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Congress of the United States
House of Representatives
Washington, DC 20515-3303

December 7, 2006

Attorney General Alberto Gonzales
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Gonzalez:

I am writing to ask you and your staff to look into Durham County, North Carolina District Attorney Mike Nifong's highly publicized prosecution of three Duke University student athletes accused of an alleged sexual attack on a woman at a party earlier this year in Durham. Specifically, I request that you review Mr. Nifong's conduct to determine if it constitutes prosecutorial misconduct and has denied these students their civil rights as U.S. citizens under federal law.

Over the past several months, many of my constituents and a growing number of mainstream media outlets have raised serious questions about the accuser's allegations and Mr. Nifong's prosecution. Of particular note was a 60 Minutes expose which aired October 15th, 2006, a copy of which I've enclosed for your review. The 60 Minutes investigative team spent six months examining practically the entire case file, including police reports, witness statements and medical records. Their findings touch on two issues which are troubling because they appear to be blatant examples of prosecutorial misconduct.

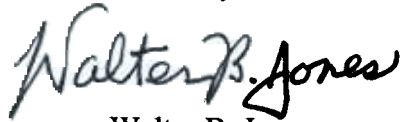
First, Mr. Nifong directed the Durham Police Department to knowingly violate suspect identification procedures for police personnel in North Carolina. These procedures require that during any suspect identification process, a suspect's photo must be shown with those of non-suspects. Mr. Nifong not only directed that this not be done, he also directed the police to tell the accuser that she would only view photos of Duke lacrosse athletes who were at the party. By doing so, Mr. Nifong ensured that the accuser could not make a mistake no matter who she identified because she would inevitably identify Duke athletes.

Second, throughout the investigation Mr. Nifong repeatedly made prejudicial statements to the media. His statements clearly violate the North Carolina Rules of Professional Conduct which prohibit a prosecutor in a criminal case from making extrajudicial statements that "heighten public condemnation of the accused" or, if disseminated via public communication, have the "substantial likelihood" of prejudicing the proceeding. Mr. Nifong's statements ranged from labeling the Duke players "hooligans", to falsely stating that they refused to cooperate with his investigation, to informing the public that the lack of DNA evidence was possibly due to the use of condoms by the alleged attackers when he knew the accuser stated to hospital personnel that the alleged attackers did not wear condoms. Mr. Nifong also continually proclaimed his

personal opinion that a sexual attack had occurred and that he believed the accuser. Furthermore, what is perhaps most concerning is Mr. Nifong's public admission and representation in court that he's never had the accuser tell him what she alleges occurred that night; Mr. Nifong has stated it was unnecessary to hear her version.

Mr. Attorney General, many of my constituents have expressed concern to me that the facts outlined in this letter are indicative of prosecutorial misconduct. I urge you to look into these matters to ensure that Mr. Nifong's actions have not illegally denied the accused of their civil rights as American citizens. After all, if the American people cannot trust those who they've empowered to pursue justice fairly, then hope for this democracy is lost.

Sincerely,

A handwritten signature in black ink that reads "Walter B. Jones". The signature is written in a cursive style with a large, stylized "W" and "J".

Walter B. Jones
Member of Congress