

FORUM

Mr. Cooper, end your obstruction of justice



Virginia Parnell
Guest Columnist



Jet Hollander
Guest Columnist

We, the Silk Plant Forest Truth Committee and Concerned Students, call on North Carolina Attorney General Roy Cooper to end his consistent, knee-jerk reactions that prevent every effort made for a court to learn the true facts of the wrongful 1997 conviction of Calvin Michael Smith. Not only should Cooper not oppose Calvin's recently-filed petition, Cooper should join in it.

Background: On Friday, March 11, attorneys for Calvin Michael Smith petitioned the North Carolina Supreme Court to instruct the Forsyth superior court in its review of a particularly ugly episode in the long-running Silk Plant Forest case. At issue is the creation of a false affidavit by local prosecutors and its subsequent use by state and local prosecutors in 2008 and 2009. Though he tries to hide in this matter, Attorney General Roy Cooper is at the center of this now.

According to the petition's attached transcription of a November 7, 2014 conference in a Forsyth superior court judge's chambers, the judge was about to order a hearing on the matter until Cooper's prosecutors told the judge, "Depending on which witnesses (Calvin's lawyers) are going to call, we may need to get out of the

case."¹

In other words, Cooper's prosecutors admitted to the judge that they would likely be called to testify on what they knew about how the false affidavit was used against Calvin. When the judge heard that, he abruptly shut down further review. Calvin's petition asks the N.C. Supreme Court to order the hearing. Cooper's prosecutors must not continue to oppose (as they have to date) holding an evidentiary hearing in which they admit they are likely to be called as fact witnesses.

Neither Cooper's lawyers nor anyone else has denied the affidavit was materially false, or that prosecutors used it against Calvin in various ways. Indeed, it is public record that the false affidavit was used to influence WSPD detectives reviewing the case, a city council empaneled review committee, and Christopher Swecker, the former Assistant FBI Director independently reviewing the case. Though Cooper's lawyers repeatedly argue the false affidavit itself was not used in court, they have never denied that it was used to prepare witnesses who testified in court or used with members of the court. Cooper's lawyers admitted to a conflict of interest on November 7, 2014, and

those same attorneys have been actively working on the case, under Cooper, against Calvin Michael Smith, possibly protecting themselves from exposure of their misconduct.

The issue now: If Cooper's prosecutors engaged in no misconduct, the evidentiary hearing will lift the cloud over his office. But if Cooper's prosecutors or local prosecutors unlawfully used the false affidavit, let the full truth be known and justice result. Cooper should also repudiate and discipline local prosecutors for procuring and filing the false affidavit in the first place. Mr. Cooper must stop hiding behind his staff attorneys and his press spokesperson, who has argued, "(O)ur office has a duty to represent the state in this particular matter."² Actually, in opposing a court's review of how prosecutors procured and used the false affidavit, Mr. Cooper is expending taxpayers' resources to shield his prosecutors.

Cooper's spokesperson further disingenuously argues, "(N)o court has found cause to overturn the conviction despite numerous appeals."³ Cooper's spokesperson conveniently omits that since taking the case in 2008, due to allegations of misconduct against local prosecutors, Cooper's office has vigorously opposed Calvin's every appeal, arguing procedural technicalities to avoid a court's honest and open review of the facts. Cooper portrays himself as an innocent bystander as he champions injustice and protects impropriety in this

case – thus far succeeding. We note that no fewer than forty-four judges denied the late Darryl Hunt's appeals – an innocent man to whom, like Calvin, no physical evidence of the crime was ever linked.

Cooper's cynical abuse of the state resources and the courts must stop now! If he once again reflexively opposes Calvin's latest North Carolina Supreme Court motion, it will tell the courts and the public all they need to know about Cooper's motivations. Attorney General Cooper, join in Calvin's petition; do not oppose it. Let the courts and the public know the facts of Calvin's wrongful conviction.

For more information:
Jet Hollander,

Co-chair, Silk Plant Forest Truth Committee

jet@pre-eminence.com

Tel: 336-760-3369

or

Virginia Parnell
Concerned Students



virginia.parnell@sale.m.edu 910-876-5520

Public Information Officer:
Attorney General Roy Cooper
N.C. Department of Justice
Desk: (919) 716-6484
After hours: (919) 218-1255
e m a i l :
ntalley@ncdoj.gov
www.ncdoj.gov

¹ Transcript of in camera Meeting at 75, State v. Calvin Michael Smith (Nov. 7, 2014) (97 CRS 6593-94). Filed with the petition

² Press statement Mr. Cooper's spokesperson issued Wednesday afternoon, February 10, 2016 (See addendum for full statement).

Noelle Talley

3 Ibid

You Decide: Why are people angry?



Dr. Mike Walden
Guest Columnist

many people appear to be angry. Experts offer this as the reason voters are backing non-traditional candidates – or outsiders.

If the analysts are correct, then the follow-up question is, why? Why are so many people angry?

Of course there can be many reasons, such as fears over foreign threats, worries about personal safety, or concerns on specific costs like health care or education.

While all of these reasons could be part of the explanation, I think another answer lies at the bottom of the frustration. Very simply, most people have seen their annual income – when adjusted for inflation – drop in the last decade. Stated another way, based on what they earn, most people are poorer today than they were ten years ago. In short, the standard of living has fallen.

Let me focus on North Carolina and provide numbers to back up this claim. But first, a little background on comparing income trends is required. Our economy goes through a pattern termed the "business cycle." When times are good and businesses are expanding (the "up" part of the cycle), workers generally see their incomes rise. But when times are bad with

political pundits following the presidential campaigns of the candidates have agreed on one conclusion –

unemployment rising (the "down" part of the cycle – also known as a "recession"), worker pay is cut. Thus, in comparing incomes at different years, it is important to know where the years are in the business cycle.

So let's first compare incomes in 2006 – which was an "up" year in the business cycle and just prior to the Great Recession – to incomes in the most recent year for which data are available – 2014 – which was also an "up" year. Let's also adjust the incomes to account for the general rise in prices – also known as inflation. We now have an apples-to-apples comparison.

On average, all North Carolina workers experienced a 7 percent drop in their annual earnings between 2006 and 2014. But there is a distinct difference by educational level of the worker.

Those with advanced college degrees (master's, Ph.D., or professional degree) did the best – losing only 3 percent of their inflation-adjusted income. Those with an associate's degrees lost 12 percent, high school dropouts were down 10 percent, and high school grads and workers with a bachelor's degree had a cut of nearly 8 percent.

Perhaps even more disconcerting are the trends in incomes between the bottom of the Great Recession for workers in 2010 and 2014. This would normally be a time when incomes rise as the economy is recovering. But only one educational group of workers – high school dropouts – had an increase in their inflation-adjusted income. All other workers saw a drop. And

the modest (3 percent) gain for high School dropouts was largely because this group experienced the largest (13 percent) fall in their income during the Great Recession among all the educational groups.

It should be pointed out these numbers only include what people earn from working. They don't include public resources or programs (food stamps, Medicaid) people may use to help meet day-to-day expenses.

Still the numbers paint a disturbing picture of most people in North Carolina not getting ahead based on their own work efforts. Also, it should be stressed the same picture emerges from looking at national data. Most people in the country seem to be in the same economic boat!

Three big reasons are causing these trends for worker income – international competition, a slow-growing economy, and an ability of technology to do more of the jobs performed by humans.

More so than in the past, companies today have the ability to perform work virtually anywhere in the world. This means domestic workers are no longer only in competition with their counterparts in the country, but they also are often interchangeable with similar workers in other countries. In economics, more supply – in this case, of workers – means lower payments to workers.

The Great Recession was the deepest downturn in over 60 years, but the subsequent recovery has also been one of the slowest. Translation – the economy of the last decade has been underperforming. For

businesses, this means weaker revenue projections and relatively fewer funds to pay workers.

Maybe the greatest threat to worker pay in the future is technology. As emphasized in the recent Emerging Issues Forum at North Carolina State University, technology is rapidly becoming more sophisticated and expanding its capacity to perform work tasks. Plus, the work technology is increasingly able to do includes not just routine jobs (putting the right front fender on a vehicle moving down an assembly line), but also cognitive jobs in research, teaching, retailing and medicine. One estimate forecasts technology ultimately will replace humans in almost half of today's occupations.

So many individuals are angry and upset, and a simple reason is declining incomes. Can this situation be reversed, and how? These are questions the political candidates are addressing and that we – through our vote – may help decide!

Dr. Mike Walden is a William Neal Reynolds Distinguished Professor and North Carolina Cooperative Extension economist in the Department of Agricultural and Resource Economics of North Carolina State University's College of Agriculture and Life Sciences. He teaches and writes on personal finance, economic outlook and public policy. The College of Agriculture and Life Sciences communications unit provides his You Decide column every two weeks.