* interview, Brodhead stated: "we have a wonderful history of African American alumni who've come out of this school...you tell me a field and I'll tell you a distinguished African American faculty member we have in the field" (as seen in Fortunato, 2008, p. 120). He supported this statement with statistics, emphasizing that more than one-third

of enrolled undergraduates were minorities and that Duke had invested \$50 million to create aid for those in need (Fortunato, 2008). Additionally, in a letter to Duke students that aimed to create further bolstering for the university, President Brodhead asked the students to think of positive experiences that they had had at Duke so that they could continue to “feel free to be proud of this place (I am), and to educate people about what Duke is really like” (Fortunato, 2008, p. 120). These actions helped to reinforce the admirable characteristics of the university.

The last action that Duke took to restore its image was compensation. Various lawsuits were filed against Duke; with claims such as defamation of character and emotional suffering. As a result, Duke arranged private settlements with Pressler, as well as many of the Duke lacrosse players. Many of the settlement decisions are still pending. Although it was positive that Brodhead and Duke officials took steps to atone for their wrongful reaction to the events, many viewed their attempts as non-sincere. Many people criticized Duke University for not directly apologizing to the lacrosse team and the convicted members.

Moreover, although Duke University took many positive steps forward in restoring its tarnished image, it failed to fully address the issue of rape: “rape seemed to be a secondary issue in Duke’s public relations materials” (Barnett, 2008, p. 194). According to Barbara Barnett (2008), Duke attempted to frame itself as a victim of biased media, and then almost completely ignored the larger issue of rape: “It was not until February 2007 that university public relations materials again addressed the relationship between alcohol and rape and acknowledged imbalances in gender and power relations could lead to assault” (p. 194). By placing more importance on their reputation rather than focusing on the bigger problem, Duke failed to be proactive in educating the Duke community and the general public about rape and its connection with alcohol. This misstep, if noted by the media, could have the possibility of leading to a

further deterioration of the university's reputation. Additional lengths still need to be taken so that Duke can restore its image to where it originally began. The Duke lacrosse members also made efforts to restore their reputations.

Although the Duke lacrosse players were declared innocent, they also had to take steps to restore their blemished images. The main strategies that they used were denial, differentiation, bolstering, and a shift of blame. From the beginning of the scandal, the players used the strategy of denial. After a period of silence, the captains publically came forth and denied the rape. According to Joseph Mallia (2006) of *Newsday*, on GoDuke.com the captains' stated: "We also stated unequivocally that any allegations that a sexual assault or rape occurred is totally and transparently false. The DNA results will demonstrate that these allegations are absolutely false" (para. 7). Although they continued to deny the rape charges, the members of the team also took steps to differentiate their actions from what the accuser alleged. According to Reid Epstein (2006) of *Newsday*, in a *60 Minutes* interview "Evans, 23, the team captain...who hosted the party, said he regrets the decision to combine alcohol, strippers and his lacrosse teammates." Through this statement, Evans distinguished rape from poor judgments concerning drinking and strippers. This regret is the only form of apology that would be heard. The team firmly stood behind their denial of the claims. Additionally, in an attempt to restore their reputation, the positive traits of the players were stressed in bolstering. Instead of focusing on the negative aspects of the scandal, new head Duke men's lacrosse Coach, John Danowski, focused on the achievements of the young men: "To me, it's an unbelievable story, the way these kids have handled themselves...Lesser people would have crumbled, could have transferred, could have used it as an excuse to not do well in school" (Thamel, 2007, para. 14). The last strategy that the athletes used was a shift of blame. As the scandal came to a close, the players blamed Duke,

President Brodhead and administrators, Michael Nifong, Duke Medical Center, and the city of Durham for causing turmoil, crisis, and defamation of character (Taylor & Johnson, 2007). The players held no responsibility for the crisis; however, the actions of these accused groups of individuals accelerated the scandal into a crisis and forced it into the national spotlight.

In complete contrast to Duke University and the men's lacrosse team who both took steps to restore their images, the subsequent actions of the original accuser, Crystal Mangum, caused her reputation to spiral into a negative oblivion. On February 17, 2010, police rushed to Mangum's residence to quell a domestic dispute between Mangum and her then boyfriend, 33-year-old Milton Walker. According to police reports:

She was convicted of misdemeanor charges after setting a fire that nearly torched her home with her three children inside....She told officers she got into a confrontation with her boyfriend at the time...and burned his clothes, smashed his car windshield [with a vacuum] and threatened to stab him (Baker, 2011, para. 8).

After the police were able to gain control of the situation, Mangum was charged with attempted first-degree murder, communicating threats, injury to personal property, assault and battery, identity theft, resisting an officer, three counts of misdemeanor child abuse, and five counts of arson. While awaiting her trial she was placed on house arrest with a \$250,000 bond (Meadows, 2010). When her case went to trial in December 2010, of the multiple charges filed against her, Mangum was found guilty of injury to personal property, three counts of child abuse, and resisting an officer. The felony arson charges were dismissed. She was forced to serve eighty-eight days in jail as punishment (Martinez, 2011). Unfortunately, her trouble with the law did not end there.

On April 3, 2011, police again rushed to Mangum's house in response to a call for a stabbing and domestic dispute between Mangum and her new boyfriend, 46-year-old Reginald Daye. When police arrived, they found boyfriend Daye with a serious stab wound to the torso. Daye was rushed to Duke University Hospital for treatment. Mangum was arrested at a neighboring apartment and "[was] charged with assault with a deadly weapon with intent to kill inflicting serious injury. She is being held without bond" (Martinez, 2011, para. 2). To make matters worse, as Mangum awaited her trial, boyfriend Daye died from the stab wounds almost two weeks later at Duke University Hospital. As a result, Mangum was indicted by a grand jury on April 18<sup>th</sup> in the death of Reginald Daye. She was charged with first-degree murder and two counts of larceny. Mangum remains in the Durham County Jail (DeConto, 2011).

Each of Mangum's subsequent actions after the Duke lacrosse scandal have failed to repair her tarnished reputation. She has neither apologized nor attempted to create a more favorable image of herself. Her repeated confrontations with boyfriends, her constant neglect of her children, and her multiple meetings with the law have only served to shed an even more unfavorable light on her. Moreover, her most recent murder conviction makes a complete resurrection of her reputation appear impossible. Consequently, the further deterioration of Mangum's reputation and its sharp contrast to that of the strengthening reputations of the Duke men's lacrosse team and Duke University, has the possibility of helping the lacrosse players and the university to further restore their own images.

The image restoration stage is the period of time when the organization and the individuals involved in the scandal attempt to restore their damaged images. For Duke, the university chose to publically apologize as well as place focus on their faith in the American justice system, rather than on their failings in the case. Duke also blamed the disarray of the case for the university's

wrongful actions, formed committees to review and correct the culture of the school, and emphasized the university's admirable qualities of racial equality and academic excellence. Unfortunately, despite all of its attempts to restore its reputation, Duke failed to address the issue of rape. For the Duke lacrosse players, they continued to deny accusations, differentiated their poor judgment from actual rape, and highlighted their courage and maturity throughout the scandal. Moreover, the Duke players chose to shift the blame towards Duke administrators, Duke Medical Center, and the city of Durham for further tarnishing their reputations. In contrast, Crystal Mangum's recent altercations with the law have only served to further deteriorate her already struggling reputation.

## Chapter Seven: Analysis & Conclusion

### Evaluation of the Scandal

It is worth considering the immense impact that the narration had on the entire Duke Lacrosse rape crisis. Despite evidence to the contrary, people so easily believed that the Duke Lacrosse players were guilty. I think an important reason for this believability and the rapid escalation of the crisis was that the media oversimplified the story and relied on a common story of racism, sexism, and classism that has been true in the past. Instead of it being a unique case where there were allegations of rape against a woman, the media oversimplified the case by highlighting the differences: white versus black, rich versus poor, man versus woman. This oversimplification allowed more people to identify with the narrative. This in turn, resulted in a full-blown crisis. Instead of focusing on the facts of the case, the media turned peoples' attention towards these differences: "national flash points of race, class, gender, violence, money, privilege. 'These are fundamental, foundational themes in American culture'" (Brady & Marklein, 2006, p. 1C). It is a common story that the general public has seen throughout history; White men of privilege and power take advantage of a poor, helpless Black woman. Unfortunately, these issues of race, class, and gender drowned out the truths in the story.

In the same way that the story was oversimplified, the characters within the story were oversimplified: a "kind of prejudice that reduces people—yes even white jocks—to racial caricatures" (Kristof, 2006, p. 13). The lacrosse players were stereotyped as racist and drunken thugs, who felt a sense of entitlement because of their skin color and deep pockets. Their academic achievements, discipline, hours of community service, and friendly personalities were left out of the script. Instead, their more negative qualities were exaggerated to fit more easily into the narrative.

I believe that the reduction of the narrative to race and class was also exacerbated by the town-gown relationship between Duke University and the city of Durham. Town-gown became a narrative within the narrative. It escalated as the crisis escalated. Duke University was a rich, prestigious school mostly populated by White students. Durham surrounded the Duke “plantation” and consisted mainly of poor, working class African Americans. Their differences were extreme. I believe that when the rape story made the news, its’ qualities highlighted everything that the town of Durham hated about Duke: privilege, wealth, excess, entitlement. The scandal of the Duke lacrosse players became a way to channel all of the animosity that the African American citizens of Durham felt towards Duke. The media quickly caught onto this narrative and the press and Durhamites began to feed off of each other: Durhamites fed the national narrative with race and class issues and the press fed the racial and social resentments of Durham. These narratives stoked the media fire and pushed the scandal through the crisis stages at a rapid pace. It was only after enough evidence came out to prove their innocence, that the media narrative was restructured.

When the players’ innocence was announced, the media no longer reduced them to mere stereotypes; their full personalities were revealed. The narrative was more complex. Reporters discussed their academic accomplishments and hard work. The players were no longer rich “hooligans,” but instead sons of hardworking parents. When their past indiscretions such as underage drinking were discussed, reporters said it was just “boys being boys.” Moreover, journalists highlighted the courage of the young men exhibited during the case (Halloran & Hook, 2006). For the general public to find the truth in two opposing narratives, it shows the immense power that the media holds and the media’s ability to create a crisis.

With this power, comes responsibility. Since the media has the power to sway national opinion and to turn a small-town scandal into a national crisis, it is important that they remain ethical when reporting. This was not seen in the Duke case: “the media’s voracious appetite for scoops, Internet hits, and ratings can quickly reduce a complicated story—and a campus like Duke’s—to caricature” (Halloran & Hook, 2006, p. 39). It was the result of a pack journalism mentality where the only stories told were ones that added to the already formed guilt narrative. The media ignored facts and failed to evaluate the case for themselves in an effort to gain the monetary benefits from such an explosive story. This misstep in judgment that tore apart the worlds of three young men, should teach journalists to do their own investigating and to not take someone’s word for the truth. Moreover, this case should highlight the importance of thinking outside of “the pack” because although there were claims of the players’ innocence from the beginning, these vindicating claims were mostly disregarded and those of guilt were embellished. This lesson in ethics to journalists is not the only positive result of the case.

The negative spotlight placed on Duke University for over a year has inspired Duke, as well as many other American universities, to reevaluate the campus culture: “colleges across the US are also soul-searching and refining policies in the wake of the case, recognizing that Duke is not the only campus where the confluence of race, sex, privilege, and booze could spark a scandal” (Jonsson, 2007, p. 3). Universities are taking steps to increase sexual assault prevention programs. They are also aiming to restructure college campuses that are dominated by sports. Athletes and students have to become more accountable for their actions; including issues of alcohol, drugs, hazing, and assault. Universities are also holding coaches more responsible for the misdemeanors of their athletes. At Duke, the university is enacting the DukeEngage program, a community service program that has students go outside of the “Duke Bubble” to help others.

It is also selling many of the off-campus houses that students rented. As a result of their actions, disciplinary actions at Duke have dropped eighty-five percent. It is perhaps for this reason that a year after the scandal, the number of incoming freshman was only down one percent (Jonsson, 2007). This narrative has helped to shed light on the crisis and as a result, has created a positive outcome.

### **Conclusion**

Through the use of Fink's stage analysis and Benoit's image restoration theory, one is able to gain valuable insight into the crisis that came to be known as the Duke Lacrosse Rape Scandal. Fink allows one to follow the historical stages while Benoit allows one to dig deeper and see the steps that were taken to resolve the crisis. Today, the scandal continues to play a pivotal role in history and serves as a reminder of what can result when people are too quick to jump to false conclusions.

The public viewed stereotypes as a reason for guilt: "Duke lacrosse case: Prosecuting a stereotype" (as cited in St. Pierre, 2007, p.D10). People observed these young men as white, privileged, and typical male athletes. Due to their social standing, the public believed that the athletes felt a sense entitlement when raping the young woman. With help from the media, the story was sensationalized and it became hopeless to think that the negative opinion of the public could be swayed. However, after over a year, it became evident that this prejudgment had come all too quick and without sufficient evidence.

The spotlight then was shifted onto Michael Nifong, the former District Attorney of Durham County. His lack of ethics during the case highlighted the bouts of corruption in the United States legal system. Jonathon Turley (2007) of *The Washington Post* commented, "Nifong is a

classic example of the corrosive effect of high-profile cases on a prosecutor's judgment and sense of decency" (p.B03). Nifong's dishonest ways brought to attention the deceit and misrepresentation that can run rampant through the American judicial process. And according to Thomas Birkland, the sequence and results of Nifong's decisions and the prolonged scandal can be viewed in terms of a focusing event.

Thomas A. Birkland (1997) defined a focusing event as a "rare, harmful, sudden event that becomes known to the mass public and policy elites virtually simultaneously" (p. 3). The drama of the event attracts the media and creates urgency that legislatures must respond to. Although it does not always occur, a focusing event can often lead to a change in legislation (Birkland, 1997). In the case of Duke Lacrosse, the high levels of media attention surrounding the scandal forced legislatures to pay attention. When the truths of Nifong's corruption were made known, the public and media called for action. Currently, actions are being taken "to protect the rights of the accused as vigorously as it does those of the accuser" (Turley, 2007, p.B03). In this particular case, the focal event led to changes in legislation. The policy changes will become a symbol of what went wrong in the Duke Scandal.

Moreover, through the use of Walter Fisher's narrative paradigm, one is able to gain insight on the opposing narratives that helped to frame the opinions people held of the accused characters involved in the Duke Lacrosse Rape Scandal. As described in the narrative paradigm, humans are natural storytellers: "it is in our nature as humans to use stories to get at the truth" (Rybacki & Rybacki, 1991, p. 108). These stories help people to identify with the narrative and to understand the complexities within our lives. When first accused, the issues of race, class, and gender dominated the narratives of the Duke players. They were portrayed as young men who were White, privileged, and therefore, entitled to take advantage of the young Black woman.

This narrative was propelled by historical evidence, resentment, and a rush to judgment. As a result, a crisis was born. However, once the players became exonerated, the narrative was reformed and shed a positive light on the Duke players: minimizing their flaws, and enhancing their exemplary characters. In the media, their personalities' became multifaceted and they no longer appeared as two-dimensional, negative caricatures. Each narrative restructured reality and made the story appear truthful. The Duke Lacrosse Rape Scandal serves as a prime example of the power of characterization within a narrative in shaping the framework from which we view reality.

The Duke Lacrosse Case will forever remain in the minds of the public. For over a year, the masses watched on as the case went through twists and turns. Issues of race, class, and sex were exposed and the media only helped to sensationalize the scandal. In a tumultuous sequence of events, allegations were made, fingers were pointed, charges were dropped, and the prosecutor became the defendant. In the coming years, the legacy of the Duke Scandal will remain a symbol of the tensions of race and class, the wrongdoings of the court, and the consequences of jumping to false conclusions.

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