

From: Aaron Graves <CN=Aaron Graves/OU=Police/OU=Admin/OU=Univ/O=Duke>
Sent: Thursday, November 16, 2006 8:11 PM (GMT)
To: John F Burness
Bcc: Robert Dean
Subject: Re: Fw: crime at homecoming game

John is it more too the fact that we (DUPD) failed to coordinate with Durham Police and RLSH in conducting interviews of suspects/witnesses within the residential community. I don't want to imply that we might attempted to impede an investigation by denying access to our students that may be involved in an incident. Just my two cents!

Aaron L. Graves
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Campus Safety and Security
919.684.6571(Office)
919.681.7656(Fax)

John F Burness/Allen/Admin/Univ/Duke
11/16/2006 02:31 PM

To Aaron Graves/Police/Admin/Univ/Duke@mc
cc
Subject Fw: crime at homecoming game

Please take a look at this draft response, particularly the sections regarding Duke Police, and send me your comments. Thanks.

Hello, Mr. Huitt.

I am responding to your recent email to Chairman Steel and President Brodhead. Let me begin by assuring you that free speech is alive and well at Duke. I wrote a column that appeared in the Duke Chronicle on 27 October 2006 (<http://www.dukechronicle.com/media/storage/paper884/news/2006/10/27/Columns/Duke-Supports.Voter.Registration-2406770.shtml?norewrite200611161413&sourcedomain=www.dukechronicle.com>) which describes the circumstances surrounding the effort of a group of students to register voters in or near Wallace Wade Stadium.

You cite three incidents where you believe the civil rights of our students have been violated with

University assent. Let me speak to those.

1. The University has acknowledged that Duke police on one occasion inappropriately permitted Durham police to enter a residence hall and interview students. That was a mistake by the Duke police officer involved, and processes have been put in place to assure it does not happen again.

2. The University was not willing to turn over student swipe cards. When we were asked to do so by the District Attorney, we immediately notified the students' attorneys who filed a protest which was upheld by the courts. Our attorneys were in regular contact with the students' attorneys as this case developed.

3. The reported special targeting of Duke students by the Durham police is pretty straightforward and, for a number of reasons, I believe, has been misrepresented. In recent years, at the beginning of the school year, the Durham police have made it clear, historically with Duke's support, that they will have a zero tolerance policy re enforcement of the law in the Trinity Park area. The idea is that if they could set behavioral expectations in the community in the first few weeks of the year, there would be a tendency for students to behave better for the rest of the year. The Durham police always have the right (and some would argue, a legal obligation) to enforce the law to the letter of the law; in their view, a zero tolerance policy is a statement that they will do so rather than look the other way over minor offenses, which they sometimes have done and for which they have received complaints from Trinity Park residents over the years. The police traditionally have sent letters over the summer to the homes of our students who live off-campus – sometimes, I believe, with separate letters to their parents – alerting them that they will have a zero tolerance policy in the first few weeks of school. This is, and has been, a relatively routine practice in Durham at the beginning of each school year.

Clearly the lacrosse incident itself has frayed emotions at our campus and among those who care about Duke. Given the evolution of the case and the intense media scrutiny which has accompanied it, it is not surprising that people are angry. President Brodhead spoke to these issues in his interview with "60 Minutes". (http://www.dukenews.duke.edu/mmedia/features/lacrosse_incident/) At the end of the day, I can assure you that Duke's leaders are guided in dealing with this very difficult case by a clear focus on the values which undergird this University.

John F. Burness
Senior Vice President for Public Affairs
and Government Relations
Duke University

----- Forwarded by John F Burness/Allen/Admin/Univ/Duke on 11/16/2006 02:28 PM -----

Lyndsey Hill/Allen/Admin/Univ/Duke
10/17/2006 11:42 AM

To John F Burness/Allen/Admin/Univ/Duke@mc
cc Virginia M Skinner/Allen/Admin/Univ/Duke@mc, Kelly Rohrs/Allen/Admin/Univ/Duke@mc
Subject Fw: crime at homecoming game

Dear Mr. Burness,

Could someone in your office please respond to the following email and copy the president@duke.edu account when a response is made?

Thank you!

Best,
Lyndsey

Lyndsey Kay Hill
Staff Assistant
Office of the President
Duke University
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207 Allen Building
Box 90001

----- Forwarded by Lyndsey Hill/Allen/Admin/Univ/Duke on 10/17/2006 11:37 AM -----

JHuitt5409@aol.com
Sent by: president-owner@duke.edu
10/13/2006 12:50 PM
To: president@duke.edu, boardchair@duke.edu
cc: Tcclark100@aol.com, sterly.wilder@daa.duke.edu
Subject: crime at homecoming game

Dear President Brodhead and Mr. Steel,

I have heard from two sources I consider very reliable, that at the Duke homecoming football game, students wearing T-shirts inscribed "Voice Your Choice" and registering voters were ordered by Duke officials to stop their activity and remove the shirts or turn them inside out. Knowingly and willfully interfering with persons registering voters for a federal election (candidates for a U. S. Congressional seat will be on the ballot Nov. 7) violates federal voting laws (42 U.S.Code Sec. 1973gg-10(1)(B)) and is punishable by fines and up to 5 years in prison. If two or more officials were involved, they might have violated federal conspiracy statutes as well. Ordering one to remove the shirts was a straight forward violation of the right to free speech. President Brodhead, you defended your decision, shortly after your arrival, to allow an execrable Palestinian group on campus as a matter of free speech. The Alumni Association web site defends allowing faculty members to criticize publicly lacrosse team students as a matter of free speech. Has free speech become a one way street at Duke, or permitted only for those selected by the administration?

I was disturbed when the administration failed to protect the civil and due process rights of its lacrosse players and other students, particularly:

Allowing Durham police without warrants to enter Duke dorms and interview students represented by counsel

Being willing to turn over swipe card logs of non-indicted lacrosse players to the District Attorney (eventually stopped by a judge because to do so would violate federal privacy laws)

Not protesting the targeting of Duke students by at least one member of the Durham Police Department (as reported in the Chronicle and News and Observer).

Failing to protect the civil rights of Duke students is horrible. Actively squashing those rights by stopping registration efforts and banning their free speech is indefensible. A letter of apology to DSED is in order. I hope you will discipline those involved and provide them some training on respect for the civil rights of others. I also hope you soon find your moral compass. If you are having trouble, the word "Courage" is inscribed on the back. Perhaps Kirstin Kimel and the young ladies who founded Duke Students for an Ethical Durham will help you look for it. Odd, isn't it, that in a crisis over a rape allegation, it's the Duke women who are showing the most backbone.

Jim Huitt
Duke JD '76
Duke MBA '76

cc: Tom C Clark, Pres. Duke Alumni Association
Sterly Wilder, Exec. Dir., Duke Alumni Association