

Our Perspective

DA neglects his duty to citizens

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Since his election, Catawba County's district attorney has prided himself on "protecting our families."

In his 2009 state of the district report, Jay Gaither affirms that he and members of his office believe that "safe streets, safe communities and safe schools are vital to this area's quality of life and economic prosperity."

Backing up that belief, Gaither's report announces that during his time in office, the conviction rate for drunk driving has risen dramatically. District-wide, DWI convictions are up 27 percent, he said.

Certainly, those are laudable achievements for the 25th Judicial District Attorney's office.

"We take seriously our duties and obligations to you," Gaither says in an online version of his state of the district address, published at www.jgaitherda.com.

"We will continue to pursue these goals every hour of every day," Gaither writes.

On Feb. 24, 2009, some time before 10:16 p.m., Catawba County's DA failed his commitment to ensure "safe streets" in North Carolina when he gave an intoxicated friend the keys to Gaither's vehicle. In doing so, Gaither allowed a person with a blood alcohol content more than twice the legal limit to endanger the lives of motorists in Black Mountain. Fortunately, Black Mountain police stopped the driver of Gaither's vehicle, before he could shatter any innocent lives or end his own. Considering a Black Mountain police officer stated that he stopped the vehicle because it was traveling "recklessly" and speeding 14 mph over the posted limit of 35 mph, it is nearly

miraculous there wasn't a wreck of some sort.

In an e-mailed statement to The Observer News Enterprise, Gaither said that he "did not make the right judgement at the time." He said he did not "recognize" that his friend was "impaired before I allowed him to operate my vehicle."

"I made the error of not recognizing that he had too much to drink," Gaither said in his statement. "Both my wife and I observed my friend that night and did not appreciate that he was significantly impaired."

According to an affidavit filed by arresting Black Mountain Police officer Bobby Parks, Gaither's friend had "blood-shot eyes" and a "strong odor of alcohol." Clearly, a police officer recognized intoxication. As a vigilant prosecutor of drunk driving cases, Catawba County's DA should recognize that any level of intoxication is "too much to drink" for a motorist. Further, he certainly should appreciate that a friend arrested with a blood alcohol content of 0.18 jeopardizes the safety of the streets and communities Gaither says he is dedicated to protecting.

At the very least, Jay Gaither wasn't being a very good "friend" when he let a drunk person drive his vehicle. At worst, he blatantly neglected his duty to enforce and uphold the laws of North Carolina. Either way, he woefully failed the people of Catawba County and those of the 25th Judicial District. How can the district attorney make sure "the criminal laws (are) fairly and impartially administered," as his oath of office specifies, when he admits to enabling a person to break those same laws?