

Duke backers believe Blacks racist

By Cash Michaels
Special to Sentinel-Voice

DURHAM, N.C. (NNPA) - Now that Durham voters have elected District Attorney Mike Nifong to a four-year term, supporters of the three Duke lacrosse players indicted for the alleged rape and kidnapping of a Black exotic dancer last March, are now pushing hard for a dismissal of the charges in hopes of stopping a trial.

Despite Duke Three supporters funneling in out-of-state money and labor to Nifong's opposition in a desperate effort to unseat him, the Durham D.A. won with 49 percent of the vote in the Nov. 7 elections. African-American voters backed Nifong with more than 90 percent of their ballots.

Many Blacks felt that with all of the controversy surrounding the case, it was best that it not be dropped, as Duke Three supporters hoped would happen if Nifong were ousted and a judge or jury ultimately would decide what the truth is.

Failing to oust the prosecutor, Duke Three supporters are now focused on derailing Nifong's prosecution. Supporters maintain that no rape or kidnapping happened, and the accuser, who has not been heard from since the charges were lodged, is lying.

They cite a questionable police photo ID lineup that the accuser picked the defendants from; multiple versions of statements by the accuser about what happened and who was responsible; and alleged false information contained in a Durham police probable-cause affidavit submitted to a judge for a search warrant.

Citing those issues, defense attorneys have filed motions to suppress. Those filings are likely to be heard early next year, after a trial date is chosen at the next hearing, scheduled for December 15.

But if there is to be a trial, Duke Three supporters want it moved out of Durham County because many of them believe that most African-Americans in Durham are "White-hating racists," as one online poster put it; and supporters believe Blacks are eager to convict the three White defendants — even if there is scant evidence so far proving that a rape was committed.

In a recent op-ed headlined, "Duke Case: Durham Is NOT an Appropriate Jury Trial Venue," widely published conservative columnist Michael Gaynor ex-

pressed that Durham is not suitable because of strong public racial biases and contentious polarization between Blacks and Whites — "no matter how much Durhamites may want a Durham jury trial."

Blacks, who are 45 percent of Durham County's population, make up one third of Durham's registered voters, where the jury pool would be drawn. On average, a jury of 12 would consist of at least two to four African-American jurors.

In another recent op-ed titled "Community Justice Trumps Individual Justice," Gaynor charges that Blacks in Durham want legal pay-back.

"Many blacks in Durham County, North Carolina apparently believe that instances of the criminal justice system mistreating Blacks constitute a good reason to proceed to trial in the Duke case," Gaynor writes. "[T]hey do [seem] to be caught up in a variation of the eye-for-an-eye and a tooth-for-a-tooth approach to criminal justice, in which miscarriages of justices involving Blacks demand miscarriages of justices involving Whites."

Gaynor has even taken a swipe at the Black Press for not joining forces with Duke Three supporters to "expose the hoax" of what he and others call the "persecution and false prosecution" of the three White defendants.

A day after the death of respected CBS "60 Minutes" correspondent Ed Bradley, roundly hailed by many Duke Three supporters for the two-part report he did Oct. 15 that seemed to buttress their cause, Gaynor took a line from a *New York Times* story about Bradley that said while the veteran newsman was proud to be a Black journalist, he would certainly want to be known for "...good journalism. Period."

But in his column about Bradley, Gaynor twisted the meaning, writing, "Good journalism. Period. Not Black journalism," suggesting that while Bradley seemed to stand up for the Duke Three, the Black Press refuses to do so.

Publishers for the area's Black newspapers deny the charge, indicating that their job is to report on the Duke case process and the issues surrounding it, not declare the guilt or innocence of anyone before a judge or jury does.

Many Duke Three supporters are pushing the "Durham Blacks are racists" cause at full throttle on

blogger sites where the public can post comments on the Internet.

"My husband and I decided to move out of Durham if the case goes to trial," a poster simply named "Anonymous" wrote June 5 on the "Friends of Duke University" blog site, adding, "We do not want to live in a city where being White is a crime."

Critics have also ignored well-publicized efforts by students at both predominantly White Duke University and historically Black NCCU to come together and work together in harmony.

But despite those efforts, in addition to Black leaders calling for a fair criminal justice process in the case, Duke Three supporters have severely criticized them for not speaking out on behalf of the three White defendants.

Duke Three supporters have used select statements from African-Americans, like those made publicly by the radical New Black Panther Party, to lend credence to their "White-hating racists" campaign.

One comment was from Black Nifong supporter, Harris Johnson, who was quoted after the D.A.'s victory at the

polls as saying it sent a message that "justice can't be bought by a bunch of rich White boys from New York."

Dr. Irving Joyner, law professor at historically Black North Carolina Central University's School of Law in Durham is well-known legal scholar who is constantly asked for commentary in the Duke case by media outlets, such as "Court TV," MSNBC and CNN. Joyner has also been severely criticized by Duke Three supporters for remarks they charge favor the prosecution.

Joyner said he saw no reason for the case had to be

moved to another county just because there was more of a likelihood of Black jurors being impaneled. A Durham jury would most likely have more Blacks on it than any of the surrounding counties simply because of its higher Black population in the county and in its jury pool, Joyner explained. He says that a fair trial is possible, regardless of the racial breakdown of the jury.

The presiding judge in the Duke case has the final decision about when, where and if a trial is held.

Cash Michaels writes for the *Wilmington Journal*.

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