

## When prosecutors go wild

by Brian Fitzpatrick

Duke DA Mike Nifong should face criminal charges

Where do you turn for help when the people assaulting your kids are the authorities themselves?

When I was in high school, the local cops decided theyâ€™d had enough petty crime from some teenaged hooligans. They started picking up the kids on the street, driving them into the woods, and beating the tar out of them. Having kids acting like jerks is scary, but having officers of the law throw out the law book and exact their own brand of justice is even scarier.

In fact, nothingâ€™s scarier than a rogue policeman, unless itâ€™s a rogue prosecutor. The cop might give you a few lumps, but a prosecutor can try to lock you away for decades. Just ask the victims of former Durham County District Attorney Mike Nifong.

Nifong put Reade Seligmann, Collin Finnerty and David Evans, the now infamous Duke lacrosse players, through 14 months of hell fighting false rape and kidnapping charges. Why? Because the accusation represented the perfect case at just the right time to serve Nifongâ€™s private ambitions. The players are white students at an elite university and the accuser is black and poor. Nifong wanted to create a reputation as an opponent of racism so he could win reelection in a county with a high minority population.

The North Carolina State Bar Association disbarred Nifong on Saturday. A judge suspended him as DA on Tuesday, and the state legislature is preparing a bill to allow the governor to fire him immediately. His legal career is over, and he is likely to face civil suits. Heâ€™s already paying a heavy price. But is it punishment enough?

Letâ€™s take a look at what he did:

Â· Nifong brought the charges before even interviewing the accuser, whose testimony proved to be inconsistent and unreliable.

Â· Nifong made incendiary public allegations against the defendants, imperiling their right to be judged by an impartial jury.

Â· Nifong lit a bonfire of racial discontent in Durham County and across the nation.

Â· Nifong lied to the defense counsel about the DNA test results, and withheld DNA evidence that absolutely proved the innocence of the defendants.

Â· Nifong lied to the court about that DNA evidence.

Â· Nifong ignored an ironclad alibi that proved the innocence of one of the defendants.

Â· In all, Nifong was found guilty of breaking more than two dozen rules of professional conduct by the North Carolina State Bar.

Thatâ€™s quite an indictment, and itâ€™s important to recognize that Nifong went far beyond breaking the arcane ethics rules of the legal fraternity. He violated the civil rights of his victims, undermined public

confidence in the law, and increased racial tensions. His ultimate punishment ought to come from the nation's courts, not from the bar association.

Enforcing the law is the most awful power wielded by the state short of waging war. If we're to live in a civil society under the rule of law, citizens must be able to trust the people who wield that power. When officers of the court abuse their power they must pay a harsh penalty.

Nifong is a rogue prosecutor, and the state of North Carolina should make an example of him by bringing criminal charges.

Brian Fitzpatrick is senior editor of the Culture and Media Institute, a division of the Media Research Center.

*When prosecutors go wild by Brian Fitzpatrick*