



# Obama: Investigate Duke Lacrosse DA Nifong

## Presidential Hopeful Says an 'Independent Inquiry Is Needed' into Durham, N.C., District Attorney Mike Nifong's Conduct

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Another voice has joined the call for a federal investigation into the handling of the Duke Lacrosse case -- this one with the punch of presidential politics.

Sen. Barack Obama, D-Ill., in a written response to a constituent, said that an "independent inquiry is needed" into the conduct of Durham District Attorney Mike Nifong.

Nifong prosecuted and led the investigation into the alleged sexual assault of an exotic dancer at a lacrosse team party in March 2006.

Obama cited the fact that Rep. Walter Jones, R-N.C., has already asked Attorney General Alberto Gonzales for a federal investigation into Nifong's conduct. ABC News has learned that similar requests have been made by Rep. Trent Franks, R-Ariz., and Rep. Tom Feeney, R-Fla.

According to Obama's letter, Jones asked Gonzales to "review new evidence that Mr. Nifong withheld exculpatory DNA results from the defendants in order to determine if his conduct has illegally denied the students their civil rights as U.S. citizens under federal law."

Obama said of the call for a federal investigation that he "will be following its progress closely."

When approached by ABC News, Nifong attorney David Freedman seemed unconcerned by Obama's stance and said there is no need for a federal inquiry.

"The state bar is conducting a very thorough investigation into all aspects of Mr. Nifong's handling of the case," Freedman told ABC News. "It's appropriate for this to be dealt with by a North Carolina agency, not by someone from another state. I do not see the need for any other agency becoming involved at this point."

Defense attorneys for the Duke Lacrosse players say Nifong withheld and lied about key evidence in the case -- specifically, evidence that DNA from four to nine unidentified men was found on the accuser's body and clothing.

No DNA from the accuser's rape kit was found to match samples provided from 46 members of the lacrosse team.

The North Carolina Bar filed a complaint against Nifong for violating the rules of professional conduct by allegedly withholding evidence, lying to a sitting judge and to bar investigators, and making inappropriate comments about the case in press interviews.

In its complaint against Nifong, the bar accuses him of conduct that involves "dishonesty, fraud, deceit, or misrepresentation" and that is "prejudicial to the administration of justice."

Nifong's lawyers claim he did not violate the constitutional or other rights of three indicted Duke Lacrosse players, David Evans, Collin Finnerty, and Reade Seligmann.

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"He turned over all the material he was supposed to turn over," Nifong's attorney Freedman told ABC News. "I [don't believe there are] any constitutional violations that apply if the material was turned over prior to trial.

"At this point, there isn't even a trial date set," Freedman added of the criminal case against the three indicted players.

Obama's comments were first posted on "Liestoppers," an online blog and forum on the Duke Lacrosse case. The user who posted them, known on that forum by the alias "sceptical," was the constituent who corresponded with Obama about the case.

On Jan. 12, roughly 10 months after the sexual assault allegations first surfaced, Nifong recused himself from the Duke Lacrosse prosecution, citing the ongoing ethics case by the North Carolina Bar. Nifong faces trial in June for unethical conduct.

If found guilty, Nifong could have his law license suspended or revoked -- leaving him little choice but to step down from his position as Durham County district attorney.

Freedman said of the upcoming ethics trial, "I believe at that hearing the public will be able to look at Mr. Nifong's conduct. & Upon doing so, they will find he did nothing intentionally unethical."

Since Nifong's recusal, special prosecutors from the office of North Carolina Attorney General Roy Cooper have taken over the Duke Lacrosse case. That office told ABC News it was nearing the end of its investigation.

There has been widespread speculation that Attorney General Cooper will drop the two remaining charges of kidnapping and sexual assault pending against the three indicted players. An announcement is expected as soon as this week.

*ABC News' Jonathan Greenberger contributed to this article.*

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