

Deadline Looms for NC Governor's Wilmington Ten Pardon Decision

Written by Cash Michaels

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Now that the 2012 presidential elections are history, supporters for the Wilmington Ten pardons of innocence effort are increasing their efforts to build more overwhelming public support for the cause before NC Gov. Beverly Perdue leaves office on Dec. 31st.

Sources say there is opposition to the proposed pardons, primarily from former law enforcement and state officials who still believe - despite no evidence proving that the Wilmington Ten had anything to do with the 1971 firebombing of a white-owned grocery store, or sniper shots at responding firemen - that they are guilty.

The legal petition to pardon all of the ten - nine African-American males and one white female - of false conspiracy charges they were convicted of in 1972, has been pending in Gov. Perdue's Executive Clemency office since last May.

Perdue, a Democrat, is expected to make her decision in December before she steps down.

Churches, fraternities, sororities, community and civic organizations in North Carolina and beyond are being asked to support the cause by sending letters to Gov. Perdue, or signing the online petition.

Benjamin Todd Jealous, NAACP president/CEO, has agreed to send out a mass email nationwide to all NAACP members asking them to sign a special online petition that will be delivered to the NC governor the first week in December. The national NAACP Board of Directors unanimously passed a resolution last May supporting the Wilmington Ten pardon

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effort, and the NC NAACP will be calling a special press conference Nov. 27th in Raleigh to urge Gov. Perdue to grant the pardons.

Thousands of signatures in hard copy and online petitions have been collected, but organizers with the Wilmington Ten Pardons of Innocence Project - an outreach effort the National Newspaper Publishers Association adopted in 2011 - say that still many more are needed by December 1st.

The next two weeks are critical, they say, towards garnering more petition signatures and letters of support in order to document widespread sentiment across the state and nation that the false prosecution of the Ten forty years ago was wrong, and the state needs to correct it.

Add to that the most recent and explosive revelation that James "Jay" Stroud, the state prosecutor who had the Wilmington Ten falsely convicted and sentenced to 282 years in prison collectively, not only sought to gerrymander the jury of the first June 1972 trial to include "KKK" and "Uncle Tom" types, but also, documented evidence from his own handwritten notes now show, succeeded in having that first trial aborted because it had a jury of ten blacks and two whites.

The second trial, in Sept. 1972, had a Pender County jury of ten whites and two blacks, in addition to a judge that history shows was more favorable to the prosecution.

"The prosecutor's notes are clear and convincing evidence that race was not just a factor in his selection of the ten whites and two blacks on the Pender jury that convicted the Wilmington Ten," veteran civil rights attorney Al McSurely says. "Race was the only factor. Forty years later, we know his real motives. I believe when the governor studies this evidence, she will do the right thing and sign the pardons."

"I can barely contain my outrage at the blatant racism of an officer of the court," attorney McSurely added.

UNC - Chapel Hill law Professor Gene Nichol agreed.

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"It is crucial that North Carolina act to admit and concede such a potent and defining abuse of power," Nichol said. "To allow public servants to behave in such a fashion, without remedy, is literally intolerable."

Attorneys for the Wilmington Ten pardons effort met with Governor Perdue's clemency staff several weeks ago, presenting their case, based on the Dec. 1980 US Fourth Circuit Court of Appeals ruling which overturned all ten of the convictions, based on prosecutorial misconduct, and the fact that not only was exculpatory evidence hidden by the prosecutor, but three witnesses for the state admitted they were enticed to perjure themselves in testimony.

However, the state of North Carolina, in the 32 years hence, has refused to grant pardons of innocence to the Wilmington Ten, thus maintaining their false felony convictions.

In the six months since the pardons effort campaign publicly kicked off, support has come from North Carolina congressmen G. K. Butterfield, David Price and Brad Miller; the NC Legislative Black Caucus and state Rep. Deborah Ross of Raleigh.

The 2012 NC Democratic Party platform also adopted a plank supporting the Wilmington Ten pardon effort last summer.

In terms of grassroots support, the NC NAACP has led the way, and most recently, the NC chapter of the Southern Christian Leadership Conference has issued a resolution.

In each case, supporters have said that Gov. Perdue, given her progressive record of advocacy to stop racially biased death penalty sentences; push for reparations to the victims of North Carolina's old forced sterilization program; and her veto of the Republican legislature's voter ID bill; is well positioned before she leaves office, to add to her progressive legacy pardons of innocence for the Wilmington Ten.

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