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## With successes in other states, N.C. tries hand at public financing for judges

**By Gary D. Robertson**

RALEIGH (AP) - Four years ago, in an unsuccessful effort to remain chief justice of North Carolina's highest court, Henry Frye spent an eye-popping \$907,491 on his campaign.

Frye, the first black man to serve as chief justice, was familiar to voters, having served as a member of the state House of Representatives and on the state Supreme Court for 17 years. But he lost, despite outspending his opponent by a 4-to-1 margin and running television ads.

The prospect of a \$1 million judicial campaign, plus worries that the pressure to raise money could raise questions about the impartiality of judges, caused the state to take matters into its own hands.

This year, North Carolina begins what is being touted as the nation's first full public financing system for appellate campaigns, a voluntary program that promises to fully underwrite general election campaigns for judges who agree to strict fund-raising limits in the primary.

North Carolina is one of 39 states that continue to elect at least some judges. The system applies to candidates for North Carolina's two statewide appellate courts, the Court of Appeals and the Supreme Court. Four already have signed on.

"I can spend more time out on the campaign trail meeting the people and debating the issues," said Doug Berger, who is running for a Court of Appeals seat and agreed to the fund-raising restrictions.

Candidates who follow fund-raising restrictions set by the Legislature can receive \$137,500 for a Court of Appeals race and \$201,300 for a Supreme Court race, for use in the general election.

The state's foray into public financing represents a comeback for the idea, which first came into vogue in the post-Watergate era of the 1970s.

Presidential campaigns have been federally financed since that time, but a Washington campaign reform group has said that system faces the threat of insolvency by 2008 unless more money is raised by taxpayers.

More candidates also are foregoing the system during the primary season to exceed the limits, including Steve Forbes in 1996 and George W. Bush in 2000. Democratic candidates John Kerry and Howard Dean joined Bush this election cycle.

"There are blows to the public financing system, but it's still hanging on," said Steve Weissman, associate director for policy at the Campaign Finance Institute in Washington.

Even before North Carolina instituted judicial financing for this year's election, recent experiments in two other states brought renewed hope to reformers.

Arizona Gov. Janet Napolitano was elected in 2002 by agreeing to limit outside donations in exchange for state funding of her campaign. So did over a third of those elected to the state Legislature.

And Maine state Sen. Bill Norbert estimates two-thirds of his state's legislative candidates will participate in a public financing program this year.

"It's made elections cheaper," Norbert said. "We are able to recruit candidates that otherwise wouldn't run. ... They can go out and campaign on the issues."

North Carolina has resisted applying public financing to legislative or gubernatorial campaigns, but lawmakers decided in 2002 that it was time to rein in spending on judicial campaigns.

Average spending by candidates to the Court of Appeals, where trial court rulings are appealed, rose 60 percent between 1998 to 2002, to \$81,727, according to the campaign reform group Democracy North Carolina.

The group also said more than 54 percent of the money raised in 2002 appellate court races came from attorneys or lawyer organizations. Political action and party committees organized by a company's employees also donated heavily.

Legal experts worry about the perception that campaign contributions could buy influence in cases - concerns that were highlighted in Frye's campaign against then-associate justice Beverly Lake Jr.

A month before the 2000 general election, Frye heard arguments in a death penalty case by an attorney who was raising money for his campaign. Separately, Lake listened to a lawyer from a law firm whose associate, a Lake fund-raiser, was in the audience.

State Sen. Wib Gulley, D-Durham, a co-author of the clean elections law, said changes were needed.

"When folks stand before a judge, they really think the judge is focusing on the merits of the case, and not focusing on which of the litigants before them contributed to their campaign in a major way," Gulley said.

Frye's record spending was a further source of concern.

"I think it made the camel carry a heavier load, or it may have broken its back," said former state Supreme Court Associate Justice Harry Martin, who raised only \$30,000 to win his last election in 1986. "I think that that race demonstrated the problem."

The new program is mostly being financed by general tax revenues. A checkoff box, similar to the one seen on federal tax returns for presidential campaign financing, has been added to state tax returns. Some 2,000 tax preparers have been alerted to the change.

Radio and television ads are highlighting the changes, including one that features two former governors, Democrat Jim Hunt and Republican Jim Holshouser.

Another new feature this year is the removal of party affiliations from the ballot, making the judicial races nonpartisan. The change was opposed by Republicans, who now hold six of the seven seats on the Supreme Court after decades of Democratic dominance.

High spending "wasn't a problem until Republicans started being elected," quipped state Rep. Paul Stam, R-Wake, who ran twice unsuccessfully for the Court of Appeals.

Because judges tend not to be known statewide, voters often depend on party affiliation in making their choices at the polls. With the labels now eliminated, political consultants estimate it will take up to \$300,000 to run an effective statewide campaign.

"I'm just worried that there won't be enough funding ... to really make it very effective," said Stan Sprague with Court Watch of North Carolina, a judicial watchdog group.



SMILEY

## Tavis Smiley Comes to Durham, To Broadcast From N.C. Mutual

On Friday, February 13, at 9 a.m. author and political activist Tavis Smiley will conduct a live broadcasting of the Tavis Smiley Show from NPR at North Carolina Mutual Life Insurance Company. The broadcast will take place in the corporate headquarters auditorium and is sponsored in part by WNCU 90.7 FM.

"North Carolina Mutual is proud to host the Tavis Smiley Show. It is great exposure not only for the company but for the African-American businesses in Durham," said Rodney Hood, assistant vice president of Marketing at North Carolina Mutual.

Tavis Smiley has been named by Time magazine as one of America's 50 most promising young leaders. A former public affairs talk show host on Black Entertainment Television (BET), Tavis is an advocate for change.

Some of the panelist for the broadcast will include area university chancellors and corporate CEO's of Durham's black business community. James Speed, Jr. president and CEO of North Carolina Mutual also a panelist said, "Since our existence in 1898, North Carolina Mutual has been on the forefront for economic and political development and change in the Durham Community. We are excited to host a program that focuses on the needs and issues of the African-American community."

There are a limited amount of general tickets available, to reserve your free ticket please contact Ms. Edith Thorpe, general manager of WNCU 90.7 FM at 530-6122 or visit the radio station located in the Farrison-Newton Building on the campus of North Carolina Central University.

## N.C. man cleared of all charges in 1984 murder case in Winston-Salem

By William L. Holmes

WINSTON-SALEM, N.C. (AP) - A North Carolina man who served 18 years for a slaying that DNA testing proved he didn't commit left court finally free after a judge vacated the charges.

Darryl Hunt, 38, was convicted twice and imprisoned for the 1984 murder of Deborah Sykes, a copy editor for the now closed Winston-Salem Sentinel.

Sykes also was raped, but Hunt wasn't charged with that crime.

"When there is a horrible crime ... there are many victims," Superior Court Judge Anderson Cromer said in court.

"We saw two of them today," he said, referring to Sykes' husband and mother. "We have another victim who has been in prison 18 years."

Cromer had signed a release order Dec. 24 for Hunt, who walked out of the Forsyth County Jail to cheers from his supporters and a firm hug from his 35-year-old wife, April. At the time, Cromer released Hunt on unsecured bond of \$250,000 after the emergency hearing, held on a day when the courthouse was closed for the Christmas holiday.

Hunt said then he wasn't upset with anyone in the justice system.

"I've tried not to be angry or bitter," Hunt said. "That's what helped me these 19 years."

The Rev. John Mendez, chairman of the committee that has worked to free Hunt, said when Hunt was convicted there was a sense of shock in the city's black community.

Willard E. Brown, 43, was charged Dec. 22 with murder, rape, kidnapping and armed robbery. The DNA in a semen sample taken from Sykes matched Brown's DNA and he was arrested while in the Forsyth County jail on another charge.

Brown confessed to Sykes' murder while being booked.

Hunt was first convicted in Sykes' death in 1985. He won a new trial after a city manager's report blasted the police department for shoddy work in the investigation and the State Bureau of Investigation began its own inquiry.

Hunt was convicted again at a second trial in 1990.

Even though DNA testing four years later excluded Hunt as the source of the semen collected from the crime scene, a judge denied Hunt's motion for a third trial, saying the DNA results didn't necessarily clear him of involvement.

Hunt continued to fight the conviction. Earlier this year, at the request of his attorneys, a new round of DNA testing was ordered to compare the Sykes sample against state and federal databases of DNA profiles taken from convicted felons. That testing turned up the match with Brown.

Police suspected Brown in the Sykes case early on after he was identified by the victim in another downtown rape. Investigators ruled him out because they believed he was in prison the day Sykes died, but learned last week he had been released on parole two months before Sykes died.

Late last year, the Forsyth County district attorney asked the bar association to set up a panel that will review innocence claims from inmates who want DNA testing in their cases.

Legal experts said they knew of no other jurisdiction where a district attorney has asked for a local panel to review such claims.

State law already provides for inmates to request DNA testing in cases where the testing was not available at trial.

## Lionel Tate is Finally Free in Florida

**Special to the NNPA from the Westside Gazette**

FORT LAUDERDALE, Fla. (NNPA) - For the first time in three years Lionel Tate savored the sweet taste of freedom January 26, after being released from the Okeechobee Juvenile Offender Correctional Center into his mother's custody.

The release followed a bond hearing in Broward County before Circuit Judge Joel Lazarus, the same judge who sentenced him to life in prison without parole in 2001.

The draconian life sentence stemmed from a first-degree murder conviction that came as a result of a brutal 1999 beating that Tate, then 12, inflicted upon his younger playmate, 6-year-old Tiffany Eunick. Many believe the first

grader's tragic, untimely death was the direct result of mock wrestling moves on Tate's part that got out of hand that day at the boy's Pembroke Pines home.

An autopsy later revealed that little Tiffany had sustained a lacerated liver in addition to multiple internal injuries. The incident occurred as Lionel's mother Kathleen Grossett-Tate, a Florida Highway Patrol officer babysitting Eunick, slept in an upper bedroom.

Tate, whose pre-adolescent chubbiness has been replaced by the leaner, fully developed physique of a young man, was the youngest child in U.S. history to be sentenced to life in prison without the possibility of parole. To his credit, while at the Okeechobee Juvenile Correctional Center, Tate



TATE

took part in the Junior ROTC, and was an honor roll student.

The Fourth District Court of Appeals finally overturned Tate's murder conviction on the grounds that his mental competency had never been properly evaluated.

to the trial to determine if he was fully capable of understanding the complex legal proceedings he was involved in.