

Campus violence

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When a Hazing Goes Very Wrong

By **MICHAEL WINERIP**

IN the early-morning hours of that Friday in February 2011, at around 3 a.m., George Desdunes and another Cornell sophomore were sitting on a couch blindfolded, their wrists and ankles bound with zip ties and duct tape.

They had been kidnapped and driven to a town house somewhere on campus, one of the annual hazing rites of the Sigma Alpha Epsilon fraternity. This particular ritual worked in reverse of most hazing. It was the freshman pledges who kidnapped older students.

The two S.A.E. brothers were asked trivia questions about the fraternity. If they gave a wrong answer they were supposed to drink a shot of vodka. As George Desdunes's roommate would later tell the police, "The purpose is to tie up the brother and get him drunk."

The young man sitting on the couch beside Mr. Desdunes recalled downing four or five shots of vodka in 20 minutes and then vomiting into a garbage pail. The two were fed Pixy Stix, chocolate powder, strawberry syrup, a bite of a sandwich, hot sauce. "Something that felt like dish soap was dripped on my face," said the 20-year-old sophomore, whose name was redacted from the police report. He drank more shots and vomited again.

Students later provided differing opinions on how threatening it was to be kidnapped. Some said Mr. Desdunes could have been cut loose at any time just by asking. "It was meant to be fun," Edward Williams, a freshman pledge who was one of the kidnappers, told the police. Others wanted no part of it. Before going to bed, Mr. Desdunes's roommate at the fraternity had locked their door, to guard against being kidnapped.

Eventually, Mr. Desdunes passed out and was loaded into the back seat of a Honda Pilot belonging to one of the brothers. At the fraternity, it took several people to carry

him to his room, but when they found it locked, he was brought to the library and left on a leather couch.

They tilted his head, said Mr. Williams, so “he would vomit onto the floor” and not choke. Then they walked downstairs to the kitchen, made themselves something to eat and went to bed.

The S.A.E. house was quiet a few hours later, at 6:45 a.m., when the cleaning man and his father arrived for work. The place was worse than usual. There had been a beer pong tournament that night. Plastic cups were strewn all over. Furniture was broken. The room smelled like stale Keystone Light. After finishing the toilets, the younger cleaner walked by the library and noticed a student in a brown hoodie lying still. “I could see what looked like vomit or mucous on his mouth,” he told the police. “I tried to wake him by grabbing his foot to make sure he was O.K. There was no response.” Mr. Desdunes’s right pant leg was rolled up. One of the zip ties was around his ankle; a second zip tie with duct tape lay on the floor beside the couch.

The cleaners called 911.

When the police and firefighters arrived, they found an unresponsive male. He was not breathing, had no pulse and was cold to the touch. They laid him on the floor, cut off his sweatshirt, suctioned his throat and applied CPR. He was put on a stretcher and taken to a hospital in an ambulance.

The rescue workers remarked later that there was not a single fraternity brother in sight, just the cleaners, who told the police what they knew, then went downstairs to finish the kitchen.

HAZING is common on American campuses. A 2008 University of Maine study concluded that 55 percent of students who join fraternities, sororities, sports teams or other student groups experience it. On Wednesday night, officials at Binghamton University of the State University of New York, citing “an alarmingly high number of serious hazing complaints this spring,” halted all recruiting and pledging for the rest of the semester while it investigates. Binghamton has more than 50 fraternity and sorority chapters.

Hank Nuwer, a professor at Franklin College in Indiana who has written four books on the subject, says that as long as there have been universities, there has been hazing: in 1657, two Harvard upperclassmen were fined and suspended for hazing. Mr. Nuwer has counted 104 deaths involving hazing since 1970. In one high-profile case, a drum major in Florida A&M's Marching 100 was beaten to death in November during a hazing on the band bus. While no arrests were made in that case, seven band members have been arrested since then in two other hazing incidents. At Cornell, four students have been charged with hazing in connection with the Desdunes case and are scheduled to go on trial May 21.

Douglas Fierberg has built a law practice by suing fraternities involved in hazing cases. In 2010, he won a multimillion-dollar settlement for the family of Carson Starkey, a freshman at California Polytechnic State University, who had pledged the S.A.E. chapter there.

According to the police, the pledges were put in a garage, given large quantities of liquor and told to drink quickly while the brothers chanted "Puke and rally." When Mr. Starkey passed out, fraternity members drove him to the hospital, but turned around for fear of being arrested. Mr. Starkey, 18, was placed on a mattress at the house, where he died. His blood alcohol level was about .40, five times the legal limit to drive.

As a condition of that settlement, S.A.E. officials agreed to post on their Web site every case in which a local chapter was put on probation, suspended or expelled by universities from 2007 to 2011. In five years, disciplinary action has been taken against nearly 80 of S.A.E.'s 223 chapters. A spokesman for S.A.E., Brandon Weghorst, declined to comment for this article, citing continuing litigation. (In the spirit of full disclosure: one of my sons belonged to an S.A.E. chapter for two years, and enjoyed his experience.)

Last June, Mr. Fierberg filed a \$25 million lawsuit against S.A.E. on behalf of Mr. Desdunes's mother, Marie Andre. A widow and Haitian immigrant living in Brooklyn, she worked as a nanny, hospital aide and AIDS counselor so her only child, George, could go to private schools.

In his essay for the Common Application, Mr. Desdunes wrote: “My family consists of two people. My Mom, Marie, and myself. Over the years I have come to realize the sacrifices that she has made for me in order to help me achieve something with my life.”

ALCOHOL is often the not-so-secret ingredient that turns pledging into hazing. Four of five fraternity and sorority members in this country are binge drinkers, according to a 2000 Harvard study. Mr. Nuwer estimates that 80 percent of hazing deaths have involved alcohol.

At least two national fraternities, Phi Delta Theta and Phi Kappa Sigma, have mandated that all their chapter houses be alcohol free. It makes a big difference, said James Favor, president of James R. Favor & Company, which sells insurance to 15 national fraternities. In the decade before Phi Delta Theta became alcohol free, the fraternity averaged 12.3 liability claims a year that paid out an average of \$812,951 in settlements, Mr. Favor said. After the fraternity went dry in 2000, there were three claims a year at an average annual cost of \$15,388.

In 2006, Mr. Favor’s firm was bought by a partnership of seven national fraternities, including S.A.E. Asked whether he recommends that fraternity houses ban alcohol, he said, “I make them aware of the effects of going from wet to dry.”

The fraternity has debated getting rid of alcohol. In a proposal submitted to the S.A.E. Eminent Supreme Recorder in 2010, Frank Ginocchio (S.A.E. Northwestern ’66) recommended that the constitution be amended to require that all chapters be alcohol free by Aug. 1, 2014. “This proposal takes into account that approximately two-thirds of our members are under the age of 21 and that most of our risk management incidents involve the abuse of alcohol,” he wrote. “Beneficial consequences of this change will be a better maintained housing facility, and a better environment for studying.”

Last July, at S.A.E.’s 155th national convention in Memphis, the 450 fraternity brothers present failed to give the measure the two-thirds majority needed for passage. “A big mistake,” said Mr. Fierberg. “These decisions ought to be made by experts in risk management, not underage drinkers.”

THREE freshman pledges in the Cornell case — Mr. Williams, Max Haskin and Ben Mann — have been charged with misdemeanor hazing, a penalty that carries up to a year in jail.

The records of a fourth pledge, who was 18 at the time and considered a juvenile, have been sealed. In addition to hazing he has been charged with tampering with evidence. After the police arrived at the fraternity house that morning, it was that fourth pledge who called his roommate and asked him to get rid of evidence of the kidnapping, according to court papers.

The authorities subpoenaed his cellphone records and made a transcript: “I need you to do me a favor. It’s extremely urgent. Throw out all the zip ties and duct tape in the room, please. ASAP.”

Response: “All right, I’m heading back to the room. Is everything all right?”

“No, I can’t really talk right now. Please just get rid of it.”

Response: “Are they going to be searching our room? Should I take stuff out of the freezer?”

“Maybe.”

The police also recovered a receipt for six rolls of duct tape that was bought for \$53 at Home Depot on the afternoon before Mr. Desdunes was kidnapped.

Raymond M. Schlather, who is representing Max Haskin, has requested that the case be dismissed. In a brief filed last June, he noted that Mr. Haskin has no criminal record, that his grade-point average was 3.779 and that he was a member of the college tennis team.

He argues that Mr. Desdunes was drinking heavily before the kidnapping, had a history of binge drinking, willingly went along with the prank and, as an older frat member who dealt with pledges, could have ended it at any time.

There is considerable evidence for this theory.

The fraternity’s scholarship chairman told the police that Mr. Desdunes was carrying a partly filled bottle of Captain Morgan rum and that from about 11:30 to midnight they had drinks together at the house. He said that Mr. Desdunes had two rum and Pepsi drinks with two to three shots in each. Witnesses saw him 15 minutes later at

Dino's, a local bar, and said he was there until closing at 1 a.m. His roommate at the fraternity told the police: "George drinks harder than other people do but he doesn't do it frequently. You would check on him because he may be keeled over in the bar." He said that Mr. Desdunes, who was 19 years old, carried a fake ID.

In his brief, Mr. Schlather wrote that Mr. Desdunes "voluntarily consumed at least 10 to 12 ounces and perhaps as much as 15 to 20 ounces of alcohol before going to Dino's." He wrote that any alcohol Mr. Desdunes consumed after he was kidnapped by the pledges "was relatively insignificant compared to what Desdunes apparently had consumed earlier."

There is also considerable evidence that Mr. Desdunes was not intoxicated before being kidnapped. His roommate from freshman year, who was at Dino's that night, told the police that Mr. Desdunes did not buy anything from the bar.

"I have known George for around two years and have seen him intoxicated," he said, "and he was not at all last night."

When the bar closed, according to the police report, the two walked to Collegetown Pizza, where at about 1:15 Mr. Desdunes met a young woman, who would tell the police they "hooked up" at her apartment. He was not drunk, she said.

He left her about 2:15 a.m., she said, and shortly after was picked up by the pledges.

At least two factors will make it difficult to sort out what happened. Most of the fraternity brothers declined to be interviewed by investigators. Within hours of the death, according to the police, Mr. Mann "informed us that he had received a text from the Fraternity, that the Fraternity had retained a lawyer and that no one should talk to the police without counsel."

The other obstacle to getting at the truth is all that alcohol. One fraternity brother, who did not live at the house, did talk to the police, and told them that he was there playing beer pong until 1:30 a.m. "I went home, got in the shower, threw up, drank some water and went to bed. I imagine either a sober brother or a pledge drove me home, but I don't remember."

Mr. Desdunes's blood alcohol level that night was about .40.

THE S.A.E. frat house, founded in 1891, was the biggest at Cornell. Forty brothers, about half the membership, lived in the three-story Tudor known as Hillcrest, which literally sits far above Cayuga's waters. In March 2011, the university revoked recognition of the chapter for five years and the house, which is owned by Cornell, was vacated. It has been renovated and is now used as a coed dorm.

The four defendants in the criminal case, along with six others involved, have left Cornell. Several have attempted to transfer but have been told by admissions officers at other universities that their applications will not be considered until the charges are resolved.

Susan Murphy, Cornell's vice president of student and academic affairs, criticized S.A.E. shortly after the episode, telling reporters that "even though the members and associate members recognized the condition Mr. Desdunes was in, they failed to call for medical care."

There is a good possibility that the lawyers representing the four pledges will seek to have the charges reduced from a first-degree to a second-degree misdemeanor. That would carry a fine of a few hundred dollars. It is equivalent to pleading guilty to disturbing the peace. The four would have no criminal record.

IN an Op-Ed piece in The New York Times last August, David J. Skorton, the president of Cornell, wrote that the Desdunes tragedy "convinced me that it was time — long past time — to remedy practices of the fraternity system that continue to foster hazing."

He does not intend to get rid of fraternities and sororities, which serve about a quarter of Cornell's 14,000 undergraduates. "The Greek system is part of our university history and culture, and we should maintain it because at its best, it can foster friendship, community service and leadership."

The most concrete change to date has been to prohibit freshmen from attending fraternity parties that serve alcohol. A committee is expected to make recommendations in the next few weeks for ways to improve the pledging process.

Long before the Desdunes case there were many troubling signs at Cornell. Though hazing has been illegal at the university since 1980 and in New York State since 1983,

60 percent of the university's fraternities and sororities were found responsible for hazing activities over the last decade. In 2006, the S.A.E. chapter was suspended for a semester for hazing violations.

Though most hazing involves alcohol, in the fall of 2009 Cornell's Greek oversight council approved the use of alcohol at 181 social events. In the spring of 2010, alcohol use was approved at 244 events. That hasn't changed much. Last fall, there were 156 Greek events with alcohol.

In 2010, 13 percent of all Greek social events resulted in complaints, more than double the percentage from five years before. The number of disciplinary cases, a large portion of them involving hazing, also rose, to 108 from 88.

Many people, including the lawyers for the accused, believe that Cornell officials should have foreseen problems but looked the other way because the Greek system is so popular. "It's a shame Cornell is scapegoating freshman pledges to cover up its own historic failure to effectively deal with alcohol use in the Greek system," said Mr. Schlather.

MANY immigrants never move beyond their own ethnic communities. Marie Lourdes Andre came here with little, yet was able to.

She worked as a nanny for Dr. Robert Fischer, an ophthalmologist, and his wife, Mary, and though Ms. Andre left that job long ago, they remain close. She is also close to John Sheehan, an information technology consultant who once lived across the hall from her.

They helped navigate the way for the mother and son. "George had no father," said Ms. Andre. "He needed men to look up to."

From sixth to 12th grade, George Desdunes attended Berkeley Carroll, an elite Brooklyn private school. He was an altar boy, a counselor at an overnight camp and an excellent swimmer, and he played trumpet in the school jazz band. He began music lessons at age 5. He was not permitted to watch television on school nights. "You didn't have to tell him to do homework," she said. "He knew this was his responsibility."

When it was time for him to look at colleges, Mr. Sheehan drove him to see Cornell; Dr. Fischer took him to visit Williams.

The essay for Williams asked applicants to imagine looking through a window and, in 300 words, reflect on what they saw. George wrote that he saw his mother climbing through a window to come from Haiti to the United States, but that was as far as she could go. He wrote that because of her, he was able to climb through the window and become an American.

George was accepted to Williams, but chose Cornell. He wanted to be a doctor.

“He told me he joined a fraternity so when he graduates college, they help him get a job,” Ms. Andre said.

Midday on Friday, Feb. 25, 2011, Ms. Andre was working at her job as an AIDS counselor at SUNY Downstate Medical Center in Brooklyn when she got a call to come to the human resources department. She worried she was going to be laid off, but was told that a police officer was waiting to see her.

“Do you have a son named George at Cornell?” he asked.

The drive from Brooklyn to the medical examiner in Binghamton is five hours. The morgue was in a hospital basement.

Ms. Andre, accompanied by several friends for support, walked down a hallway to an examining room. A nurse asked them to please wait a moment, disappeared inside, then opened the door.

The body was face up, on a gurney, covered by a sheet that reached to the shoulders. It was George, but everything that made him George was gone — the intellect, the sense of humor, the smile, the life in his eyes.

Ms. Andre let out a horrible wail.

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