Cox decision leaves many questions

A great deal more needs to be said about the shooting of Fred Cox Jr.

The statement issued Wednesday by District Attorney Avery Crump was no statement at all. It was a bland, passive, arms-length recitation of the mere outline of events, and it gives the impression that Crump would rather not have had her name attached to the case at all.

Indeed, Crump went out of her way to make clear that she had next to nothing to do with the grand jury's decision not to indict Detective Michael Shane Hill, who shot 18-year-old Cox several times last Nov. 8 following a memorial service at Living Water Baptist Church in High Point after someone else had driven up and opened fire on the crowd of mourners.

"The prosecutor submits a charging document called a bill of indictment for the Grand Jury's consideration," Crump's statement said. "While the DA of the County prepares a bill of indictment, the investigating agency presents their findings to the Grand Jury body. The District Attorney is not permitted to present the case personally to the grand jury."

The entire process apparently is virtually a driverless train. If this rendering is accurate, it's truly a vicious wonder that weak cases ever result in indictments, let alone that wrongful convictions actually occur. Who knew that a district attorney was such a bystander?

That's not the impression most people have. The ability of prosecutors to steer grand juries was most famously summed up in a 1985 interview of Sol Wachtler, the former chief judge of the New York State Court of Appeals, who said that district attorneys could get a grand jury to indict a ham sandwich if they wanted to.

Crump, perhaps anticipating this reaction, asserted in her statement, "Grand jury proceedings in North Carolina are not the same as in other states."

Perhaps not.

Regardless, Crump needs to release more information.

If the case presented to the grand jury, which was based on the investigation of the shooting by the State Bureau of Investigation, was so unpersuasive that it could not convince 12 of the 18 members of the grand jury to favor an indictment, one wonders why Crump even sent it to the grand jury. Why did she?

Does she think the evidence was weak or that it supported Hill?

Crump's statement did not address the largest unanswered question: Did Cox have a gun? The SBI said in November that Hill said he saw Cox holding a gun.

An attorney for Cox's family previously has said that Cox was in his own car when the gunmen drove up and starting shooting, and he ran from his car to the church. But the family has said Cox did not have a gun.

A gun reportedly was found by a door of the church. Did it have Cox's fingerprints on it?

Crump needs to address all of this.

If you run for district attorney, you are volunteering to stand at the head of the branch of government dealing with trying to achieve justice — it's right there in the name: the criminal justice system. A district attorney is not merely the county's lead prosecutor. It's a political and public role requiring public appearances and public scrutiny.

Sometimes justice eludes us, and we all have seen many cases of that over time, but a district attorney must speak in those cases as readily as in cases where justice is achieved.

Now that the investigation is over and the grand jury has made its decision, as much information as possible about this case needs to be released.

Program to help poor instead helps wealthy

A government program intended to spur economic investment and jobs in low-income neighborhoods is instead being used to bring new development to one of North Carolina's most desirable and wealthy downtowns.

Under federal legislation approved in 2017, Opportunity Zones allow investors to earn tax savings on capital gains if they invest those capital gains in what are supposed to be economically disadvantaged areas.

There are 252 of those zones in North Carolina. One of them abuts Franklin Street and the University of North Carolina campus in Chapel Hill. It contains multiple residential properties worth well over $1 million, but the census tract qualified to become an Opportunity Zone on a technicality: its large population of college students, many of whom come from upper-income families and have plenty of spending money but are renters and make little or no income themselves.

The Opportunity Zone is home to what the Raleigh News & Observer recently described as downtown Chapel Hill's largest construction project, which aims to lure the kinds of biotech companies that normally go to Durham and Research Triangle Park.

In fact, the developer, Grubb Properties, is using the Opportunity Zone designation to redevelop multiple properties along East Franklin and Rosemary streets, which have long been the hub of student night life in Chapel Hill.

Real estate developments, rather than businesses, actually have gotten the majority of Opportunity Zone investments across the country because the rules make it much easier to invest in real estate, Brett Theodos, a senior fellow at the Urban Institute who has studied Opportunity Zones, told the N&O.

And Theodos said that the Opportunity Zone designation is not likely to spur any development in downtown Chapel Hill that wouldn't have happened anyway.

Which really is the point.

Chapel Hill is not without pockets of genuine poverty — just like Asheville, or any area with generally above-average incomes.

But the projects underway in that city's downtown will mostly enhance the quality of life for students and the well-to-do, the job prospects for the well-educated and highly skilled, and the property tax base for the city and county governments.

None of those are bad things, but they are not reasons to give anyone a tax break. That's not the intent behind Opportunity Zones.

If the rules favor investment in this kind of development, then the rules need to change.

New maps go to partisan extreme

The recent ruling by a three-judge panel upholding the constitutionality of the new districts drawn by the General Assembly for state legislative and U.S. congressional races runs 260 pages, but it can be boiled down to three words:

Life's not fair.

Behind that sentiment, the judges went to great lengths to document the legislative and judicial history of redistricting in this state, but they also conceded most of the criticisms of the new districts and acknowledged that the districts could "potentially lead to results incompatible with democratic principles and subject our state to ridicule."

It is true, as Republicans have argued, that because Democrats disproportionately live in and near large cities, any drawing of maps would be more likely to favor Republicans.

But in drawing these maps, legislators apparently didn't even worry about appearances. Not only are many of the districts not remotely compact, some of them, both for General Assembly seats and for Congress, are patently ridiculous-looking.

The state Senate's 2nd District, for instance, has at its northwestern tip Warren County, which is on the Virginia state line where Interstate 85 crosses, and from there the district snakes southeast across Interstate 95 to the coast and eventually down to Morehead City.

The U.S. House's 11th District covers a one-county-deep stretch of about half of North Carolina's border with Virginia, dipping into Guilford County in the easternmost portion of the district to take in most of Greensboro, and on the far western end the district has a little pigtail extending up a 3-mile-wide corridor into Watauga County that crosses the Daniel Boone Scout Trail for the sole purpose of putting Republican Rep. Virginia Foxx's house into the district.

"Caldwell County, in the west, and Rockingham, in the east, have never shared a congressional representative in the history of North Carolina," the court acknowledges.

So, the new maps at least make history.

The court opines that partisan gerrymandering is longstanding political practice in the U.S., which is true.

What is also true is that in the 21st century sophisticated computers and highly detailed demographic data have made it possible to gerrymander a party into not only a majority but one resistant to anything other than a cataclysmic shift in voter sentiment. Indeed, the court acknowledges that under many scenarios, North Carolina's electorate could remain closely divided, as it tends to be, but Republicans could end up with veto-proof majorities in the General Assembly.

In other words, no matter who voters statewide choose as governor, the person who holds the most power in the General Assembly — currently Sen. Phil Berger of Rockingham County — will be the one who makes the final decisions. Republican governors would suffer from this too — as former Gov. Pat McCrory can recount from his days dealing with a Republican supermajority.

Which makes the court's reticence about wading into the mud to subject redistricting to judicial second-guessing laughable.

"This court must remind itself that these maps are the result of a democratic process," the judges wrote, blind to the irony of the statement.

In other words, the only proper recourse for the voters of this state is to elect different representatives who will draw more competitive districts — except that, as the court acknowledges, these districts lock the majority into place.

The court says that determining what is "extreme partisan" gerrymandering is a judgment call that judges shouldn't try to make.

But if judges don't make it, no one else will be able to.