

EXHIBIT 2

April 6, 2006

Duke Cancels Lacrosse Season and Initiates Critiques

By DUFF WILSON and VIV BERNSTEIN

DURHAM, N.C., April 5 — Duke's president canceled the men's lacrosse team's season and accepted the coach's resignation Wednesday, hours after Durham County authorities disclosed an e-mail message written by a team member saying he planned to invite strippers to his dorm room, kill them and cut off their skin.

Richard H. Brodhead, Duke's president, announced later Wednesday that he would begin a wide examination of the university and the men's lacrosse team after the disclosure of the e-mail message, which he called "sickening and repulsive." It was sent by the player after the alleged rape of a woman hired to dance at a team party.

No one has been arrested in the case and no charges have been filed.

The incident has stirred race and class tensions in Durham because the accuser is black and the accused are white and attend an elite university.

Lawyers for the lacrosse players continued to say that they are innocent of any crime and that DNA evidence would exonerate them. Even so, their coach, Mike Pressler, resigned. The police said the investigation was ongoing.

In a five-page letter to the Duke community, Brodhead said the matter had grown beyond an issue involving just a few students into one involving the whole university. He said he was appointing four study commissions and a presidential council that would critique the policies of his office and the university.

The university would continue to cooperate fully with the police's investigations into the allegations of rape, Brodhead said.

"But it is clear that the acts the police are investigating are only part of the problem," Brodhead wrote. "This episode has touched off angers, fears, resentments, and suspicions that range far beyond this immediate cause. It has done so because the episode has brought to glaring visibility underlying issues that have been of concern on this campus and in this town for some time — issues that are not unique to Duke or Durham but that have been brought to the fore in our midst."

According to a search warrant affidavit, the e-mail message was written by Ryan McFadyen, a 19-year-old from

Mendham, N.J. It was sent shortly after a party on the night of March 13 at which a woman has said she was raped by three members of the team. The message was disclosed when the authorities unsealed a search warrant that was executed March 27 on McFadyen's dormitory room and vehicle.

The e-mail message from McFadyen, a sophomore, said: "tomorrow night, after tonight's show, I've decided to have some strippers over to Edens 2c. All are welcome. However, there will be no nudity." McFadyen continued, in harsh language, to say that he planned to kill the women "as soon as they walk in" and then proceed to cut their skin off, while having sexual gratification. It was signed "41," McFadyen's jersey number.

The police had been tipped off to the e-mail message by an informant, according to an affidavit supporting the search. The affidavit did not reveal who received it.

McFadyen's lawyer, Glen D. Bachman, said McFadyen was issued an interim suspension by the university Wednesday and left campus. Asked whether the e-mail message was serious, Bachman said: "I haven't seen the whole thing. I've just been retained this afternoon. I'm not going to comment on that."

The message was sent March 14 at 1:58 a.m., on the same night as the lacrosse team's party, and 36 minutes after a grocery store security guard called 911 to summon the police to talk with the woman, who told the police she had been raped and assaulted. She and another woman had been hired to dance at the party.

McFadyen is one of five players on Duke's roster who attended Delbarton School, a private academy in Morristown, N.J. According to the team's media guide, he was named to the Atlantic Coast Conference's academic honor roll last season.

McFadyen could not be reached Wednesday. A woman who answered the phone at his parents' home said they were not interested in making a comment.

Robert C. Ekstrand, a Durham defense lawyer who represents McFadyen and more than 30 other Duke lacrosse players, issued a statement that said: "While the language of the e-mail is vile, the e-mail itself is perfectly consistent with the boys' unequivocal assertion that no sexual assault took place that evening. The time stamp on the delivery of the e-mail is 1:58 a.m. shortly after the party, which is further evidence of a lack of a guilty mind."

Of the team's 47 players, 41 attended the party, the team's captains have told the police, and 46 team members submitted DNA to the police. The team's one black player was not asked to submit DNA because the woman said her assailants were white.

Kerry Sutton, a lawyer representing the senior Matt Zash, said: "I know that he and the rest of the team are crushed regarding the coach and, of course, the season. This is what these guys live for."

Zash was one of the three captains who lived in the house, and he has given a lengthy statement to the police.

The lead investigator, Detective Benjamin W. Himan, filed an affidavit March 27 saying he needed to search McFadyen's dorm room for evidence of criminal activity.

The Durham police searched McFadyen's dormitory room, his 1998 GMC Yukon truck, and McFadyen personally on March 27, seizing two laptop computers, an external hard drive, a disposable camera, photos, three \$20 bills, "handwritten papers and drawings" and other items.

First-degree forcible rape, common law robbery, first-degree kidnapping, first-degree sexual offense and felonious strangulation were the offenses cited in a March 16 search warrant affidavit for the house at 610 North Buchanan Boulevard, where the party was held. In the search warrant affidavit for McFadyen's dorm room, the description of possible crimes included a new one — conspiracy to commit murder. Kammié Michael, a spokeswoman for the Durham Police Department, said conspiracy to commit murder was added because of the reference in the e-mail message to planning to kill strippers.

Others details surrounding the incident emerged with the release of the search warrant affidavit Wednesday, including an attempt by the lacrosse players at the party to disguise their identities by using different names and by calling one another by their jersey numbers. The accuser told the police that the men told her they were members of the Duke baseball and track teams.

After the women started to dance, the investigator said in the affidavit, the accuser reported that one of the men raised a broomstick in the air and said he was going to molest her with it. The women, frightened, left after that, the affidavit says, although they returned later and were separated. The accuser said she was raped in a bathroom for about 30 minutes.

The woman identified her attackers by the first names they gave her. None of them was McFadyen's first name. The police affidavit also added that players admitted to using one another's names to try to confuse events. The affidavit said that Daniel Flannery, a resident of the house, admitted using an alias to hire the dancers. Flannery, a senior captain from Garden City, N.Y., is one of 26 players on the team's roster from New York, New Jersey and Connecticut high schools.

The police affidavit says the woman was examined by a forensic sexual assault nurse and a physician shortly after the attack took place. "Medical records and interviews that were obtained by a subpoena revealed the victim had signs, symptoms, and injuries consistent with being raped and sexually assaulted vaginally and anally," the affidavit said.

A man at the home of the accuser refused to talk with a reporter Wednesday night.

In 16 seasons as Duke's coach, Pressler was 153-82 and won three Atlantic Coast Conference titles. The Blue Devils lost in the N.C.A.A. national championship game last season and were ranked as high as No. 2 this season.

On March 28, Brodhead suspended the team's season indefinitely while the case was investigated, but the team continued to practice.

Pressler did not respond to phone messages left at his home Wednesday.

Paul Haagen, a Duke law professor and chairman of the university's academic council, said the internal investigation outlined by Brodhead could examine every aspect of the athletic program, including the performance of Athletic Director Joe Alleva and the future of the lacrosse program at Duke.

"I think everything's got to be on the table," said Haagen, whose council will lead the examination of the team's behavior before the March 13 incident.

Karen W. Arenson contributed reporting for this article.

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